

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

1792A  
2812  
Weyerhaeuser  
R-1022  
Amend. 5

ENVIRONMENTAL ASSESSMENT NO. OR090-00-15  
Amendment to O&C Logging Road Right-of-Way Permit R-1022  
and Road Use and Right-of-Way Agreement R-1022

## **I. INTRODUCTION**

### **A. BACKGROUND**

Reciprocal agreements were originally developed to resolve problems created by the checkerboard ownership pattern of Bureau of Land Management (BLM) and private 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.

The Proposed Action involves the amendment of an existing reciprocal right-of-way agreement. The Bureau of Land Management has entered into a number of such agreements in the past under regulations in 43 Code of Federal Regulations (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 Oregon & California (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 road 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.

### **B. NEED FOR THE PROPOSED ACTION**

Weyerhaeuser Company (WeyCo) has requested Amendment No. 5 to O&C Logging Road Right-of-Way Permit R-1022 in order to acquire legal access to approximately 640 acres of its land over an existing BLM road and two short segments of new road to be constructed across public land. WeyCo has legal access to this acreage over its existing private road system and BLM roads to the west. However, several segments of the existing road system are unstable and WeyCo has plans to decommission them. An alternate permanent route would then be needed by WeyCo.

## **C. CONFORMANCE WITH LAND USE PLAN**

The Proposed Action and alternatives are in conformance with the 1995 Eugene District Resource Management Plan (RMP). The RMP allows for granting access across public land in order to reach private lands.

## **II. PROPOSED ACTION AND ALTERNATIVES**

### **A. PROPOSED ACTION**

The proposed action is to amend O&C Logging Road Right-of-Way Permit R-1022 and Road Use and Right-of-Way Agreement R-1022 as described in the attached draft amendment document.

The amendment would accomplish the following discretionary actions:

1. Add the BLM controlled segments of existing BLM Roads No. 20-5-31, 20-5-31.1 and the Carpenter Bypass Road (No. 20-5-14.1) in Sections 31, 32, 33, 34 and 35, T. 20 S., R. 5 W., W.M. and in Sections 3, 4, 5 and 6, T. 21 S., R. 5 W., W.M. to Schedule 1, U. S. Lands. The addition would allow the Permittee in the future to use these roads in accordance with the provisions of Agreement R-1022 and Permit R-1022 to access its lands in portions of Section 36, T. 20 S., R. 6 W., W.M. as shown on an attached map in Exhibit A.
2. Add two fifty foot wide strips of BLM land in the  $W\frac{1}{2}W\frac{1}{2}$  of Section 31, T. 20 S., R. 5 W., W.M. to Schedule 1, U. S. Lands. The addition would allow the Permittee in the future to construct new roads in accordance with the provisions of Agreement R-1022 and Permit R-1022 to access its lands in the Section 36, T. 20 S., R. 6 W., W.M. as shown on an attached map in Exhibit A.

The construction would consist of two gravel surface roads, totaling approximately 1,623 feet in length, 16 feet in width, with a 3-foot wide ditchline and a 10% gradient. The roads would be constructed to BLM standards.

Both the northern and southern roads would connect to WeyCo's existing road system in Section 36. WeyCo has indicated they plan to harvest timber from approximately 140 acres in the NE $\frac{1}{4}$  of Section 36.

The BLM would provide WeyCo the conservation recommendations contained in the U.S. Fish and Wildlife Service (FWS) biological opinion for this action involving effects to threatened species.

### **B. ALTERNATIVE 1—No Action**

Under the No Action alternative, the amendment would not be approved and WeyCo would have to develop access across its own land. This would entail major reconstruction of the company's existing road system in Section 36, including a number of stream crossings.

### **C. ALTERNATIVES CONSIDERED BUT NOT ANALYZED**

Temporary Roads This alternative would be similar to the Proposed Action, except that roads constructed on the two fifty-foot wide strips would be temporary and decommissioned after use. This alternative was considered but not analyzed because it does not meet the purpose of the action, which is to provide long-term legal access to private lands for silvicultural and fire related purposes. No legal access will exist after WeyCo decommissions unstable roads located on its land in Section 36.

