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Bureau of Land Management
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**State of Oregon Land Conveyance
Environmental Assessment
DOI-BLM-OR-V050-2015-041-EA
OR-68398**

November, 2015



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I. INTRODUCTION

The Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (NDAA) (128 Stat. 3292, 3856, 3857), Public Law 113-291, enacted December 19, 2014 requires the Secretary of Interior through the Bureau of Land Management (BLM), to convey certain federal lands to the State of Oregon, acting through the Oregon State Board of Higher Education on behalf of Oregon State University, and its assigns. The lands are described as follows:

Willamette Meridian, Umatilla County
T. 4 N., R. 28 E., sec. 14.

The NDAA stipulates that not later than 180 days after the date on which the Secretary receives a request from the State, the Secretary shall convey to the State, without consideration, all right, title, and interest of the United States to and in the above-described land to the State of Oregon.

Purpose and Need for Proposed Action

The purpose of the proposed action is to convey federal land to comply with and implement certain provisions of the NDAA. The need for the action is identified under the Federal Land Policy and Management Act (FLPMA) which makes public lands available for this type of use under Section 203.

Decision to be Made

The Decision for the Authorized Officer would be to convey lands to the State of Oregon. Not conveying the lands would be in non-compliance with the requirements of the NDAA.

Conformance with BLM Resource Management Plan(s)

The proposed action and alternatives described below are in conformance with the Baker Resource Management Plan, approved July, 1989. The proposed action is in conformance specifically with the management direction for land tenure adjustment actions cited on pages 20 – 21 of the RMP Record of Decision. The BLM has been determined that the proposed action would not conflict with other decisions throughout the plan.

Consistency with Laws, Regulations and Policies

The proposed action is consistent with the disposal criteria of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1713 et seq.). The conveyance of the federal land to the State of Oregon will be carried out in accordance with the NDAA.

Scoping and Identification of Issues

The following issues were raised by the public or BLM staff, or both, and are considered in detail in this EA:

- How would the area be managed for cultural resources and significant paleontological resources?
- How would access be managed to meet the needs of the public?

II. DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVE

A. Alternative A – Proposed Action

The BLM would convey approximately six acres of public land to the State of Oregon. The lands to be conveyed are in Umatilla County, Oregon and further described as:

WM, T. 4 N., R. 28 E., Section 14 (See the attached map (Map 1) for the specific location)

B. Alternative B – No Action

Under the No Action Alternative, the BLM would not convey the public lands to the State of Oregon and would continue to manage these lands under applicable public land laws. The No Action Alternative would not comply with the NDAA. Consistent with 43 Code of Federal Regulations (CFR) 46.310 (b), when there are no unresolved conflicts with respect to alternative uses of available resources, a No Action Alternative does not need to be considered (Federal Register Volume 73, Number 200, October 15, 2008, page 61321). Therefore the No Action Alternative has not been carried forward for detailed analysis.

III. AFFECTED ENVIRONMENT AND ENVIRONMENTAL EFFECTS

A. Introduction

This chapter identifies and describes the existing conditions and trends of elements or resources in the human environment which may be affected by the Proposed Action.

B. General Setting

The lands identified for conveyance to the State of Oregon are located within the urban growth boundary of Hermiston, Oregon, a community of approximately 17,000 residents which encompasses 7.8 square miles of land.

The land identified for conveyance is an isolated parcel of public land with no access road other than the road through the cemetery. It is bordered on the north by the Hermiston Cemetery and on the south by the Union Pacific Railroad. Its location is about one mile south of Hermiston and approximately .25 miles west of Highway 395. The parcel is essentially level, lying at an elevation of 590 feet with no improvements to the land. The area is semi-rural and dotted with scattered homes and outbuildings, intermixed with open areas of seeded or natural vegetation.

C. Identified Resource with Issue

The BLM Baker Field Office IDT has reviewed and identified issues through internal and external scoping affected by the alternatives. The following Affected Environment Table 3-1 summarizes the results of that review. The resources with no issues identified and listed as either not affected or not present would not be discussed further in this document. Resources with an issue(s) have questions that would be analyzed in detail in this Chapter are in **bold** in the table below.

