

**ENVIRONMENTAL ASSESSMENT**  
**EA#OR-035-08-02**  
**KLEINHOFF OLD AUBURN ROAD RIGHT-OF-WAY**  
**OR-64496**

**INTRODUCTION**

**Background:**

On August 9, 2007, Mr. John Kleinhoff submitted an “Application for Transportation and Utility Systems and Facilities on Federal Lands (SF 299)” to the BLM’s Baker Field Office. The application was filed under Title V of the Federal Land Policy and Management Act of 1976 as amended (43 U.S.C. 1761), requesting a right-of-way (ROW) grant authorizing the right to construct, operate, and maintain a road across public land. The total length of the proposed road would be 710 feet in length with a right-of-way width of 40 feet. The existing road was built in trespass by the previous private landowner. Approximately 552 feet of the existing road would be used, with approximately 158 feet of new construction being proposed. The proposal of the new route is due to steepness and safety concerns of the existing road. The remaining portion of the trespass road, approximately 165 feet, would be rehabilitated.

The application is serialized as OR-64496.

**Type of Action:**

Issuance of a road right-of-way grant.

**Purpose of and Need for Proposed Action:**

The applicant currently does not have legal access to his property.

**Location of Proposed Action:**

Baker County, Oregon.  
T. 10 S., R. 39 E., sec.16, SW1/4NW1/4SE1/4  
(See Exhibit I-Project Map)

**Conformance With Applicable Land Use Plan:**

The proposed action is located within the boundaries of the BLM’s Baker Field Office of the Vale District. The Baker Resource Management Plan (1989) was written to include the project area which is in the Baker County Geographic Unit. On page 117, the plan specifies “Maintain the availability of public lands for utility and transportation corridors and local rights-of-way.”

The proposed action is in conformance with the terms and conditions of the applicable BLM Land Use Plan as required by 43 CFR 1610.5.

**Relationship to Statutes, Regulations or Other Plans:**

The subject application was made in accordance with Title V of the Federal Land Policy and Management Act of 1976 as amended (43 U.S.C. 1761) and the regulations found in 43 CFR 2800. These regulations will govern the granting of the ROW (if approved), determination of cost reimbursement, determination of the rental value, and the compliance and monitoring requirements.

Right-of-way decisions become effective upon approval by the authorized officer (43 CFR 2801.10 (b)).

**PROPOSED ACTION AND ALTERNATIVES**

**Description of Proposed Action:**

The proposed action is to grant the applicant a right-of-way authorizing him the right to construct, operate, maintain, and terminate a road across public land. The requested right-of-way width is 40 feet and the length is approximately 710 feet, encumbering 0.65 acres, more or less. Approximately 552 feet of the existing road would continued to be used, however approximately 165 feet would be abandoned and about 158 feet of new road would be constructed. The new road construction would allow for a safer route. The 165 feet of the existing route that would be abandoned would be recontoured to the natural slope and reseeded with native vegetation. The proposed road construction includes the placement, along the newly constructed section of road, of an 18 inch diameter, 30 foot long corrugated metal culvert to be installed about 42 feet from the private property boundary.

The proposed road would have a 12 foot running surface with a 15 foot subgrade width. The maximum grade would be 8% and the pitch would be 4% outslope (see Exhibit A, Road Cross Section). Native pit run rock from a private source would be the surfacing material. The road construction would involve the cut and fill method. A contractor, with an approximate crew of four, would be hired by the applicant for the existing road improvement and the new road construction. The equipment to be used would include an excavator and a D6 Cat. The excavator would clear, grub, and construct the subgrade of the road. The final grade would be shaped by the Cat. Prior to construction, orange flagging would mark the center line of the proposed ROW and the property lines would be marked with blue flagging.

Within the 158 feet of new road construction, approximately 8 Ponderosa pine trees would be cut down, equaling approximately 2000 board feet.

For maintenance the applicant proposes to grade the roadway when needed and to resurface small areas as necessary. Snow plowing would occur in the winter months as necessary.

All areas would be reseeded using a native seed mixture as identified by the BLM. The

project proponent would also be responsible for the control of weeds within the limits of the ROW for the term of the grant.

**Description of Alternatives:**

The only alternative to be analyzed in this document is the No Action Alternative, which would be to reject the proponent's application. The applicant would not be able to improve, construct and maintain a road across public land to his private land; therefore leaving him without reasonable, legal access to his property.