### III. AFFECTED ENVIRONMENT

The existing BLM controlled roads (*Proposed Action Item 1*) proposed for addition are primarily on the ridgeline separating the Upper Siuslaw River and Upper Smith River 5th Field Watersheds. Those segments of existing BLM controlled Roads No. 20-5-31 and 20-5-31.1 in Section 31, and Road No. 20-5-14.1 (Carpenter Bypass Road) located in Sections 31 and 33, T. 20 S., R. 5 W., W.M. are within the Late Successional Reserve (LSR) Land Use Allocation. Segments located in Section 35, T. 20 S., R. 5 W., and in Sections 3 and 5, T. 21 S., R. 5 W., are within the Matrix-Connectivity Land Use Allocation. Those BLM-controlled portions of Road No. 20-5-14.1 in Sections 32 and 34, T. 20 S., R. 5 W., and Sections 4 and 6, T. 21 S., R. 5 W. are located on privately-owned land and have no land use allocation.

Most of Road No. 20-5-14.1 is paved. Approximately 2.5 miles of this road and Roads No. 20-5-31 and 20-5-31.1 are gravel surface. The northern fifty-foot wide strip of land (*Proposed Action Item 2*) is located in both the Upper Siuslaw and Upper Smith River Watersheds, and the southern fifty-foot wide strip is entirely within the Upper Smith River Watershed. Both strips of land are in the LSR land use allocation.

The northern fifty-foot strip is in a 12 year old plantation. The WeyCo land to be accessed by the proposed road construction is a 40-70 year old 2nd growth stand. The southern fifty-foot strip is in a 24 year old plantation that mostly follows an old, overgrown road.

Special Status Plant Species. Botanical surveys on the two fifty-foot wide strips were conducted in May, 2000. No threatened, endangered and sensitive botanical plant species were identified. No appropriate habitat for survey and manage fungi, lichens, or bryophytes was discovered in the two areas; therefore, no additional surveys are required.

Wildlife. The proposed northern and southern fifty-foot wide strips and WeyCo's proposed harvest area in the NE1/4 of Section 36 are within 1.5 miles of a historic spotted owl site. A pair of nesting spotted owls inhabited the historic owl site in 1999; the site has been inhabited for approximately ten years. No surveys for marbled murrelets have been done in the area by the BLM.

Section 36 is spotted owl critical habitat but not marbled murrelet critical habitat. WeyCo's proposed harvest area is considered dispersal habitat for spotted owls.

The proposed southern fifty-foot wide strip on BLM-managed land is along the edge of an old-growth stand and is thus within a quarter mile of suitable spotted owl habitat and marbled murrelet habitat, as is WeyCo's property in the SE1/4 of Section 36.

The southern proposed fifty-foot wide strip was surveyed for red tree voles; no red tree vole nests were found. One mollusk survey has been completed. One Oregon Megomphix snail was located in the adjacent old growth stand. The second mollusk survey is scheduled to occur in March, 2001.

Soils. Predominant soil types within the two fifty-foot wide strips are the Peavine and Digger soils series. Peavine soils are moderately deep (20-40 inches), well drained, silty clay loams. Digger soils are moderately deep, well drained gravelly loams.

The northern fifty-foot wide strip is located on side slopes of 40-50 percent, generally within 100 feet of the ridge-top. The southern fifty-foot wide strip is located on side slopes of 0-40 percent, generally within 100-250 feet of the ridge-top.

Hydrology and Fisheries. There are no streams or wetlands located within one site tree (200 feet) of either fifty-foot wide strip on federal land. The headwaters of a tributary to Summit Creek are approximately 250 feet below the northern strip. Scour and deposition for this stream begins just east of the property line.

The closest non-fish bearing streams are 250 feet from the northern strip and 1,200 feet from the southern strip. The closest fish-bearing streams are 1,600 feet from the northern strip and 2,000 feet from the southern strip.

#### **IV. DIRECT, INDIRECT AND CUMULATIVE EFFECTS**

The Proposed Action and alternatives would have environmental effects. However, none of the alternatives would have effects beyond those described in the "Eugene District Proposed Resource Management Plan/Environmental Impact Statement" (RMP EIS) and the "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" (NSO FSEIS). Impacts based upon site specific analysis of the alternatives are shown below.

