

**UNITED STATES  
DEPARTMENT OF INTERIOR  
BUREAU OF LAND MANAGEMENT  
VALE DISTRICT OFFICE  
BAKER RESOURCE AREA**

**DECISION RECORD**

State of Oregon Land Conveyance OR-68398  
Environmental Assessment DOI-BLM-OR-V050-2015-041

**BACKGROUND**

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.

On November 13, 2015, members of the public were notified via mail and newspaper notice that the EA was available for public comment and if any person wanted to provide comments, they were to be submitted to the Vale District on or before November 30, 2015. No comments were received.

**COMPLIANCE**

The proposed action described below is in conformance with the Baker Resource Management Plan (RMP), 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 (ROD). The BLM has determined that the proposed action would not conflict with other decisions throughout the plan.

The Proposed Action is in conformance with the RMP and is also in compliance with the following documents:

- Endangered Species Act (ESA) of 1973 (16 U.S.C. §1531 et seq.)
- National Environmental Policy Act of 1969 (42 U.S.C. §4321 et seq.)
- Federal Land Policy and Management Act (FLPMA) of 1976 (43 U.S.C. §1701 et seq.)
- Clean Water Act of 1972 (33 U.S.C. §1251 et seq), as clarified by the Clean Water Rule produced in 2015
- Energy Policy Act of 2005 (Public Law 109-58)
- National Historic Preservation Act of 1966, as amended (16 U.S.C. §470 et seq.)

### **Consultation and Coordination**

The scoping phase of the EA consisted of agency contact for purposes of gathering data, disseminating plan information and identifying and understanding issues identified during scoping. Additionally, previous environmental documentation and existing agency data (e.g., Baker Resource Area RMP) was reviewed and evaluated for applicability and adequacy for use during the preparation of this EA.

The Proposed Action was designed to comply with FLPMA and the regulations contained within 43 CFR 2800, the Baker Resource Area RMP, and other applicable environmental laws and policies. The Proposed Action was analyzed by the BLM and this EA was prepared for and under the direction of the BLM.

### **DECISION**

Having considered the Proposed Action and the No Action alternatives and associated impacts based on analysis in DOI-BLM-OR-V050-2015-041-EA, it is my decision to implement the Proposed Action as described in the EA.

The Proposed Action is to convey approximately six (6) acres of public land to the State of Oregon. The lands to be conveyed are in Umatilla County, Oregon, and are further described as: Willamette Meridian, T. 4N., R. 28E., Section 14. 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.

I have found and documented in a corresponding Finding of No Significant Impact (FONSI) statement that the Proposed Action will not constitute a major Federal action that will adversely impact the quality of the human environment. Therefore, an Environmental Impact Statement (EIS) was unnecessary and will not be prepared.

### **DECISION RATIONALE**

The Proposed Action meets the purpose and need of the project to comply with the NDAA and convey the subject parcel from public ownership to the State of Oregon, while ensuring that use of public lands occurs in a manner consistent with FLPMA, and the applicable Resource Management Plan (RMP). FLPMA authorizes the use of public land for the public interest.

### **AUTHORITY**

*FLPMA Rights-of-Way and NEPA* - Under the Federal Land Policy and Management Act (FLPMA, Title V) and its implementing regulations, BLM is authorized to grant, issue, or renew rights-of-way over public land so long as the action does not violate existing ROWs, laws, or regulations, and protects the public interests. The BLM is also required to comply with the National Environmental Policy Act (NEPA) and the Council of Environmental Quality (CEQ) regulations.

*43 CFR 2800 Regulations –Rights-of-way under the FLPMA* - document actions to be taken under this Act to amend and approve ROW applications in utility and other like ROW corridors.

## RIGHT OF APPEAL

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and Form 1842-1. If an appeal is filed, your notice must be filed in the Vale District Office, 100 Oregon Street, Vale, Oregon, 97918 within 30 days of receipt. The appellant has the burden of showing that the decision appealed is in error.

Filing an appeal does not by itself stay the effectiveness of a final BLM decision. If you wish to file a petition for a stay of the effectiveness of this decision, pursuant to 43 CFR 4.21, the petition for stay must accompany your notice of appeal. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for stay is required to show sufficient justification based on the standards listed below.

### Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

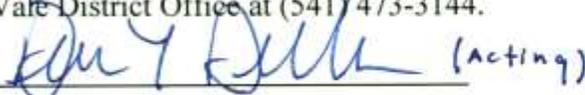
1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether or not the public interest favors granting the stay.

A notice of appeal electronically transmitted (e.g. email, facsimile, or social media) will not be accepted as an appeal. Also, a petition for stay that is electronically transmitted (e.g., email, facsimile, or social media) will not be accepted as a petition for stay. Both of these documents must be received on paper at the office address above.

Persons named in the Copies sent to: sections of this decision are considered to be persons "named in the decision from which the appeal is taken." Thus, copies of the notice of appeal and petition for a stay must also be served on these parties, in addition to any party who is named elsewhere in this decision (see 43 CFR 4.413(a) & 43 CFR 4.21(b)(3)) and the appropriate Office of the Solicitor (see 43 CFR 4.413(a), (c)) **Office of the Solicitor, US Department of the Interior, Pacific Northwest Region, 805 SW Broadway, Suite 600, Portland, Oregon 97205**, at the same time the original documents are filed with this office. For privacy reasons, if the decision is posted on the internet, the Copies sent to: section will be attached to a notification of internet availability and persons named in that section are also considered to be persons "named in the decision from which the appeal is taken."

Any person named in the decision, Copies sent to: section of the decision, or who received a notification of internet availability that receives a copy of a petition for a stay and/or an appeal and wishes to respond, see 43 CFR 4.21(b) for procedures to follow.

For any questions concerning this project, please contact the Project Lead, Trisha Skerjanec at the Vale District Office at (541) 473-3144.

 (Acting)

Lori D. Wood  
Baker Field Manager

2/25/16  
Date