

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

ENVIRONMENTAL ASSESSMENT NO. OR090-99-17  
Amendment to Right-of-Way and Road Use Agreement E-364  
and O. And C. Logging Road Right-of-Way Permit E-364A

## I. INTRODUCTION

- A. Background. The Proposed Action involves the amendment of an existing reciprocal right-of-way agreement. The Bureau of Land Management (BLM) has entered into a number of such agreements in the past under regulations in 43 CFR 2812, which were first issued in 1950. A reciprocal agreement is composed of two separate documents: (1) a Right-of-Way and Road Use Agreement, which is a form of non-exclusive easement granting rights to the United States to use roads controlled by the private landowners (Permittee) and to construct new roads over land owned by the Permittee for the purpose of reaching public (BLM) land, and (2) an O&C Logging Road Right-of-Way Permit that grants rights to the Permittee to use roads controlled by the United States and to construct new roads over public land administered by BLM for the purpose of accessing Permittee lands. The roads and lands over which rights have been granted are specifically listed in Schedules which are attached to the Agreement and Permit documents. In addition, most reciprocal agreements include an Exhibit C map showing the lands and roads of each party to the agreement. In most BLM, Eugene District reciprocal agreements, rights have been granted in perpetuity.

Reciprocal agreements were originally developed to resolve problems created by the checkerboard ownership pattern of BLM lands in Western Oregon. Prior to 1950 many private landowners would not grant access rights to the United States across their lands and most BLM lands had no legal access. The reciprocal agreements have provided the mechanism for both parties to simultaneously secure the long-term access rights they need to reach and manage their intermingled lands. A second major goal of the regulations creating reciprocal agreements was to avoid duplicate road systems by providing the mechanism for two parties to share roads in common. Much of the existing forest road system in the Eugene District has been constructed under the provisions of reciprocal agreements.

- B. Purpose and Need for the Proposed Action. Giustina Land & Timber Co. (GLT) has requested an amendment (Number 7A) to O&C Logging Road Right-of-Way Permit E-364A in order to acquire alternate access to approximately 841 acres of its land over the existing BLM Carpenter Bypass Road (Road No. 20-5-14.1) and a short segment of new road to be constructed across BLM-managed land. GLT has legal access to their acreage over its existing private road system. An approximately 3,960 foot segment of this road system, however, is located adjacent to Sand Creek, which is within a designated core area for the restoration of coho salmon. GLT, in consultation with the Oregon Department of Forestry, has been requested to abandon this segment of road and consequently desires to secure an alternate access route, which can be achieved by construction of a short connector between its existing road system and BLM's Carpenter Bypass Road. The Proposed Action would accomplish this purpose.

## II. PROPOSED ACTION AND ALTERNATIVES

- A. Proposed Action. The Proposed Action is to amend Road Use and Right-of-Way Agreement E-364 and O&C Logging Road Right-of-Way Permit E-364A as described in the attached draft amendment document, and to decommission a segment of road

The amendment would enable GLT to access its ownership for purposes of timber land management, including timber harvest and log haul, via the following discretionary actions:

- Action 1. Add the BLM controlled segments of existing BLM Carpenter Bypass Road (No. 20-5-14.1) in Sections 14, 23, 26, 27, 33, 34 and 35, T. 20 S., R. 5 W. and in Sections 3 and 4, T. 21 S., R. 5 W. to Schedule 1A, U. S. Lands. The addition would allow the Permittee in the future to use this road in accordance with the provisions of Agreement E-364 and Permit E-364A to access its lands in portions of Sections 4, 5 and 9, T. 21 S., R. 5 W. (see Exhibit C maps).
- Action 2. Add a 50 foot wide, 50 foot long, strip of BLM land in the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 33, T. 20 S., R. 5 W. to Schedule 1A, U. S. Lands. The addition would allow the Permittee in the future to construct a new segment of permanent road in accordance with the provisions of Agreement E-364 and Permit E-364A to access approximately 841 acres of their lands in the Sections 4, 5 and 9, T. 21 S., R. 5 W. (see Exhibit C maps).