##### **A. UNAFFECTED RESOURCES**

The following resources are either not present or would not be affected by any of the alternatives: Areas of Critical Environmental Concern, prime or unique farm lands, Native American religious concerns, cultural resources, air quality, solid or hazardous wastes, invasive or non native species, Wild and Scenic Rivers, Wilderness, minority populations, and low income populations.

##### **B. THE PROPOSED ACTION**

This analysis incorporates by reference the analysis of cumulative effects in the NSO FSEIS (Chapters 3 and 4, pp. 4-10) and the RMP EIS (Chapter 4). Those documents analyze most cumulative effects of road building and other related management activities, and the analysis presented herein gives additional site-specific analysis.

Special Status Plant Species. The use of the existing roads under the Proposed Action (*Item 1*) would not affect special status plant species because there would be no change to the road prisms and no change in current maintenance activities on these roads. Road construction over the two fifty-foot wide strips (*Item 2*) would not affect special status plant species because none were found to be present during field surveys.

Wildlife. Disturbance caused by the use of the approximately 2.5 miles existing graveled road segments under the Proposed Action (*Item 1*) *may affect but is not likely to adversely affect* northern spotted owls and marbled murrelets. Use of the paved segments would not be expected to cause disturbance and would have *no effect*.

Road construction over the two fifty-foot wide strips (*Item 2*) on BLM-managed land would have *no effect* to spotted owls or marbled murrelets due to habitat modification. Roads would create permanent gaps and *may affect* critical habitat. However, disturbance from road use would be minimized because activities between March 1 and August 5 would be prohibited, and between August 6 and September 15 would be restricted to two hours after sunrise to two hours before sunset. Disturbance caused by road construction *may affect but is not likely to adversely affect* spotted owls or marbled murrelets.

There would be no effect to red tree voles in the old-growth stand. The proposed new road would be reconstructed on an existing road that runs between the old-growth stand and the young stand; therefore a new edge would not be created. The located Megomphix site and any additional sites found would be protected by buffers designed in accordance with current policy.

Soils. Because of the gentle to moderate side-slopes and existing vegetation, there would be low potential of slope failure for the proposed northern road segment and very little risk of

slope failure for the proposed southern road segment. Road construction on BLM-managed land would add approximately 0.5 acres of permanently compacted land in the Upper Siuslaw River Watershed and approximately 0.2 acres in the Upper Smith River Watershed.

Hydrology and Fisheries. Some increase in erosion/sedimentation would be possible from increased traffic on the existing roads, but is expected to be very low because approximately 5.0 miles of the existing roads under the Proposed Action (*Item 1*) are paved. Effects from the existing gravel road segments would be unlikely due to their mostly ridgetop location and distance from downstream fish habitat.

Increases in erosion and sedimentation would be unlikely from the construction and use of the proposed new road segments. The new roads would not extend the existing stream network because drainage would not be connected to existing stream crossings but would be to cross-drains well away from streams. No effects on fisheries would be expected from the new construction.

It is unlikely that the Proposed Action would retard attainment of the Aquatic Conservation Strategy objectives because the existing roads are gravelled or paved and because the nearest stream is approximately 250 feet from the closest fifty-foot wide strip. The Proposed Action would not affect spatial or temporal connectivity; the aquatic system; instream flows; floodplain inundation; species composition or structural diversity of aquatic plant communities; nor habitat for riparian-dependent species.

Private Land. Proposals by WeyCo for future management in Section 36 include road construction, road improvement, road decommissioning, and clear cut timber harvest on approximately 140 acres in the NE1/4 of the section.

Approximately 0.75 miles of new, permanent road would be extended from the roads built on BLM-managed land as a result of the Proposed Action. Road construction would not cross any fish-bearing streams. Existing roads which run close to stream channels would be either improved or decommissioned. Improvement would include culvert replacement and placement of rock surfacing. Approximately 0.90 miles of road would be decommissioned, and would include subsoiling, and the removal of several log culverts, thereby precluding the likelihood of future sedimentation problems due to culvert failure. These actions would be expected to benefit aquatic species. Timber harvest design features would be in conformance with the revised Oregon Forest Practices Act.