**Alternatives Considered but not Analyzed in Detail:**

Mr. Kleinhoff considered several other routes across public land to his private property; however, the proposed route would provide the safest access route and create the least amount of disturbance due to new construction. One alternative crossed public land for shorter distance; however, it would require improvement of the County road. The Baker County Road Department notified the Baker Field Office that it was their finding that the proposed route was the most sensible and the least intrusive to the environment and wildlife. A route was also considered across private land; however, the applicant was unable to secure easements across multiple landowners.

**AFFECTED ENVIRONMENT**

**General Setting:**

The proposed ROW is located in Baker County, Oregon, off Baker County's Old Auburn Lane near the historical townsite of Auburn. Project elevation is approximately 4,000 feet above sea level. Grazing and mining are the predominant uses of the public lands in the project area.

The project area is adjacent to the Auburn Wildlife Management Area, which is a cooperative management area comprised of BLM, Forest Service, and Oregon Department of Wildlife (ODFW) land. The BLM and ODFW have been cooperators on this area since 1971. Specific objectives for this management area include; providing supplemental and/or subsistence feed for wintering elk and deer to alleviate damage to private land; provide habitat for big game and other wildlife; and provide recreational opportunities for the hunting and non-hunting public.

On October 11, 2007, the proposed road ROW on BLM land was intensively surveyed for cultural resources by a consulting archaeologist. No archaeological resources were found. Since no cultural resources were found during the inventory, the ROW would have no effect on cultural resources listed or eligible for listing on the National Register of Historic Places (NRHP). The BLM standard stipulation for protection of archaeological resources would become a term and condition of the grant.

A botany clearance was performed on May 28<sup>th</sup> 2008, and no federal/state listed threatened, endangered, or Bureau sensitive plant species were present at the proposed

work site.

No wilderness characteristics have been identified. Documentation of this finding has been recorded and is part of the administrative record of this EA. The existing land use allocations, uses, management actions, and/or mitigation measures that are currently in place included roaded activities which eliminate the proposed action area's ability to meet criterion required for wilderness characteristics.

### **Critical Elements:**

The following items identified as critical elements of the human environment are not present or present/not affected by the proposed action or alternatives in this Environmental Assessment: air quality, Areas of Critical Environmental Concern (ACEC), environmental justice, farmlands (prime or unique), floodplains, invasive, non-native species, migratory birds, Threatened or Endangered Species, wastes (hazardous or solid), water quality (drinking/ground), wetlands/riparian zones, wild and scenic rivers, and wilderness or Wilderness Study Areas (WSA). There are no Indian trust lands or assets in the project area. The BLM is not aware of any sacred sites or current traditional religious practices in the project area. No work will be conducted in waters of the United States.

### **Affected Resources/Uses:**

#### **Wildlife**

The following terrestrial wildlife are listed as threatened, endangered, a candidate species, or a species of concern by U.S. Fish and Wildlife Service (USFWS) that potentially occur within the proposed project area or has potential habitat: northern goshawk (*Accipiter gentilis*), Lewis' woodpecker (*Melanerpes lewis*), and several bat species.

Other wildlife that are not considered endangered, threatened, a candidate species, or sensitive within this allotment includes resident game such as: American pronghorn (*Antilocapra americana*), mule deer (*Odocoileus hemionus*), elk (*Cervus canadensis*), coyote (*Canis latrans*) bobcat (*Lynx rufus*), and cougar (*puma concolor*). In addition to several nongame species that occur in the area, the red-tailed hawk (*Buteo jamaicensis*), golden eagle (*Aquila chrysaetos*), Luzuli buntings (*Passerina amoena.*), common nighthawk (*Chordeiles minor*), Cooper's Hawks (*Accipiter cooperi*), Great Horned Owl (*Bubo virginianus*), western meadowlarks (*Sturnella neglecta*), pygmy nuthatch (*Sitta pygmaea*), and black-capped chickadee (*Poecile atricapillus*) are found throughout project area.

#### **Vegetation/Invasive, Non-native Species**

Vegetative plant communities within the project area are primarily dry conifer forest consisting of ponderosa pine with occasional Douglas-fir. The understory

is mostly comprised of elk sedge, lupine, yarrow, and pinegrass, with a shrub component of snowberry and serviceberry.