Approval of Action 2 would facilitate the construction of approximately 350 feet of new road on GLT property to connect to an existing GLT road.

In addition, the following action, recommended by Giustina Land and Timber, and separate from the proposed amendment, would be accomplished:

Decommission approximately 1,200 feet of Road No. 20-5-33.5 located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of T. 20 S., R. 5 W., Section 33 of BLM-managed land and approximately 1,100 feet in the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 4 of GLT-owned land. Construction of the 400 feet of new road segments under the Proposed Action would provide a new access route and eliminate need for this road by GLT or BLM. The road would be blocked and subsoiled.

- B. No Action Alternative. The No Action Alternative would be to deny the Proposed Action. GLT would then need to secure an alternate access route to its land in Sections 4, 5 and 9. GLT has indicated that they would pursue reconstruction of their existing Churchill Tie Road, connecting it to an old existing road west of Sand Creek. This would require cutting down a segment of the tie road twelve feet, and installing a pipe arch culvert to cross Sand Creek, a tributary of Smith River.

Road No. 20-5-33.5 would not be decommissioned and the road would be left in its current condition.

- C. Alternatives considered but not analyzed.

1. Subsoiling and blocking the new road after use was not analyzed because GLT needs to construct a permanent road for current and future forest management.
2. BLM has the option to issue a new permit rather than amending Permit E-364A. This option was not analyzed because administratively it would be more efficient to manage this parcel under the existing agreement because the roads are located within the E-364A agreement area.

### III. AFFECTED ENVIRONMENT

The BLM-managed lands affected by the Proposed Action are in the Siuslaw River Watershed.

Existing BLM-controlled Road No. 20-5-14.1 in Section 33, T. 20 S., R. 5 W., W.M. is located within the Late Successional Reserve (LSR) Land Use Allocation. The remainder of this road, located in Sections 23, 27, and 35, T. 20 S., R. 5 W., and in Section 3, T. 21 S., R. 5 W., is within Matrix-Connectivity. Those BLM-controlled portions of Road No. 20-5-14.1 in Sections 14, 26 and 34, T. 20 S., R. 5 W., and Section 4, T. 21 S., R. 5 W. are located on privately-owned land and have no land use allocation.

The proposed new road right-of-way in Section 33 is within the existing right-of-way for BLM Road No. 20-5-14.1, and would be limited to its existing cut bank. GLT ownership tributary to the proposed road right-of-way and the existing Carpenter Bypass Road system consists of 181 acres of timber 0-29 years old; 632 acres of timber 40-53 years old; and 28 acres of roads. Road construction on BLM-managed land would not require the removal of any merchantable timber.

No riparian habitat would be affected by the Proposed Action. There are no streams or wetlands in the vicinity of the proposed new road right-of-way on BLM-managed land.

The sites of the proposed new road right-of-way and Road No. 20-5-33.5 decommissioning are within 0.25 mile of suitable marbled murrelet and northern spotted owl habitat and within 1.50 mile of two historic northern spotted owl sites. The area is designated as critical habitat for the spotted owl. The new right-of-way area has no habitat for marbled murrelet, northern spotted owl, Survey and Manage mollusks or red tree voles.

Road No. 20-5-33.5 proposed to be decommissioned is accessible by four-wheel drive vehicles only, is steep, and subject to erosion.

Botanical surveys were conducted on the proposed new road right-of-way. No sensitive, threatened, or endangered botanical species were identified. Surveys would be conducted on Road No. 20-5-33.5 prior to ground disturbing activities, and protective mitigations would be designed into the project to manage sensitive species found consistent with law and policy.

The following are either not present or would not be affected by any of the alternatives: Areas of Critical Environmental Concern, invasive or non-native species, prime or unique farm lands, water quality, flood plains, native American religious concerns, solid or hazardous wastes, Wild or Scenic Rivers, Wilderness, Minority populations, low-income populations, or invasive, non-native plants. There are no known cultural or historical resources affected by this proposal.