Table 3-1 Affected Environment		
Identified Resource with Issue Question for Analysis	Status	Explanation or Issue Question
	Affected;	If Affected (BOLD); Reference Applicable EA Chapter and Section; and State the Issue in a Question.
	Not Affected;	If Not Affected, explanation required.
	Not Present.	If Not Present, explanation required.
Air Quality (Clean Air Act)	Not Affected	BLM's action is to convey lands to the State of Oregon, which is an administrative action. Although some development could occur in the future, analysis of the impacts on air quality is too speculative to analyze in this EA.
Native American Religious Concerns	Not Present	Consultation occurring. Resource not known to be present.
Areas of Critical Environmental Concern (ACECs)	Not Present	Resource not present.
Cultural Resources and Archeology	Not Present	Historic properties not present. One large drainage ditch was installed on this parcel in the early 70's to keep water from the Feed Canal from draining towards the Hermiston cemetery. Also, modern dumping has occurred in the ditch, but none of these items meet the 50 year age criteria or show any potential for exceptional historic importance.
Environmental Justice (Executive Order 12898)	Not Present	Resource not present.
Fire Management	Not Affected	Wildland fire management would be the responsibility of the city of Hermiston.
Fisheries	Not Present	Resource not present.
Flood Plains	Not Present	Resource not present.
Forestry and Woodlands	Not Present	Resources not present.
Grazing Management and Rangeland	Not Present	Not permitted for grazing
Wastes, Hazardous or Solid	Not Present	Resource not present.
Migratory Birds (Executive Order 13186)	Not Affected	BLM's action is to convey lands to the State of Oregon, which is an administrative action. Although some development could occur in the future, analysis of the impacts on migratory birds or their habitat is too speculative to analyze in this EA.

Table 3-1 Affected Environment		
Identified Resource with Issue Question for Analysis	Status	Explanation or Issue Question
	Affected; Not Affected; Not Present.	If Affected (BOLD); Reference Applicable EA Chapter and Section; and State the Issue in a Question. If Not Affected, explanation required. If Not Present, explanation required.
Minerals	Not Affected	The BLM determined the property has negligible development potential for both locatable and salable minerals. Development for leasable minerals is unlikely due to economic and technological constraints. Due to the negligible development potential, the impacts of conveying the parcel to the State of Oregon on mineral development will not be analyzed in this EA.
Noxious Weeds (Executive Order 13112)	Not Affected	BLM's action is to convey lands to the State of Oregon, which is an administrative action. Although some development could occur in the future, analysis of the impacts on noxious weeds is too speculative to analyze in this EA.
Paleontological Resources	Not Present	Resource not present.
Prime or Unique Farmlands	Not Present	According to the Natural Resources Conservation Service the parcel would be considered prime farmland if irrigated. It is not irrigated and there is no water right to the land. The administrative action of conveying the land to the State of Oregon would not alter the classification of the farmland.
Realty and Lands	Not Affected	The patent would be "subject to" such rights as the Oregon-Washington Railroad and Navigation Company, or its successors in interest may have through a perpetual railroad right-of-way, Oregon 01781, which borders the property to the South. There are no other uses authorized on the federal lands. BLM's action is to convey lands to the State of Oregon, which is an administrative action. Future authorization for use of the land would be the responsibility of the State of Oregon.
Recreation and Off Highway Vehicles (OHV)	Not Affected	There may be some low intensity recreational activities occurring on the parcel however, the only access is through the cemetery or on foot and there is no evidence of OHV use. BLM's action is to convey lands to the State of Oregon, which is an administrative action. Some development could occur in the future but analysis of the impacts to recreation and OHV use is too speculative to analyze in this EA.
Social and Economic Values	Not Present	Resource not present.
Soils and Biological Crusts	Not Affected	BLM's action is to convey lands to the State of Oregon, which is an administrative action. Although some development could occur in the future, analysis of the impacts to soils and biological crusts is too speculative to analyze in this EA.