Diffuse knapweed (*Centaurea diffusa*), houndstongue (*Cynoglossum officinale*), and whitetop (*Cardaria draba*) are the primary noxious weeds in the immediate vicinity of the project area. These species have scattered populations but have the potential to increase and dominate certain sites without control measures.

### **Existing and Potential Land Uses**

Grazing is authorized on the project area under Allotment #05334. This permit is held by the applicant, John Kleinhoff, and allows for 7 animal unit months (AUMS). The permit is currently held in non-use status.

A search of the BLM Database LR2000 on July 22, 2008 was conducted and the search returned one mining claim (ORMC155095) that covers the area affected by the proposed ROW. The claim was located in 1999, and all required fees and filing are in order. BLM may issue a right-of-way across an unpatented mining claim in the absence of a valid discovery of valuable mineral deposit within the claim, which under the mining laws is necessary in order to give a mining claimant rights to the land superior to the United States. The claimant has the right to extraction and development of a mineral deposit. The rights granted by a mining claim are valid against a challenge by the United States and other claimants only after the discovery of a valuable mineral deposit.

### **Soils**

According to the Natural Resource Conservation Service, soil map version 2, December 13, 2005, the area affected by this action is mapped as 62178 (Boiler Gravelly loam) and 62200 (Campcreek-Skullgulch) soils.

The Boiler series consists of deep, well drained soils on forested mountains. They formed in colluvium from tuffaceous sediments. Slopes are 35 to 60 percent. The mean annual precipitation is about 24 inches, and the mean annual temperature is about 43 degrees F.

Campcreek-Skullgulch soils- The Skullgulch series consists of very deep, well drained soils on side slopes of terraces and on fans. They formed in mixed alluvium with an influence of loess and volcanic ash in the surface horizons. Slopes are 7 to 60 percent. The mean annual precipitation is about 14 inches, and the mean annual temperature is about 43 degrees F. The Campcreek series consists of very deep, well drained soils on side slopes of dissected Tertiary terrace remnants. They formed in mixed loess and volcanic ash over alluvium and lacustrine sediments from mixed parent materials. Slopes are 12 to 60 percent. The mean annual precipitation is about 14 inches, and the mean annual temperature is about 43 degrees F.

## **Forest Resources**

The forests within the project area, both Public Domain (PD) and privately owned, have all been previously logged. Logging probably first occurred during the original settlement and associated mining activity of the historic Auburn town-site and continues to this day. Because of this ongoing cycle of timber harvest, the age classes of forested stands in the project area vary depending on the date that a stand was most recently logged and the management objectives of the owner. The stands under PD ownership are of a mixed age class ranging from “pole” to “young-saw”, with few trees that are more than 100 years in age. These stands appear to be well stocked and there is presently no apparent forest health concerns.

## **ENVIRONMENTAL IMPACTS**

### **Impacts of the Proposed Action and Alternative:**

The proposed project has been reviewed by Baker Field Office staff. Only those elements of the environment that would be affected are discussed in this document.

### **PROPOSED ACTION:**

#### **Direct/Indirect Impacts:**

##### **Wildlife**

Direct effects would consist, but not limited to, the displacement of wildlife while the project (construction of the road) takes place. However, after the project is completed wildlife will reestablish in the area. If road construction takes place in early spring this may have a negative effect on elk cows that have calved since this time period is very energy consuming. Time of construction should be taken into consideration, but by the time the soil has dried out enough to create the road, this should be enough time as to not be as stressful on the calf and mother.

Another direct effect is the removal of vegetation that could have been used as forage and the trees that could be used as both hiding/thermal cover. However, this should not be a limiting factor as the surrounding area has similar types of vegetation that is in good condition.

The existing portion of the road to be rehabilitated would be blocked to prevent vehicular access and this would become a term and condition of the grant.

##### **Vegetation/Invasive, Non-native Species**

One direct impact on vegetation would be the removal of vegetation within the newly constructed access road, approximately .15 acres. Another would be the maintenance of the road which would include vegetation that would have to be

trimmed to maintain the road. Indirect potential effects on vegetation would be new weed dispersal carried by the road traffic including new access to OHV users in areas that may not have weeds established.

Disturbed areas would be rehabilitated and appropriate weed control measures would become a term and condition of the grant.

### **Existing and Potential Land Uses**

The issuance of this ROW would not affect any existing or potential land uses.