### IV. DIRECT AND INDIRECT EFFECTS

- A. Proposed Action. The Proposed Action would not remove any currently suitable habitat for northern spotted owls or marbled murrelets on public land. However, the Proposed Action would facilitate the removal of approximately 632 acres of dispersal and foraging habitat from the adjacent GLT land, precluding future use by northern spotted owls. Neither the proposed new road construction nor log haul by GLT is expected to affect marbled murrelets or spotted owls due to disturbance, because the noise produced would not be above ambient noise levels.

Attainment of Aquatic Conservation Strategy Objectives would not be affected by the Proposed Action. Impacts to water quality, channel stability, and riparian areas would not be expected because the Proposed Action is not in riparian reserves nor connected to stream channels, and is of very small scale. Road construction on BLM would add 0.02 acres of permanently compacted land. The proposed new road would be gated to reduce access to the area.

The Proposed Action, Amendment Action 1 would allow GLT to use approximately 7 miles of

existing paved roads. Long term increases in traffic would be expected to be low. This minor increase, along with the paved road surfacing, the relatively small area accessed, and the low disturbance to vegetative cover on cut and fill slopes, would have minimal effects on water quality, channel stability, peak flows, erosion and sedimentation.

Under the Proposed Action, there would be a decrease in road density on public land in the Siuslaw River Watershed.

- B. No Action Alternative. The No Action Alternative would be to deny GLT's request. In this event, GLT has indicated that it would pursue reconstruction of the Churchill Tie Road as described in the Proposed Action and Alternatives section. This would result in short term increases in sediment to Sand Creek, and impacts to water quality and channel stability. Sediment could potentially reach Sand Creek from hauling activities. Road No. 20-5-33.5 would not be decommissioned, and no net decrease in road density on public land in the Siuslaw River Watershed would occur.

## V. CUMULATIVE EFFECTS

This analysis incorporates by reference the analysis of cumulative effects in the NSO FSEIS (Chapter 3 & 4, pp. 4-10) and the RMP EIS (Chapter 4). Those documents analyze most cumulative effects of road building and other related management activities. Impacts of logging road construction, maintenance and use have been disclosed in the Final Eugene Timber Management Environmental Impact Statement, May 1983.

The cumulative effects of either the Proposed Action or the No Action Alternative would be increased timber harvesting in the vicinity, resulting in the loss of dispersal habitat for spotted owls.

Decommissioning approximately 2,300 feet of Road No. 20-5-33.5 on public and private land, while constructing approximately 400 feet of new road, would result in a net decrease of road density in the Siuslaw River Watershed.

## VI. CONSULTATION AND COORDINATION

The following BLM resource specialists have examined the proposed action and provided either written or verbal input used in this assessment:

### A. List of Preparers

<u>Participant</u>	<u>Title</u>	<u>Resource Values Assigned</u>
Molly Widmer	Botanist	Botany
Alison Center	T&E Biologist	Wildlife
Jeff Apel	Engineer	Road Construction
Mike Southard	Archeologist	Cultural Resources
Steve Steiner	Hydrologist	Hydrology
Ron Wold	Realty Specialist	

### B. Consultation

Consultation has been initiated with the U.S. Fish and Wildlife Service (FWS) over the interrelated and interdependent actions of Guistina Land and Timber Company involving the removal of dispersal habitat on private land via Federally-controlled roads. Any measures recommended by the USFWS to minimize impacts to Threatened or Endangered species would be incorporated into Amendment 7A.

### C. Public Participation

This EA will be mailed to the following individuals, groups, and agencies:

Ann Mathews, Eugene, OR  
Carol Logan, Kalapooya Sacred Circle Alliance, Springfield, OR  
Charles and Reida Kimmel, Eugene, OR  
Confederated Tribes of Coos Lower Umpqua and Siuslaw Indians, Coos Bay, Oregon 97420  
Craig Tupper, Eugene, OR  
David Simone, Eugene, OR  
George Sexton, American Lands Alliance, Eugene, OR  
Giustina Land and Timber Company, Eugene, OR  
Governor's Forest Planning Team, Salem, OR  
Harold Schroeder, Eugene, OR  
Jan Wroncy, Eugene, OR  
John Bianco, Creswell, OR  
John Poynter, Lorane, OR  
Kris and John Ward, Eugene, OR  
Lane County Land Management, Eugene, OR  
Neal Miller, Eugene, OR  
Oregon Dept. of Land Conservation and Development, Salem, OR  
Oregon Dept. of Forestry (Western Lane), Veneta, OR  
Oregon Dept. of Forestry (Douglas), Roseburg, OR  
Oregon Dept. of Fish and Wildlife, Springfield, OR  
Oregon Dept. of Environmental Quality, Portland, OR  
Oregon Natural Resources Council, Eugene, OR  
Pacific Rivers Council, Eugene, OR  
Pam Hewitt, Marcola, OR  
Peter Saraceno, Eugene, OR  
Roseburg Forest Products, Roseburg, OR  
Sierra Club - Many Rivers Group, Eugene, OR  
Sondra Zemansky, Junction City, OR  
Swanson-Superior Forest Products, Inc., Noti, OR  
Western Environmental Law Center, Eugene, OR

## VII. ATTACHMENTS

Amendment No. 7A to Right-of-Way and Road Use Agreement E-364 And O. and C. Logging Road Right-of-Way Permit E-364A.

## VIII. REFERENCES

USDA, Forest Service and USDI Bureau of Land Management. February 1994. Final Supplemental Environmental Impact Statement on Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl. Portland, Oregon.

USDA, Forest Service and USDI Bureau of Land Management. April 1994. Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl.

USDI, Bureau of Land Management. November 1994. Eugene District Proposed Resource Management Plan/Environmental Impact Statement. Eugene District Office, Eugene, Oregon.

USDI, Bureau of Land Management. June 1994. Eugene District Record of Decision and Resource Management Plan. Eugene District Office, Eugene, Oregon.

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

AMENDMENT NO. 7A  
TO  
RIGHT-OF-WAY AND ROAD USE AGREEMENT E-364  
AND  
O. AND C. LOGGING ROAD RIGHT-OF-WAY PERMIT E-364A

WHEREAS, the UNITED STATES OF AMERICA, hereinafter referred to as UNITED STATES, and INTERNATIONAL PAPER COMPANY, did on March 17, 1964 enter into Right-of-Way and Road Use Agreement and O. and C. Logging Road Right-of-Way Permit, both numbered E-364, and

WHEREAS, said Right-of-Way and Road Use Agreement No. E-364 was recorded in the Lane County, Oregon, Deed Records on March 17, 1964, on Reel No. 238 D, Reception No. 47863, and

WHEREAS, GIUSTINA LAND & TIMBER CO. LIMITED PARTNERSHIP, hereinafter referred to as PERMITTEE, by mesne conveyances of some of the lands listed in Schedule 2 of said agreement and permit, which lands are described on Schedule 2A attached to said permit, and by assignment of said permit as to those lands of the United States, as amended, described on Schedule 1A attached to said permit, which assignment was approved by the United States on November 22, 1994, and which assigned permit interests are now identified as O. and C. Logging Road Right-of-Way Permit E-364A, became a successor in interest to INTERNATIONAL PAPER COMPANY in said Right-of-Way and Road Use Agreement E-364 and O. and C. Logging Road Right-of-Way Permit E-364, and

WHEREAS, PERMITTEE and UNITED STATES wish to amend the above-mentioned agreement E-364 and permit E-364A,

NOW, THEREFORE, the parties hereto do mutually agree as follows:

1. That the following described real property in Lane County, Oregon, should be, and is hereby, added to Schedule 1, United States Lands, of said agreement E-364 and Schedule 1A, United States Lands, of said permit E-364A:

<u>TOWNSHIP</u>	<u>RANGE</u>	<u>SECTION</u>	<u>SUBDIVISION</u>	<u>PERIOD OF TIME</u>
20S	05W	33	A strip of land 50 feet wide located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ , the centerline of which is shown in detail on Exhibit C (E-364A)(6/99)	Perpetual

That certain existing road shown by a dashed line (-----) on Exhibit C (E-364A)(6/99), across the following described lands in Lane County, Oregon:

<u>TOWNSHIP</u>	<u>RANGE</u>	<u>SECTION</u>	<u>SUBDIVISION</u>	<u>PERIOD OF TIME</u>
20S	05W	23	NW¼NW¼, SE¼NW¼, N½SW¼, SW¼SW¼	Perpetual
		27	E½NE¼, NE¼SE¼	Perpetual
		33	S½S½	Perpetual
		35	NW¼, W½SW¼	Perpetual

That certain existing road shown by a dashed line (-----) on Exhibit C (E-364A)(6/99), across the following described lands in Douglas County, Oregon:

<u>TOWNSHIP</u>	<u>RANGE</u>	<u>SECTION</u>	<u>SUBDIVISION</u>	<u>PERIOD OF TIME</u>
21S	05W	3	Govt. Lots 2-4	Perpetual

The easements acquired by the United States and recorded in the Lane County, Oregon Records on the dates, reels, and reception numbers as follows:

<u>Tract No.</u>	<u>Date</u>	<u>Reel No.</u>	<u>Reception No.</u>	<u>Period of Time</u>
RE-E-66	2/10/58	111'D	31873	Perpetual
RE-E-165	5/21/62	195'D	70221	Perpetual
RE-E-221	11/30/62	207'D	91585	Perpetual
RE-E-385	1/19/68	377'R	11548	Perpetual

The easement acquired by the United States and recorded in the Douglas County, Oregon Records on the date, reel, and reception number as follows:

<u>Tract No.</u>	<u>Date</u>	<u>Reel No.</u>	<u>Reception No.</u>	<u>Period of Time</u>
RE-E-386	2/27/68	403	68-1907	Perpetual

RWA E-364  
ORE 015148  
RWA-E-364A  
OR 50472  
Amendment No. 7A

The right-of-way acquired by the United States pursuant to Right-of-Way and Road Use Agreement E-51, recorded in the Lane County, Oregon records on June 26, 1958, Reel 117D, Reception No. 42063, over the following described land:

<u>TOWNSHIP</u>	<u>RANGE</u>	<u>SECTION</u>	<u>SUBDIVISION</u>	<u>PERIOD OF TIME</u>
20 S	05W	14	S½SE¼SW¼, Part of Lorane Valley Road Tracts 23, 24	Perpetual
		23	NE¼NW¼	Perpetual
		26	NW¼NW¼, SW¼SW¼	Perpetual

2. That Exhibit C (E-364A), which is attached to said agreement E-364 and said permit E-364A, shall be amended, as shown on Exhibit C (E-364A)(6/99) attached hereto and made a part hereof, to show the addition of lands to Schedules 1 and 1A as specified above.
3. That in all other respects said agreement E-364 and permit E-364A shall continue in full force and effect.

Dated this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

GIUSTINA LAND & TIMBER CO.  
LIMITED PARTNERSHIP

By: \_\_\_\_\_

Title: \_\_\_\_\_

UNITED STATES OF AMERICA  
Department of the Interior  
Bureau of Land Management