Table 3-1 Affected Environment			
Identified Resource with Issue Question for Analysis		Status	Explanation or Issue Question
		Affected;	If Affected (BOLD); Reference Applicable EA Chapter and Section; and State the Issue in a Question.
		Not Affected;	If Not Affected, explanation required.
		Not Present.	If Not Present, explanation required.
Special Status Species (SSS) and Habitat for BLM	Fish	Not Present	Resource not present.
	Wildlife	Not Present	Resource not present.
	Plants	Not Present	Resource not present.
Threatened or Endangered (T/E) Species or Habitat	Fish	Not Present	Resource not present.
	Wildlife	Not Present	Resource not present.
	Plants	Not Present	Resource not present.
Transportation and Roads		Not Affected	The patent would be “subject to” such rights as the Oregon-Washington Railroad and Navigation Company, or its successors in interest may have a perpetual railroad right-of-way, Oregon 01781, which borders the property to the South. There are no roads through the property. BLM’s action is to convey lands to the State of Oregon, which is an administrative action. Although some development could occur in the future, analysis of the impacts on transportation and roads is too speculative to evaluate in this EA.
Vegetation		Not Affected	BLM’s action is to convey lands to the State of Oregon, which is an administrative action. Although some development could occur in the future, analysis of the impacts on vegetation is too speculative to evaluate in this EA.
Visual Resources		Not Affected	BLM’s action is to convey lands to the State of Oregon, which is an administrative action. Although some development could occur in the future, analysis of the impacts on the visual resources is too speculative to evaluate in this EA.
Water Quality (Surface and Ground)		Not Affected	BLM’s action is to convey lands to the State of Oregon, which is an administrative action. Although some development could occur in the future, analysis of the impacts on the water resources is too speculative to evaluate in this EA. It would be the responsibility of the State of Oregon to minimize impacts to water quality.
Wetlands and Riparian Zones		Not Present	Resource not present.
Wild Horse and Burro		Not Present	Resource not present.
Wild and Scenic Rivers (W&SR)		Not Present	Resource not present.
Wilderness/Wilderness Study Areas (WSA)/ Wilderness Inventory Characteristics (WIC)		Not Present	Resource not present.
Wildlife		Not Affected	BLM’s action is to convey lands to the State of Oregon, which is an administrative action. Although some development could occur in the future, analysis of the impacts on general wildlife or their habitat is too speculative to analyze in this EA.

1. Identified Resource – Name of Resource

a) Affected Environment – Name of Resource

none

b) Environmental Consequences

Land Conveyance (Proposed Action) - Upon completion of the Land Conveyance, approximately six acres of public lands managed by the BLM would be conveyed to the State of Oregon. The subject lands would no longer be managed as public lands and all pertinent federal laws, regulations and directives specific to such management would no longer apply. The lands would no longer be managed for multiple public uses under the FLPMA.

c) Residual Effects – “Residual Effects” are those adverse effects that remain after implementation of mitigation measures. No major adverse effects (aka “significant effects”) have been identified in this draft EA. No mitigation is necessary; there would be no residual effects.

D. Cumulative Effects Analysis

The cumulative effects area is the six acres of BLM-managed lands that would be conveyed to the State of Oregon. The timeframe for the cumulative effects would be indefinite. The development potential is somewhat limited due to the lack of access; however one reasonable possibility is that the adjacent cemetery would purchase the land from the State of Oregon to expand their boundary. All resource values have been evaluated for cumulative impacts. The BLM has been determined that cumulative impacts would be negligible as a result of implementation of the Proposed Action.

IV. CONSULTATION AND COORDINATION

A. Tribes, Individuals, Organizations, or Agencies Consulted

Confederated Tribes of the Umatilla Indian Reservation
Oregon State Historic Preservation Officer