The indirect effects of the Proposed Action from road construction, decommissioning, improvement, and timber harvest on WeyCo land on listed fish species and critical habitat, would be: *may affect and likely to adversely affect.*

The interrelated and interdependent effects of the Proposed Action due to habitat modification from road construction and timber harvest on WeyCo land would be: *may affect but are not likely to adversely affect* spotted owls due to the removal of approximately 140 acres of dispersal habitat.

The interrelated and interdependent effects of the Proposed Action due to disturbance from road construction, decommissioning, improvement, and timber harvest on WeyCo land would be: marbled murrelets *may be affected* by noise and *are likely to be adversely affected*, depending on time of year of harvest, unless surveys are done that show the adjacent suitable habitat is unoccupied. WeyCo has indicated they will survey for spotted owls or defer harvest until after July 7. Therefore, spotted owls *may be affected but are not likely to be adversely affected.*

The interrelated and interdependent effects of the Proposed Action on critical habitat from timber harvest on WeyCo land would be: *may affect* critical habitat by further exacerbating the edge effect along the boundaries of Sections 25 and 31.

Other wildlife species (e.g. song birds) could be disturbed by the road improvement and harvest and would be displaced by the harvest on WeyCo's land.

### **C. NO ACTION ALTERNATIVE**

Under the No Action Alternative, to reach their lands in Section 36, WeyCo would likely reconstruct existing roads that are on unstable slopes, and would need to replace several culverts. The spur road paralleling Summit Creek in Section 36 would not be decommissioned and would likely be a continual source of sedimentation into Summit Creek.

Should the No Action alternative be selected, and should WeyCo reconstruct the existing road system, the effects would be similar to the Proposed Action. Should WeyCo not reconstruct the road system in Section 36, there would be no effect on dispersal and foraging habitat for spotted owls.

## **V. MITIGATION MEASURES**

The BLM would provide WeyCo the conservation recommendations contained in the U.S. Fish and Wildlife Service (FWS) biological opinion for this action involving effects to threatened species.

## **VI. CONSULTATION AND COORDINATION**

The following BLM resource specialists have examined the Proposed Action and provided either written or verbal input utilized in this assessment:

### **A. LIST OF PREPARERS**

<u>Participant</u>	<u>Title</u>	<u>Resource Values Assigned</u>
Chuck Fairchild	Botanist	Botany
Mike Southard	Archaeologist	Culture Resources
Alison Center	Wildlife Biologist	Wildlife
Don Meckley	Area Engineer	Team Leader
Steve Steiner	Hydrologist	Hydrology and Soils
Chuck Vostal	Fisheries Biologist	Fisheries
Ron Wold	Realty Specialist	Access

### **B. CONSULTATION**

Pursuant to the Endangered Species Act, formal consultation was completed with the U.S. Fish and Wildlife Service (USFWS) on this proposed action. The USFWS issued a Biological Opinion on April 26, 2001.

Consultation with the National Marine Fisheries Service (NMFS) is not required for any of the alternatives analyzed herein; however, a Biological Assessment has been prepared and submitted to the NMFS Level 1 team for review.

## **C. PUBLIC PARTICIPATION**

A public notice advertising the availability of this EA and preliminary FONSI appeared in the Eugene Register-Guard on January 24, 2001. Additionally, this environmental assessment was sent to the following list of groups, agencies and individuals.

Ann Mathews, Eugene, OR  
Carol Logan, Kalapooya Sacred Circle Alliance, Springfield, OR  
Chad Hanson, John Muir Project, Pasadena, CA  
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  
Governor's Forest Planning Team, Salem, OR  
Harold Schroeder, Eugene, OR  
James Johnston, 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, Veneta, OR  
Oregon Dept. of Fish and Wildlife, Springfield, OR  
Oregon Dept. of Environmental Quality, Portland, OR  
Oregon Natural Resources Council, Eugene, OR  
Pam Hewitt, Marcola, OR  
Peter Saraceno, Eugene, OR  
Robert Davison, Wildlife Management Institute, Bend, 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  
The Pacific Rivers Council, Eugene, OR  
Weyerhaeuser Company, Springfield, OR

A 30-day public comment period for this EA closed on February 23, 2001. No comments were received.