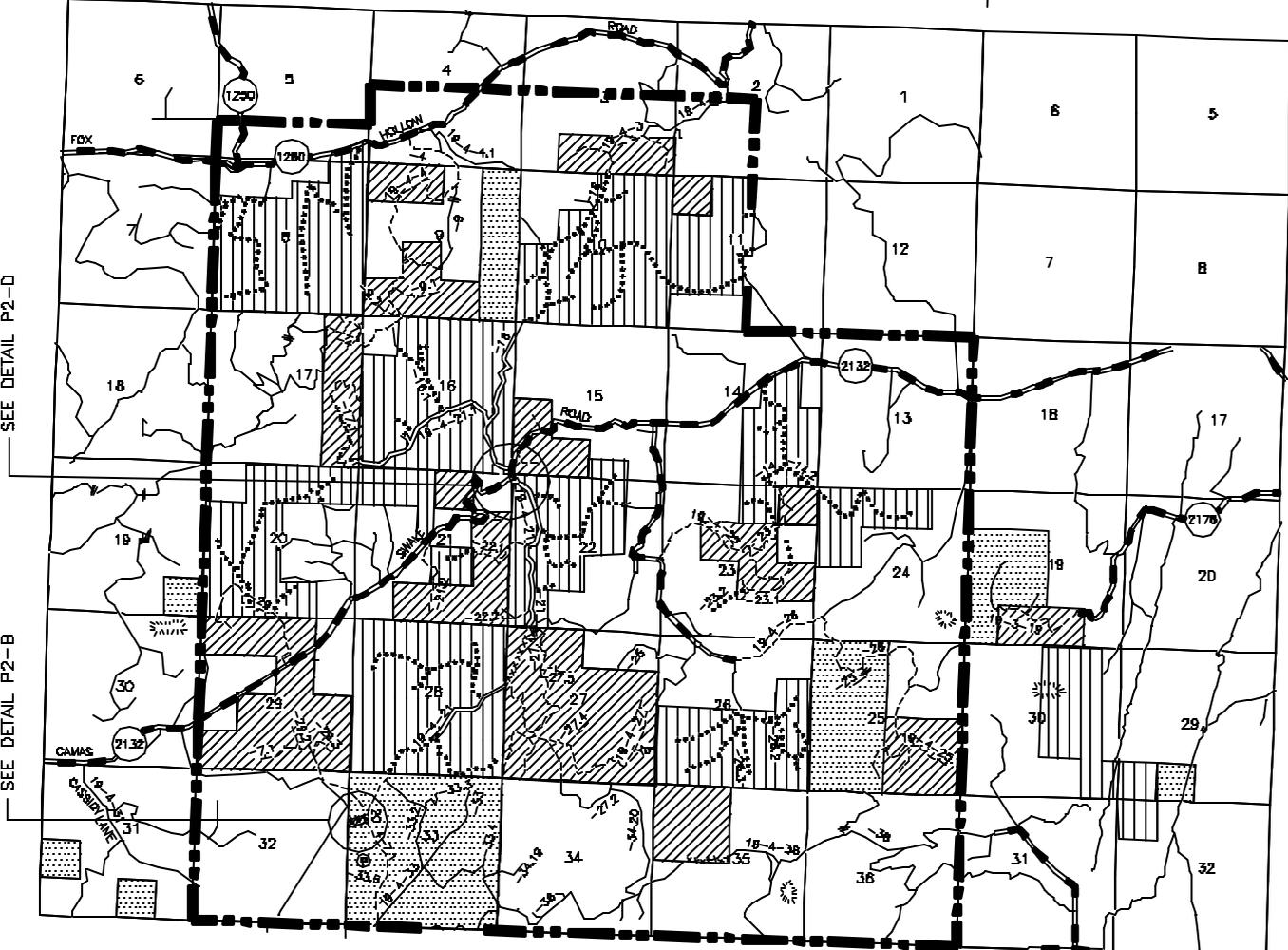
By: \_\_\_\_\_

Title: Field Manager, South Valley  
Resource Area



R. 4W.  
R. 3W

T. 18S.  
T. 19S.



SEE DETAIL P2-D

SEE DETAIL P2-B