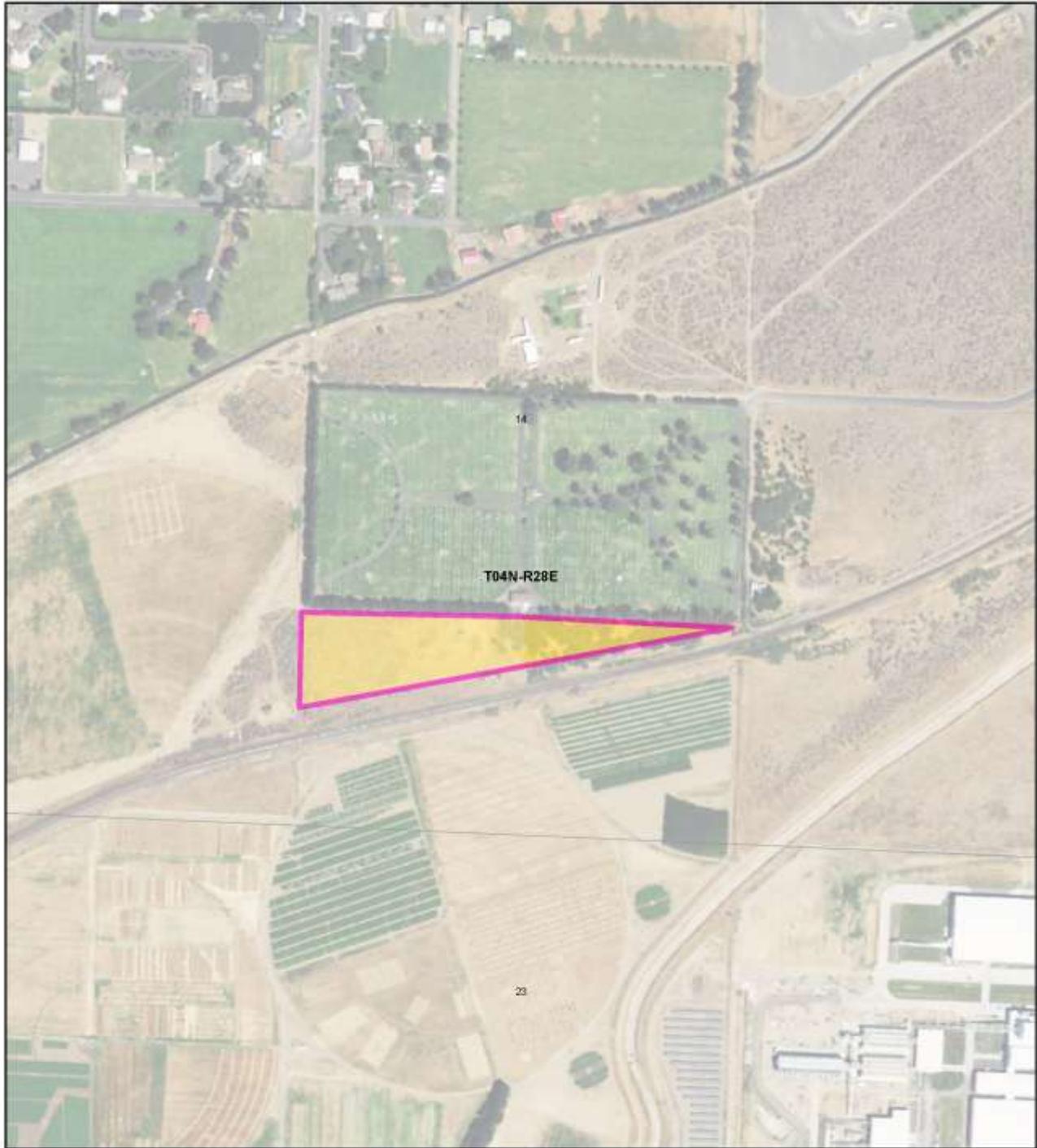
B. List of Preparers

Courtney Busse, Realty Specialist
Katherine Coddington, Archeologist
Melissa Yzquierdo Primus, Wildlife Biologist
Steve Flock, Geologist

V. REFERENCES, GLOSSARY AND ACRONYMS

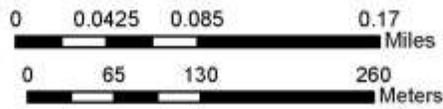
A. References Cited

http://tools.oregonexplorer.info/oe_map_viewer_2_0/viewer.html?Viewer=OE



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U.S. Department of Interior
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Walla Walla District
 October 27, 2015

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