

Prineville District

Finding of No Significant Impact Determination

Introduction:

The Bureau of Land Management (BLM) has completed an Environmental Assessment (EA), No. OR-056-08-149, for a proposed action to issue a right-of-way grant to provide legal access to three public land parcels that are planned to be offered for sale. Three of the proposed sale parcels would not have legal access if the adjacent federal tax lots are sold. By providing legal access through the adjacent federal parcels, these three “back lot” parcels could be offered competitively through public auction. This would not involve physical road development at this time nor would it commit the use of federal funds in the future. If the federal parcels are sold the access rights would be noted in the patent and conveyed with the property. Each right-of-way would be sixty feet wide to meet minimum county requirements. These proposed rights-of-way would be held by BLM. If the property is sold the rights would be noted in the patent, conveyed with the property and assigned to the respective buyer.

The EA is attached to and incorporated by reference in this Finding of No Significant Impact (FONSI) determination. A no action alternative was analyzed in the EA.

Plan Conformance:

The proposed project, to issue three right-of-way grants, has been reviewed and found to be in conformance with the following BLM plan and associated Record of Decision:

- The Upper Deschutes Resource Management Plan and Record of Decision RMP/ROD, September 2005.

Finding of No Significant Impact Determination:

Based upon a review of the EA and the supporting documents, I have determined that the project is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27 and do not exceed those effects described in the Upper Deschutes RMP/ROD. Therefore, an environmental impact statement is not needed. This finding is based on the context and intensity of the project as described:

Context: The project is a site-specific action directly involving three road rights-of-way that measure a total of 5,940 feet on land administered by the BLM, which by itself does not have international, national, regional, or state-wide importance.

Intensity: The following discussion is organized around the Ten Significance Criteria described in 40 CFR 1508.27 and the additional criteria as required by the following

Instruction Memorandum, Acts and Executive Orders: Instruction Memorandum No. 99-178, the Lacey Act, as amended; the Federal Noxious Weed Act of 1974; the Endangered Species Act of 1973, as amended; Executive Order 13112 on Invasive Species; Executive Order 12898 on Environmental Justice; Clean Water Act of 1987; Safe Drinking Water Act Amendments to the Clean Water Act of 1996; Executive Order 12088 on federal compliance with pollution control standards, as amended; Executive Order 12589 on Superfund compliance; and Executive Order dated July 14, 1982 on intergovernmental review of federal programs.

1. **Impacts may be both beneficial and adverse.** The proposed action would impact resources as described in the EA. Mitigations to reduce impacts to the ground were incorporated in the design of the proposed action. None of the environmental effects discussed in detail in the EA are considered significant, nor do the effects exceed those described in the Upper Deschutes RMP/ROD.
2. **The degree to which the selected alternative will affect public health or safety.** The proposed action is designed to provide legal access to three parcels of public land. There are no known effects to public health or safety.
3. **Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, wild and scenic rivers, or ecologically critical areas.** The historic and cultural resources of the area have been reviewed by an archeologist and potential impacts mitigated in the design of the proposed action. There are no effects on park lands, prime farm lands, wetlands, wild and scenic rivers, or ecologically critical areas.
4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.** There are no effects which are expected to be highly controversial.
5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** The project is not unique or unusual. The BLM has implemented similar actions in similar areas. The environmental effects to the human environment are fully analyzed in the EA. There are no predicted effects on the human environment that are considered to be highly uncertain or involve unique or unknown risks.
6. **The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.** The actions considered in the proposed action were considered by the interdisciplinary team within the context of past, present, and reasonably foreseeable future actions. Significant cumulative effects are not predicted. An analysis of the effects of the proposed action is described in the EA.
7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.** The interdisciplinary team evaluated the possible actions in the context of past, present and reasonably foreseeable actions. Significant cumulative effects are not predicted. A complete disclosure of the effects of the project is contained in the EA.
8. **The degree to which the action may adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.** The project would not adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places, nor will it cause loss or destruction of significant scientific, cultural, or historical resources.

9. **The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.** Mitigations to reduce impacts to wildlife and fisheries have been incorporated into the design of the proposed action. No listed fish species occupy habitat within the project. PACFISH buffers are not necessary for this project due to the distance from the river and lack of soil disturbance during construction. No threatened or endangered plants or animals were observed or expected in the area.
10. **Whether the action threatens a violation of a Federal, State, Local, or Tribal law, regulation or policy imposed for the protection of the environment, where non-Federal requirements are consistent with Federal requirements.** The project does not violate any Federal, State, Local or Tribal law or requirement imposed for the protection of the environment. State, local, and tribal interests were given the opportunity to participate in the environmental analysis process. Furthermore, the project is consistent with applicable land management plans, policies, and programs.
11. **Comply with Executive Order 11988 (Floodplain Management), Executive Order 11990 Protection of Wetlands), or the Fish and Wildlife Coordination Act (water resource development projects only).** The project would comply with the intent of the Fish and Wildlife Coordination Act.
12. **Involve unresolved conflicts concerning alternative uses of available resources (NEPA section 102(2) (E)) not already decided in an approved land use plan.** There are no unresolved conflicts not already approved in land use plans.
13. **Have a disproportionate significant adverse impacts on low income or minority populations; Executive Order 12898 (Environmental Justice).** This project does not have a disproportionate significant adverse impacts on low income or minority populations; Executive Order 12898 (Environmental Justice).
14. **Restrict access to, and ceremonial use of, Indian sacred sites by Indian religious practitioners or adversely affect the physical integrity of such sacred sites; Executive Order 13007 (Indian Sacred Sites). Have significant adverse effect on Indian Trust Resources.** This project does not restrict access to, and ceremonial use of, Indian sacred sites by Indian religious practitioners or adversely affect the physical integrity of such sacred sites; Executive Order 13007 (Indian Sacred Sites). This project does not have significant adverse effects on Indian Trust Resources.
15. **Contribute to the introduction, existence, or spread of: Federally listed noxious weeds (Federal Noxious Weed Control Act); or invasive non-native species; Executive Order 13112 (Invasive Species).** This project would not contribute to the introduction, existence, or spread of federally listed noxious weeds or invasive nonnative species.
16. **Have a direct or indirect adverse impact on energy development, production, supply, and/or distribution; Executive Order 13212 (Actions to Expedite Energy-Related Projects).** This project does not have a direct or indirect adverse impact on energy development, production, supply, and/or distribution.

Approved By: _____
Molly Brown, Deschutes Field Manager

Date