## **VII. ATTACHMENTS**

Amendment No. 5 to Right-of-Way and Road Use Agreement R-1022 and O. and C. Logging Road Right-of-Way Permit R-1022.

## **VIII. REFERENCES**

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, Oregon: Eugene District Office.

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.

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

Amendment No. 5  
to  
Right-of-Way and Road Use Agreement No. R-1022  
and  
O & C Logging Road Right-of-Way Permit No. R-1022A

WHEREAS, the United States of America, hereinafter referred to as UNITED STATES, acting through its agency the Bureau of Land Management, has issued O. and C. Logging Road Right-of-Way Permit No. R-1022 to WEYERHAEUSER COMPANY, hereinafter referred to as PERMITTEE, on December 29, 1977, and

WHEREAS, the UNITED STATES has entered into Right-of-Way and Road Use Agreement No. R-1022 with PERMITTEE, dated February 10, 1978, and recorded in the Douglas County, Oregon, Deed Records in Volume 668 at Pages 391-409, and

WHEREAS, said permit R-1022 is now identified as O. and C. Logging Road Right-of-Way Permit No. R-1022A, and

WHEREAS, UNITED STATES and PERMITTEE wish to amend the above-mentioned agreement R-1022 and permit R-1022A to include additional lands of the UNITED STATES,

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

1. That the following described real property shall hereafter be subject to the terms and conditions of the above-described agreement and permit the same as if such property were included on Schedule 1, United States Lands, of the said agreement and permit:

Lane County, Oregon

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Subdivision</u>	<u>Period of Time</u>
20 S.	5 W.	31	A strip of land 50 feet wide located in the Fractional NW $\frac{1}{4}$ NW $\frac{1}{4}$ , the centerline of which is shown in detail on Page 1 of Exhibit D (Amendment No. 5)	Perpetual
		31	A strip of land 50 feet wide located in the Fractional SW $\frac{1}{4}$ NW $\frac{1}{4}$ and Fractional NW $\frac{1}{4}$ SW $\frac{1}{4}$ , the centerline of which is shown in detail on Page 2 of Exhibit D (Amendment No. 5)	Perpetual

That certain existing road shown by a solid line (—————) on Exhibit C (Amendment No. 5) attached hereto across the following described lands:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Subdivision</u>	<u>Period of Time</u>
20 S.	5 W.	31	Fractional W $\frac{1}{2}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$	Perpetual
			E $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$	
		33	S $\frac{1}{2}$ S $\frac{1}{2}$	Perpetual
		35	NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$	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-385	1/19/68	377'R	11548	Perpetual
RE-E-387	11/07/67	368'R	4161	Perpetual

Douglas County, Oregon

That certain existing road shown by a solid line (—————) on Exhibit C (Amendment No. 5), across the following described lands:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Subdivision</u>	<u>Period of Time</u>
21 S.	5 W.	3	Govt. Lots 2-4	Perpetual
		5	Govt. Lots 1-4	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

The right-of-way acquired by the United States pursuant to Right-of-Way and Road Use Agreement R-645, recorded in the Douglas County, Oregon Records in Volume 315, beginning at page 83, over the following described land:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Subdivision</u>	<u>Period of Time</u>
21 S.	5 W.	6	Govt. Lots 1-3	Perpetual

2. That Schedule 3, attached hereto and made a part hereof, is hereby added to O. and C. Logging Road Right-of-Way Permit R-1022A.

3. That the following paragraph shall be added to Exhibit A which is attached to said permit R-1022A, as paragraph 13:

During the period from March 1 to July 7 each year, the Permittee shall not conduct any operations, including road construction and timber haul, over the lands or interests in lands described on Schedule 3 that could cause disturbance to nesting northern spotted owls. Disturbance is defined as noise above ambient levels within a quarter mile of nesting northern spotted owls or unsurveyed suitable or potential northern spotted owl habitat.