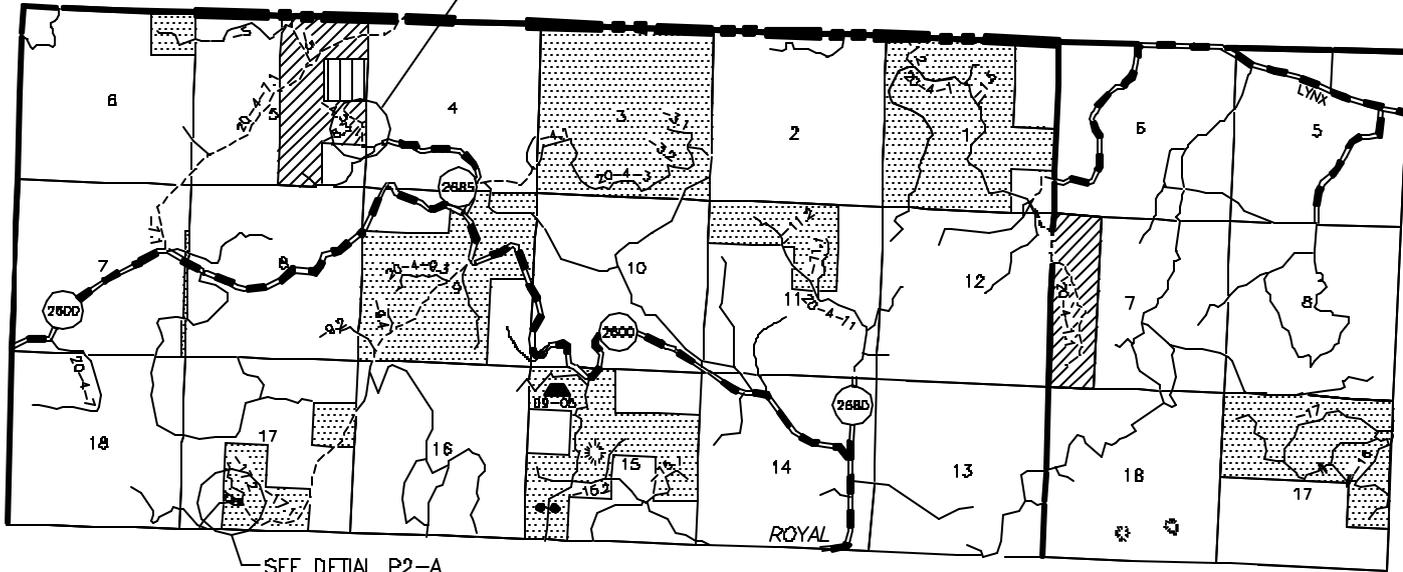


T. 19S.

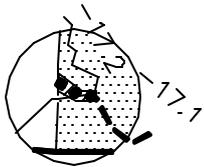


4W  
R: 3W  
R:

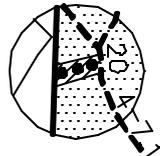
SEE DETAIL P2-C



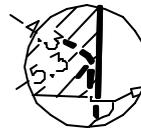
T. 20S.



