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

ENVIRONMENTAL ASSESSMENT

for the

Cascade-Siskiyou National Monument

Box R Ranch (Rowlett) Land Exchange (OR 66137 FD/PT)

(DOI-BLM-OR-M040-2014-001-EA)

April 16, 2014

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Medford District Office
3040 Biddle Road
Medford, Oregon 97504
email address: BLM_OR_MD_Mail@blm.gov

APR 16 2014

IN REPLY REFER TO:

1610, 2200 (ORM040)

Dear Interested Public:

The *Environmental Assessment* (EA) for the Box R Ranch (Rowlett) Land Exchange is now available for public review. The EA is available in its entirety online for public review at http://www.blm.gov/or/districts/medford/plans/index.php. A hard copy is available for review at the Medford District Office.

In accordance with Section 206 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1716) and as authorized by Public Law 111-01143, the Bureau of Land Management is considering a proposal to exchange land with Donald E. and Jean Rowlett. Both the federal and non-federal parcels are located in Jackson County, Oregon and are within the boundaries of the Cascade-Siskiyou National Monument (CSNM).

Alternatives analyzed in detail in this EA include 1) the proposed exchange of a 46.39 acre tract of federal land in T. 40 S. R. 4 E., Section 5, Government Lot 2 for an approximate 40-acre parcel of non-federal land in T. 40 S., R. 4 E., Section 18, portions of Government Lots 2 and 3; 2) authorization of use of federal land by the Rowletts under either Section 302 of the FLPMA and associated regulations under 43 CFR 2920 or Title V of the FLPMA and related regulations at 43 CFR 2800; and 3) removal of the unauthorized outbuilding (shed), fenced enclosure (and discontinuation of the agricultural use), and cemetery from public land.

We welcome your comments on the content of the stewardship plan and environmental assessment (EA). We are particularly interested in comments that address one or more of the following: 1) new information that would affect the analysis; 2) information or evidence of flawed or incomplete analysis; 3) BLM's determination that there are no significant impacts associated with the Proposed Action; and 4) alternatives to the Proposed Action that would respond to the purpose and need. Specific comments are the most useful. **Although comments are welcome at any time, the comment period will close at 4:30 PM on May 16, 2014.**

Before including your address, telephone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

All comments should be made in writing and mailed or delivered to Kathy Minor, Bureau of Land Management, Ashland Resource Area, 3040 Biddle Road, Medford, OR 97504. For additional information on this proposed project, please contact Kathy Minor, Planning and Environmental Coordinator at (541) 618-2245.

Sincerely,

John Gerritsma
Field Manager/Monument Manager
Ashland Resource Area

Enclosure

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

EA COVER SHEET

RESOURCE AREA: Ashland

ACTION/TITLE: Environmental Assessment for the Cascade-Siskiyou National Monument Box R Ranch (Rowlett) Land Exchange (OR 66137 FD/PT).

EA NUMBER: DOI-BLM-OR-M040-2014-001-EA

LOCATION: Jenny Creek Watershed, Keene Creek Subwatershed

List of Preparers	Responsibility
Kathy Minor	IDT Lead, NEPA Compliance, Hydrology, GIS
Rik Arndt	Project Lead, Lands and Realty
Chris Volpe	Fisheries/Wildlife Resources
Armand Rebischke	Botanical Resources, Special Status Plants, Weeds
Ron Gregory	Cultural Resources
John McNeel	Engineering
Larry Judd	Cadastral Surveying

TABLE OF CONTENTS

CHAPTER 1 - PURPOSE AND NEED **1**

INTRODUCTION 1
What is Being Proposed? *1*
Background *1*
Box R Ranch Land Exchange *2*
PURPOSE AND NEED 3
PROPOSED ACTION 3
CONFORMANCE WITH EXISTING LAND USE PLANS AND LEGAL REQUIREMENTS 3
DECISION TO BE MADE 4
SCOPING AND ISSUES 4

CHAPTER 2 - ALTERNATIVES **5**

INTRODUCTION 5
ALTERNATIVE 1 (NO ACTION) 5
ALTERNATIVE 2 (PROPOSED ACTION) 5
ALTERNATIVE 3 (REMOVAL OF TRESPASS) 7
ALTERNATIVES CONSIDERED BUT ELIMINATED FROM DETAILED ANALYSIS 8