4. That the following paragraph shall be added to Exhibit A which is attached to said permit R-1022A, as paragraph 14:

During the period from April 1 to August 5 each year, the Permittee shall not conduct any operations, including road construction and timber haul, over the lands or interests in lands described on Schedule 3 that could cause disturbance to nesting marbled murrelets. Disturbance is defined as noise above ambient levels within a quarter mile of nesting marbled murrelets or unsurveyed suitable or potential marbled murrelet habitat.

5. That the following paragraph shall be added to Exhibit A which is attached to said permit R-1022A, as paragraph 15:

During the period from August 6 to September 15 each year, the Permittee shall restrict its operations over the lands or interests in lands described on Schedule 3 that are within a quarter mile of occupied or unsurveyed suitable or potential marbled murrelet habitat to the period from two hours after sunrise to two hours before sunset.

6. That in all other respects said agreement and permit shall continue in full force and effect.

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

WEYERHAEUSER COMPANY

UNITED STATES OF AMERICA

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

Department of the Interior  
Bureau of Land Management

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

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

Attest: \_\_\_\_\_

Title: Field Manager, South Valley Resource Area

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

**(SEAL)**

CORPORATE ACKNOWLEDGMENT

STATE OF )  
 ) ss:  
COUNTY OF )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, before me personally appeared \_\_\_\_\_ and \_\_\_\_\_ to me known to be the \_\_\_\_\_ and \_\_\_\_\_ respectively of the corporation that executed the foregoing instrument, and they acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

(SEAL)

\_\_\_\_\_  
Notary Public in and for the  
State of \_\_\_\_\_  
Residing at \_\_\_\_\_  
My commission expires: \_\_\_\_\_

AGENCY ACKNOWLEDGMENT

STATE OF OREGON )  
 )  
COUNTY OF LANE )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, before me appeared \_\_\_\_\_ to me personally known, who being duly sworn, did say that \_\_\_\_\_ is the Field Manager of the South Valley Resource Area of the Eugene District, Bureau of Land Management, United States Department of the Interior, and that \_\_\_\_\_ is authorized to sign the said instrument on behalf of the said Bureau, and acknowledged that \_\_\_\_\_ executed the said instrument as \_\_\_\_\_ voluntary act and deed.

(SEAL)

\_\_\_\_\_  
Notary Public in and for the  
State of \_\_\_\_\_  
Residing at \_\_\_\_\_  
My commission expires: \_\_\_\_\_

UNITED STATES  
 DEPARTMENT OF THE INTERIOR  
 BUREAU OF LAND MANAGEMENT

Schedule 3 - United States Lands  
 Schedule 2 - Permittees Land

**RIGHT-OF-WAY LAND DESCRIPTION**

This schedule to be attached to Right-of-Way  
 Permit Number R.W.A. R-1022A.

Permittee Name:

Weyerhaeuser Comapny

Meridian:

Willamette

Lane County, Oregon

TOWNSHIP	RANGE	SECTION	SUBDIVISION	PERIOD OF TIME
20 S.	5 W.	31	A strip of land 50 feet wide located in the Fractional NW $\frac{1}{4}$ NW $\frac{1}{4}$ , the centerline of which is shown in detail on Page 1 of Exhibit D (Amendment No. 5)	Perpetual
		31	A strip of land 50 feet wide located in the Fractional SW $\frac{1}{4}$ NW $\frac{1}{4}$ and Fractional NW $\frac{1}{4}$ SW $\frac{1}{4}$ , the centerline of which is shown in detail on Page 2 of Exhibit D (Amendment No. 5)	Perpetual

That certain existing road shown by a solid line (————) on Exhibit C (Amendment No. 5) attached hereto across the following described lands:

TOWNSHIP	RANGE	SECTION	SUBDIVISION	PERIOD OF TIME
20 S.	5 W.	31	Fractional W $\frac{1}{2}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$	Perpetual
		33	S $\frac{1}{2}$ S $\frac{1}{2}$	Perpetual
		35	NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$	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:

Tract No.	Date	Reel No.	Reception No.	Period of Time
RE-E-385	1/19/68	377'R	11548	Perpetual
RE-E-387	11/07/67	368'R	4161	Perpetual

UNITED STATES  
 DEPARTMENT OF THE INTERIOR  
 BUREAU OF LAND MANAGEMENT

Schedule 3 - United States Lands  
 Schedule 2 - Permittees Land

**RIGHT-OF-WAY LAND DESCRIPTION**

This schedule to be attached to Right-of-Way  
 Permit Number R.W.A. R-1022A.