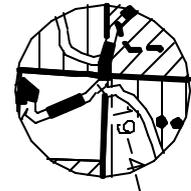
DETAIL P2-A



DETAIL P2-B

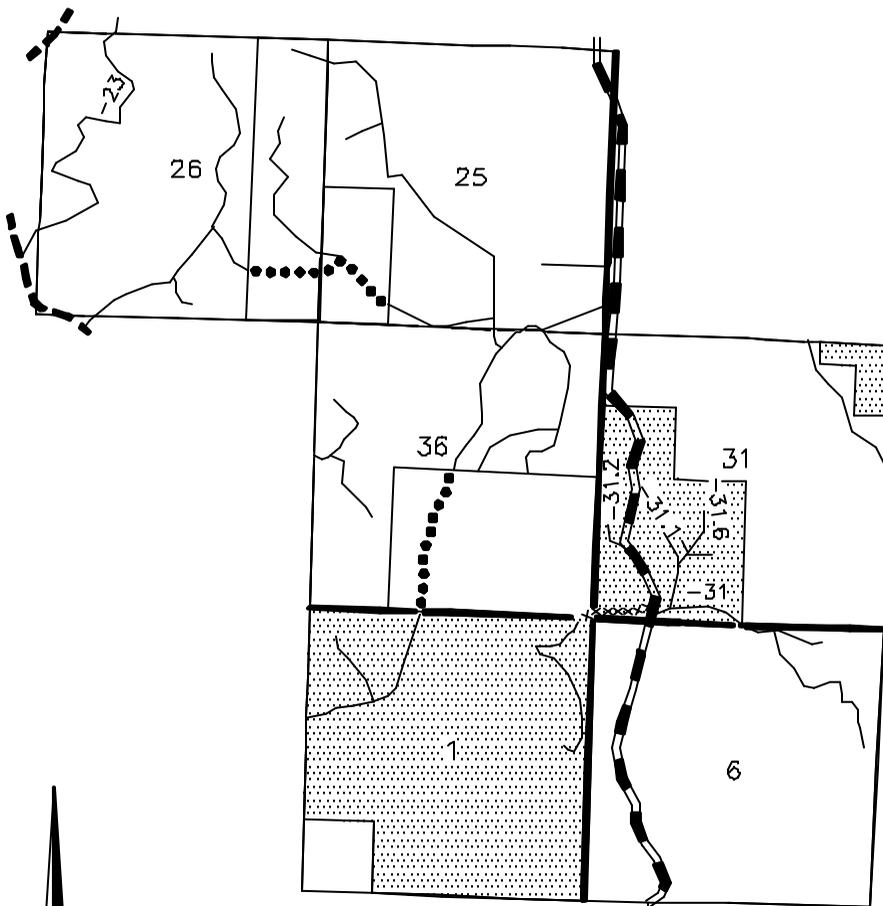


DETAIL P2-C



DETAIL P2-D



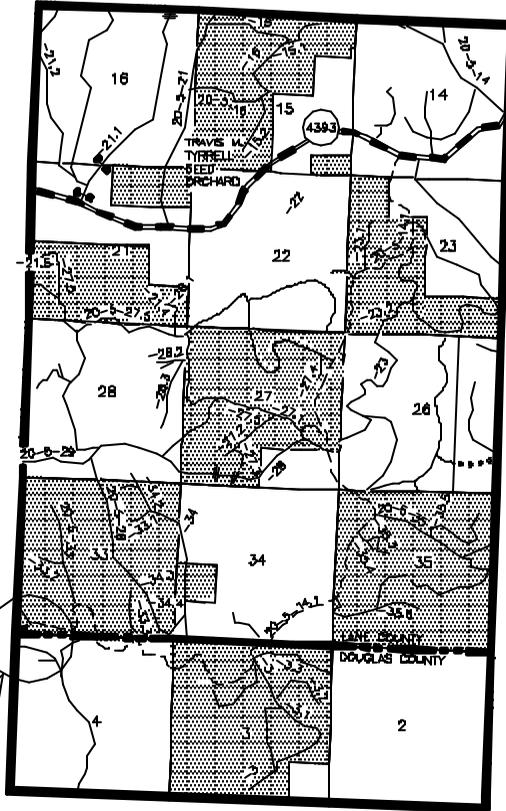


T. 20S.  
T. 21S.

R. 5W.  
R. 4W.



R. 5 W.



T. 20 S.  
T. 21 S.



## LEGEND

 = AGREEMENT AREA BOUNDARY

 = U.S. LANDS (SCHEDULE 1A)

 = PERMITTEE LANDS (SCHEDULE 2A)

 = OTHER U.S. LANDS

 = PUBLIC ROADS

 = ROADS NOT INCLUDED IN  
PERMIT E-364A

### ROADS OWNED OR CONTROLLED BY THE UNITED STATES

 = PARAGRAPH 1, EXHIBIT A

 = PARAGRAPH 2, EXHIBIT A

### ROADS OWNED OR CONTROLLED BY THE PERMITTEE

 = PARAGRAPH 1, EXHIBIT B

 = PARAGRAPH 4, EXHIBIT B

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

1792A  
EA-99-17  
2812  
Giustina L&T  
E-364A

Finding of No Significant Impact

On the basis of the information contained in this Environmental Assessment, and all other information available to me, it is my determination that the Proposed Action will not have significant environmental impacts and does not, in and of itself, constitute a major federal action having a significant effect on the human environment. Therefore, an Environmental Impact Statement or a supplemental to the existing environmental impact statement is not necessary and will not be prepared.

Field Manager: \_\_\_\_\_

Date: \_\_\_\_\_

ENVIRONMENTAL ASSESSMENT NO. OR090-99-17

AMENDMENT TO RIGHT-OF-WAY AND ROAD USE AGREEMENT E-364  
AND O. AND C. LOGGING ROAD RIGHT-OF-WAY PERMIT E-364A

Prepared by  
Jeff Apel  
Forester

Bureau of Land Management  
South Valley Resource Area  
Eugene District  
Oregon

December, 1999