### **Soils**

The impact to soils would be the cutting of the road and continued maintenance of the road. The open cut of the road could lead to a degradation of the soils and expose them to erosion. The construction and traffic on the road would lead to compaction of the soils along .15 acres of the new road route. Rehabilitation of the approximately 165 feet of existing road would in essence offset the new road construction and soil impacts.

Erosion control measures would be put in place for the term of the grant.

### **Forest Resources**

Construction of this road would result in the direct impact of removing eight (8) ponderosa pine trees. The indirect impact of this construction would be the loss of growing space for the duration of the road's existence. However, this impact would be partially, if not wholly, off-set by the reclamation of the existing road section that this new road would replace.

### **Cumulative Impacts:**

Cumulative impacts are those environmental consequences that result from the incremental effects of an action when added to other past, present, and reasonably foreseeable future actions.

Granting this ROW would cumulatively contribute (approximately 0.65 acres) towards a short-term direct loss or alteration of native plant communities in the area of the project.

Control and/or eradication of noxious weeds in the project area would contribute towards controlling these weeds in the project vicinity.

### **Mitigation Measures:**

The following standard stipulations are added to all rights-of-ways issued on public land within the Baker Field Office and would be made a term and

condition of the grant. See Exhibit III for the additional terms and conditions that would become stipulations in the grant.

The holder shall be responsible for weed control on disturbed areas within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations).

Any cultural and/or paleontological resource (historic or prehistoric site or object, or fossil) discovered by the holder, or any persons working on his behalf on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and mitigation, and any decision as to proper avoidance, protection or mitigation measures will be made by the authorized officer after consulting with the holder and others under Section 106 of the National Historic Preservation Act.

Pursuant to 43 CFR 10.4(g), the holder of this authorization must immediately notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4 (c) and (d), the holder must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer. The BLM Authorized Officer will determine avoidance, protection or mitigation measures in consultation with the Holder, Oregon SHPO, and affected Tribes. Costs associated with the discovery, evaluation, protection or mitigation of the discovery shall be the responsibility of the holder.

All areas of surface disturbance within the ROW would be seeded with native grass, shrub, and forb species.

**Summary:**

No significant individual or cumulative impacts are anticipated as a result of the proposed action.

**NO ACTION ALTERNATIVE:**

**Direct/Indirect Impacts:**

This alternative considers the environmental consequences of not undertaking the action at all, and is to be used as a baseline against which the other alternatives may be compared. The No Action Alternative would reject the proponent's application; therefore, the construction and maintenance of an access road would



not be authorized across public land. The proponent would not have legal access to his private land over the proposed route.

Approximately 0.65 acres of soils and vegetation on public lands would not be affected by the project activities, including the .15 acres of new construction. There would be no temporary displacement of the wildlife in the area during construction. Eight (8) ponderosa pine trees would not be removed from public land.

**Cumulative Impacts:**

Under the No Action alternative, cumulative impacts to resources would continue from past, present, and foreseeable disturbance unrelated to the Proposed Action.

This alternative would not contribute to cumulative loss of vegetation or soil compaction within the project area

**Summary:**

No significant individual or cumulative impacts are anticipated as a result of this alternative.

**CONSULTATION AND COORDINATION**

**List of Preparers:**

Becky Lazdauskas, Baker BLM Realty Specialist  
Mary Oman, Baker BLM Archaeologist  
Melissa Yzquierdo, Baker BLM Wildlife Biologist  
Marc Pierce, Baker BLM Forester  
Mike Woods, Natural Resource Specialist  
Todd Kuck, Acting Assistant Field Manager

**ATTACHMENTS**

Exhibit A	Road Cross-Section
Exhibit I	Project Map
Exhibit II	Critical Elements
Exhibit III	Stipulations