Permittee Name: Weyerhaeuser Company

Meridian: Willamette Douglas County, Oregon

TOWNSHIP	RANGE	SECTION	SUBDIVISION	PERIOD OF TIME
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That certain existing road shown by a solid line (————) on Exhibit C (Amendment No. 5), across the following described lands:

TOWNSHIP	RANGE	SECTION	SUBDIVISION	PERIOD OF TIME
21 S.	5 W.	3	Govt. Lots 2-4	Perpetual
		5	Govt. Lots 1-4	Perpetual

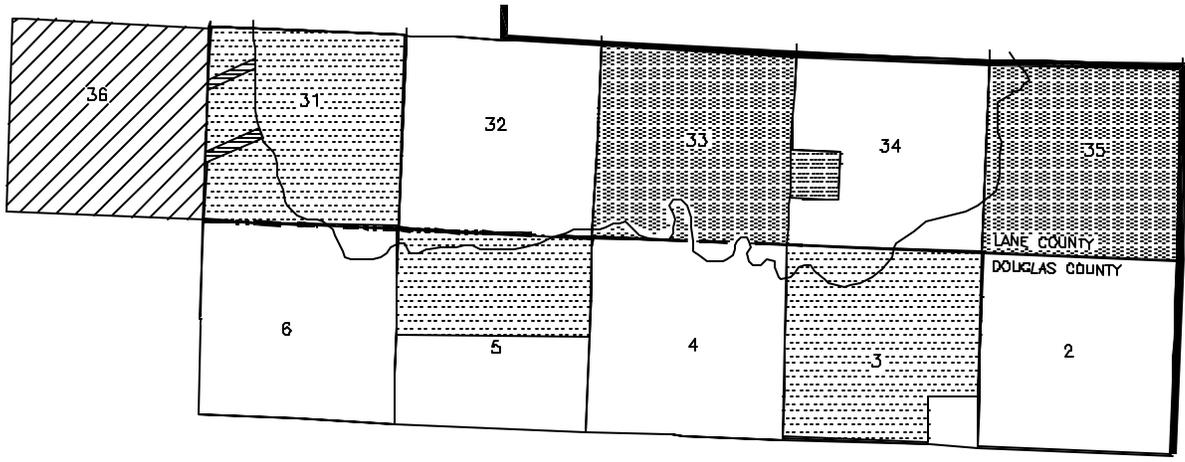
The easement acquired by the United States and recorded in the Douglas County, Oregon Records on the date, reel, and reception number as follows:

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

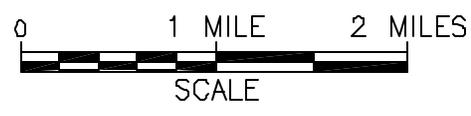
The right-of-way acquired by the United States pursuant to Right-of-Way and Road Use Agreement R-645, recorded in the Douglas County, Oregon Records in Volume 315, beginning at page 83, over the following described land:

TOWNSHIP	RANGE	SECTION	SUBDIVISION	PERIOD OF TIME
21 S.	5 W.	6	Govt. Lots 1-3	Perpetual

R. 5 W.



T. 20 S.  
T. 21 S.



LEGEND

-  = UNITED STATES LAND (SCHEDULE 1)
-  = OTHER UNITED STATES LAND
-  = PERMITTEE LAND (SCHEDULE 2)
-  = BOUNDARY OF AGREEMENT AREA
-  = ROADS OWNED OR CONTROLLED BY THE UNITED STATES

**ENVIRONMENTAL ASSESSMENT NO. OR090-00-15**  
Amendment to O&C Logging Road Right-of-Way Permit R-1022  
and Road Use and Right-of-Way Agreement R-1022

Prepared by  
Debra Wilson

May, 2001

United States  
Department of the Interior  
Bureau of Land Management  
Eugene District Office  
South Valley Resource Area