

1791A
CE-03-42

2912
ORE 012264
Lane County

United States
Department of the Interior
Bureau of Land Management
Eugene District Office

CATEGORICAL EXCLUSION REVIEW

Background:

Lane County holds an R&PP lease (ORE 012264) on BLM land located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 7, T. 16. S., R. 6 W. The lease authorizes the County's Waste Management Division to operate a solid waste transfer station on the site. The lease expires September 16, 2003. The County indicated they had a need to continue operating the transfer site to serve County residents in the Low Pass area of western Lane County. Accordingly, they requested in writing, prior to expiration of the lease, that the lease be renewed. Note that the original R&PP lease expired September 16, 1998, and has been subject to a series of one-year extensions since then (until September 16, 1999; until September 16, 2000; until September 16, 2001; until September 16, 2002, until September 16, 2003). Analysis of these one-year extensions were completed under categorical exclusions 98-44, 99-12, 01-01, 01-60, and 02-42, respectively.

Instruction memorandums WO-94-65 and OR-94-65 declare that BLM policy is to terminate all landfill and waste transfer site operations on BLM land as soon as possible. Expiring R&PP leases for these kinds of operations may be renewed, but only under the following conditions:

1. Leases may only be renewed for one year at a time.
2. Cannot include lands other than those already authorized.
3. The lessee must be in full compliance with the terms and conditions of the lease, including compliance with state and federal rules, and
4. The lessee must be either:
 - a) actively pursuing closure of the site, or
 - b) in the process of obtaining a patent.

Because of the policy outlined above, the sale of the land containing the Low Pass Transfer Site has been added to the Eugene District's Resource Management Plan through the Resource Management Plan Amendment with Environmental Assessment for Proposed Hancock Exchange document, completed in late 1998. In June, 2003, the Waste Management Division and the Lane County Commissioners affirmed, through the Lane County budgeting process, their commitment to purchasing the transfer site from the BLM. The BLM is currently soliciting for a contractor to complete a landfill transfer audit on the transfer site, as part of the sale process. The cadastral survey work to determine the official acreage, boundary lines and corner positions, and legal description for the transfer site is nearing completion at this time.

As an interim step in the continuing process of selling the land to the County, consideration of another R&PP lease renewal, for a one year period, is in order. The issue of whether the Low Pass Transfer Site will continue to function as a public waste collection facility has been placed before the Lane County Board of Commissioners, and, as mentioned above, was affirmed by them through approval of a budget for 2003-2004 which allocates money for the purchase of the transfer site from the BLM.

Lane County's R&PP lease is located on BLM land which is within the Late Successional Reserve land use allocation as described in the Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl, dated April, 1994, and the Eugene District's Record of Decision and Resource Management Plan, dated July, 1995.

Proposed Action:

The proposed action is to approve Lane County's request for a one year renewal of R&PP lease ORE 012264 (new expiration date September 16, 2004), subject to the terms and conditions in effect in the original R&PP lease, with the additional of a noxious weed measure using manual methods, added by decision letter dated October 27, 1998. The renewal would be subject to the plan of development and management filed on August 13, 1973, and amendment to said plan filed on April 11, 1974. The lease renewal would be issued in accordance with instruction memorandums WO-94-65 and OR-94-65 and the regulations in 43 CFR 2740 and 43 CFR 2912. Rental payment for the one year renewal would be under the BLM's Special Pricing Program for Recreation and Public Purposes leases.

Decision:

The decision is to approve a one year renewal request for Lane County's R&PP lease ORE 012264, subject to the terms and conditions that currently are in effect for the lease with an additional provision for noxious weed control using manual methods added by decision letter dated October 27, 1998; and the plan of development and management filed on August 13, 1973, and amendment to said plan filed on April 11, 1974. During the one year renewal period, the process of selling the Low Pass Transfer Site property to Lane County will continue, ultimately complying with the current BLM policy concerning landfill and waste transfer site operations located on BLM land. The rental payment for the one year renewal of the County's lease will be established using the BLM's Special Pricing Program for R&PP leases.

Rationale:

The Proposed Action qualifies as a categorical exclusion as described in the Departmental Manual [516 DM 6.5, Appendix 5E.(9)] and does not meet any of the exception criteria. 516 DM 6.5, Appendix 5E.(9) reads as follows: "(9) Renewals and assignments of leases, permits or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations".

The terms of the existing Lane County R&PP lease allow for it to be renewed, and the request by the County for renewal of the lease was made in a timely manner. Proceeding with a one year renewal for lease ORE 012264 is consistent with the policies outlined in BLM instruction memorandums WO-94-65 and OR-94-65, since action steps are being taken through the BLM's public land sale process to transfer ownership of the Low Pass Transfer Site acreage to Lane County.

Rental for the one year renewal would be in accordance with the BLM's Special Pricing Program (BLM Manual H-2740-1, Chapter V.A.). This program applies to BLM land which will be government-controlled (Lane County), used for government purposes or functions (solid waste disposal program of the Lane County Waste Management Division), and serves the general public (public waste disposal).

Prepared by: /s/ Dave Schroeder
Realty Specialist

Date: 9/16/03

Reviewed by: /s/ Gary Hoppe
Planning & Environmental Coordinator

Date: 9/18/03

Approved by: /s/ Steve Calish
Field Manager

Date: 9/18/03

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
EUGENE DISTRICT

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CATEGORICAL EXCLUSION REVIEW
Exception Criteria Review Checklist

Proposed Action: Approve the Lane County Waste Management Division request for a one year renewal of their R&PP lease ORE 012264.

Review the Proposed Action against each of the ten criteria listed below. If the project meets one or more of the criteria, it is an exception from categorical exclusion and MUST be analyzed in an EA or EIS. To qualify as a Categorical Exclusion the Proposed Action may not meet any of the criteria. If the criterion does not apply, indicate "Not Applicable." Any mitigation measures (such as contract stipulations or terms and conditions on permits) necessary to ensure that the Proposed Action qualifies as a categorical exclusion should be identified at the bottom of the page.

Exception Criteria		Comments
1.	Have significant adverse effects on public health or safety	No.
2.	Have adverse effects on unique resources (i.e., parks, recreation, refuge lands, wilderness areas, wild or scenic rivers, wetlands, floodplains, etc.)	No.
3.	Have highly controversial environmental effects	No.
4.	Have highly uncertain environmental effects or involve unique or unknown environmental risks	No.
5.	Establish a precedent that could result in significant impacts	No.
6.	Be directly related to other actions having cumulatively significant effects	No.
7.	Have adverse effects on cultural or historical resources	No.
8.	Have adverse effects on species listed or proposed as threatened or endangered or have adverse effect on designated critical habitat for these species.	No.
9.	Require compliance with E.O. 11988 (floodplain management), E.O. 11990 (protection of wetlands), or the Fish & Wildlife Coordination Act	No.
10.	Threaten to violate Federal, State, Local or Tribal law or requirements imposed for the protection of the environment	No.
Mitigation measures needed to qualify as CE: None		

Reviewed By: /s/ Gary Hoppe

Date: 9/18/03

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Above mitigation measures have been adopted and will be implemented.

Field Manager : /s/ Steve Calish

Date: 9/18/03

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