<b>Exhibit II CRITICAL ELEMENTS OF THE HUMAN ENVIRONMENT</b>			<b>OTHER IMPORTANT ELEMENTS OF THE HUMAN ENVIRONMENT</b>		
The following elements of the human environment are subject to requirements specified in treaty, statute, regulation, or executive order and must be considered in all environmental assessments			The elements of the environment listed below are not included on the "critical elements" list, but are important to consider in assessing all impacts of the proposal(s).		
All the following elements have been analyzed. Elements denoted by an "X" in the <i>not affected</i> column are not affected by the proposed action or alternatives and will receive no further consideration.					
<b>Elements</b>	<b>Not Affected</b>	<b>Affected</b>	<b>Elements</b>	<b>Not Affected</b>	<b>Affected</b>
Air Quality	X		Paleontological Resources	X	
Areas of Critical Environmental Concern	X		Indian Trust Assets	X	
Cultural Resources	Discuss in EA		Wildlife		X
Environmental Justice (EO 12989) (minority and low-income populations)	X		Availability of Access/Need to Reserve Access	X	
Farm Lands (prime or unique)	X		Recreation Use, Existing and Potential	X	
Floodplains	X		Existing and Potential Land Uses	X	
Invasive, Non-native Species		X	Vegetation types, communities; vegetative permits and sales; Rangeland resources		X
Migratory Birds	X		Fisheries	X	
Native American Religious Concerns	Discuss in EA		Forest Resources	X	
Threatened/Endangered Plants; Sensitive Plants	X		Soils		X
Threatened/Endangered Fish; Sensitive Fish	X		Wild Horse and Burro Designated Herd Management Areas	X	
Threatened/Endangered Animals; Sensitive Animals	X		Visual Resources	X	
Wastes, Hazardous or Solid	X		Economic & Social Values	X	
Water Quality – Surface	X		Mineral Resources	X	
Wetlands/Riparian Zones (including uplands)	X				
Wilderness	X				
Wild & Scenic Rivers	X				
Tribal Treaty Rights	X				

**EXHIBIT III  
STIPULATIONS  
ROAD RIGHT-OF-WAY  
OR-64496**

1. The plan of development (POD) dated August 9, 2007, shall be made a part of the right-of-way grant.
2. No construction activities shall occur between November 15 through March 15 to avoid disturbance of elk in the adjacent Auburn Wildlife Management Area.
3. The holder shall conduct all activities associated with the construction, operation, access and termination of the right-of-way within the authorized limits of the right-of-way.
4. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of 3 inches deep, the soil shall be deemed too wet to adequately support construction equipment.
5. As directed by the authorizing officer, the holder is required to ensure that the right-of-way is well-drained by water baring or other method of maintaining drainage. Should erosion or damage occur, additional measures, as approved by the Authorized Officer, may be necessary to minimize damage to the ROW or surrounding public lands.
6. The holder shall permit free and unrestricted public access to and upon the right-of-way for all lawful purposes except for those specific areas designated as restricted by the authorized officer to protect the public, wildlife, livestock, or facilities constructed within the right-of-way. Gates would be placed on private land only.
7. Holder shall remove only the minimum amount of vegetation necessary for the construction of structures and facilities. Topsoil shall be conserved during excavation and reused as cover on disturbed areas to facilitate regrowth of vegetation.
8. The holder shall recontour disturbed areas, or designated sections of the right-of-way, by grading to restore the site to approximately the original contour of the ground as determined by the authorized officer. The existing road to be recontoured will be done within 10 days of construction of new access road. The recontoured road will have brush, limbs, rocks, etc. placed so as to restrict vehicular access.
9. Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. 'Waste' means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment
10. During surface disturbing construction and maintenance activities, the holder shall ensure that all construction equipment and vehicles are cleaned of all vegetation (stems, leaves,

seeds, and all other vegetative parts) prior to entering public lands in order to minimize the transport and spread of noxious weeds. During surface disturbing construction and maintenance activities, the holder shall ensure that all construction equipment and vehicles are cleaned of all vegetation (stems, leaves, seeds, and all other vegetative parts) prior to leaving public lands in areas that are known by the authorized officer of the BLM to be infested with noxious weeds.

11. The holder shall be responsible for weed control on disturbed areas within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations).
12. Use of all pesticides (including fungicides, herbicides, insecticides, etc.) shall comply with the applicable Federal and State laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the holder shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. Emergency use of pesticides shall be approved in writing by the authorized officer prior to such use. BLM Policy requires that all applicators be certified or under the direct supervision of a certified applicator. Also, Oregon law requires the applicator to possess an Oregon Public Applicator's license when applying pesticides on public land.
13. The holder shall seed all disturbed areas with a seed mixture and rate specified by BLM, using an agreed upon method suitable for the location. The seed mixture shall be planted in the amounts specified in pounds of pure live seed (PLS) per acre. There shall be no primary or secondary noxious weed seed in the seed mixture. Seed shall be tested and the viability testing of seed shall be done in accordance with state law and within 9 months prior to purchase. Commercial seed shall be either certified as Oregon weed seed free or registered seed. The seed container shall be tagged in accordance with state law and available for inspection by the authorized officer. The seeding shall be repeated until a satisfactory stand is established as determined by the authorized officer. If mulch is used on seeded areas, it shall be certified weed free straw or hay.
14. The holder shall protect all survey monuments found within the right-of-way. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the holder shall immediately report the incident, in writing, to the authorized officer and the respective installing authority if known. Where General Land Office or Bureau of Land Management right-of-way monuments or references are obliterated during operations, the holder shall secure the services of a registered land surveyor or a Bureau cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands in the United States, latest

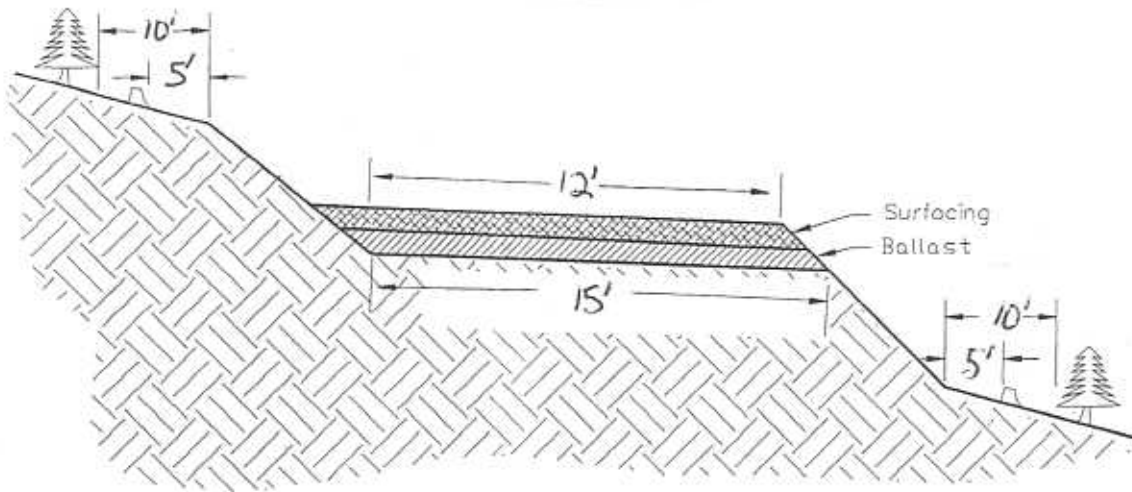
edition. The holder shall record such survey in the appropriate county and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the holder shall be responsible for the survey cost.

15. The holder of right-of-way No. OR-64496 agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, et seq. or the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901 et seq.) on the right-of-way (unless the release or threatened release is wholly unrelated to the right-of-way holder's activity on the right-of-way.) This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.
16. Any cultural and/or paleontological resource (historic or prehistoric site or object, or fossil) discovered by the holder, or any persons working on his behalf on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and mitigation, and any decision as to proper avoidance, protection or mitigation measures will be made by the authorized officer after consulting with the holder and others under Section 106 of the National Historic Preservation Act.
17. Pursuant to 43 CFR 10.4(g), the holder of this authorization must immediately notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4 (c) and (d), the holder must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer. The BLM Authorized Officer will determine avoidance, protection or mitigation measures in consultation with the Holder, Oregon SHPO, and affected Tribes. Costs associated with the discovery, evaluation, protection or mitigation of the discovery shall be the responsibility of the holder.
18. The Authorized Officer reserves the right to grant additional rights-of-way or permits for compatible use on, over, under, or adjacent to the land involved in this grant.
19. The holder shall take such measures for prevention and suppression of fire on the grant area and adjacent public lands or public lands used or traversed by the holder in connection with operations as are required by applicable laws and regulations.
20. Ninety days prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination (and rehabilitation) plan. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface

material, recontouring, topsoiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.

# Exhibit A

ROAD CROSS-SECTION



Road width = 12 feet  
Subgrade width = 15 feet

Outslope = 4%

Grubbing limits = 5 feet  
Clearing limits = 10 feet

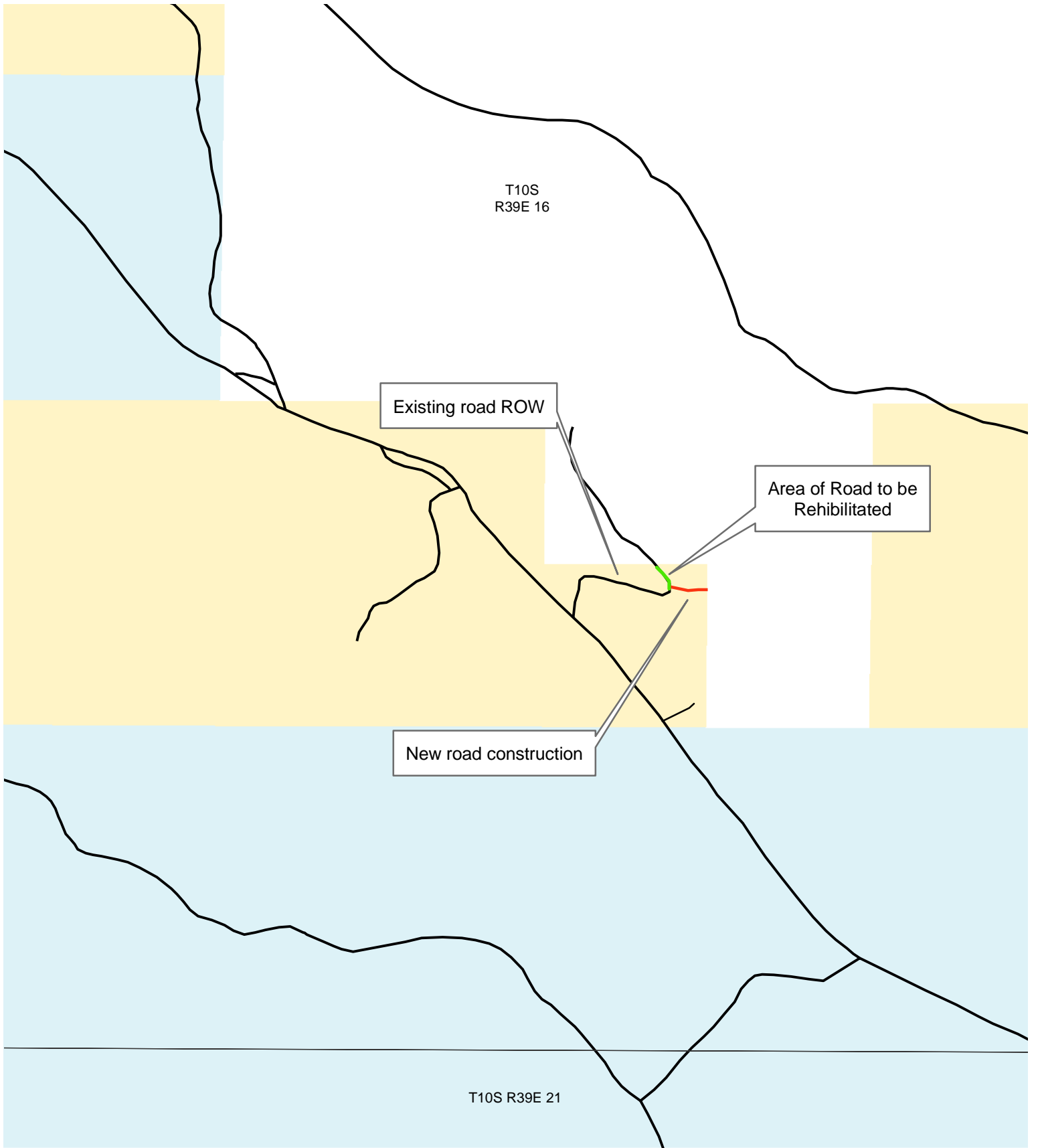




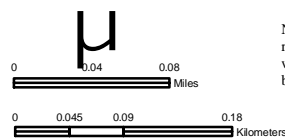
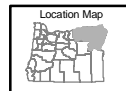


Exhibit I  
 Project Map-OR 64496  
 T10S R39E Section 16  
 August 11, 2008

Legend	
Land Status	
	Bureau of Land Management
	U.S. Forest Service
	State Lands
	Private or Unknown



**U.S. DEPARTMENT OF THE INTERIOR**  
**Bureau of Land Management**  
**VALE DISTRICT**  
**BAKER RESOURCE AREA**  
**2008**



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 were compiled from various sources and may be updated without notification.