CHAPTER 3 - AFFECTED ENVIRONMENT **9**

INTRODUCTION 9
FEDERAL PARCEL 9
Trespass *9*
Cultural Resources *9*
Grazing Lease *9*
Water Right *9*
Access *10*
Aquatic Resources *10*
NON-FEDERAL PARCEL 10
Access *10*
Aquatic Resources *11*

CHAPTER 4 – ENVIRONMENTAL CONSEQUENCES **12**

INTRODUCTION 12
REVESTED OREGON & CALIFORNIA RAILROAD GRANT LANDS (O&C LANDS) AND NO NET LOSS POLICY 12
AQUATIC RESOURCES 13
Federal Parcel *13*
Non-Federal *13*
BOTANY 14
TERRESTRIAL WILDLIFE 14
CULTURAL RESOURCES 14
RECREATION 15
ENVIRONMENTAL JUSTICE 15
CUMULATIVE IMPACTS 15

CHAPTER 5 - PUBLIC PARTICIPATION **18**

REFERENCES **19**

CHAPTER 1 - PURPOSE AND NEED

Chapter 1 introduces a proposal to exchange a parcel of federal land for a parcel of private land within the greater Cascade-Siskiyou National Monument (CSNM) boundary. It begins with an introduction to the proposal, including background information, followed by an explanation of the need for action and a statement of the proposed action.

This chapter cites management direction, and displays the decisions to be made in analyzing this proposal. It defines the scope of the analysis, summarizes the scoping process, and describes the issues identified during scoping.

INTRODUCTION

What is Being Proposed?

In response to the Omnibus Public Land Management Act of 2009 (Public Law 111-011), the Medford District of the Bureau of Land Management (BLM) is currently developing a proposal to exchange a parcel of federal land for a parcel of private land within the greater Cascade-Siskiyou National Monument boundary.

Background

The Cascade-Siskiyou National Monument (CSNM) was reserved by presidential proclamation (Presidential Proclamation 7318) in recognition of its remarkable ecology and to protect a diverse range of biological, geological, aquatic, archeological, and historic objects. The *Cascade-Siskiyou National Monument Record of Decision and Resource Management Plan* (CSNM ROD/RMP) was approved in August 2008. It provides guidance and direction for a strategy aimed at protecting and enhancing the public lands and associated resources within the CSNM.

On March 30, 2009, Congress gave the Secretary of the Interior the authority to offer to convey two BLM parcels in exchange for parcels owned by private individuals; the BLM parcels are within the boundaries of the CSNM. The Omnibus Public Land Management Act of 2009, Pub. L. No. 111-11, § 1403 and 1404, 123 Stat. 991, 1028 (2009). Subtitle E,– Cascade-Siskiyou National Monument states:

SEC. 1403. BOX R RANCH LAND EXCHANGE.

(1) IN GENERAL – For the purposes of protecting and consolidating Federal land within the [Cascade-Siskiyou National] Monument, the Secretary—(1) may offer to convey to the Landowner the Bureau of Land Management land in exchange for the Rowlett parcel; and (2) if the Landowner accepts the offer—(A) The Secretary shall convey to the Landowner all right, title, and interest of the United States in and to the Bureau of Land Management land; and (B) the Landowner shall convey to the Secretary all right, title and interest of the Landowner in and to the Rowlett parcel.

SEC. 1404. DEERFIELD LAND EXCHANGE.

(1) IN GENERAL – For the purposes of protecting and consolidating Federal land within the [Cascade-Siskiyou National] Monument, the Secretary—(1) may offer to convey to Deerfield Learning Associates the Federal parcel in exchange for the Deerfield parcel; and (2) if

> Deerfield Learning Associates accepts the offer—(A) The Secretary shall convey to Deerfield Learning Associates all right, title, and interest of the United States in and to the Federal parcel; and (B) Deerfield Learning Associates shall convey to the Secretary all right, title and interest of Deerfield Learning Associates in and to the Deerfield parcel.

The Congressionally authorized land exchanges were not consistent with the following provisions of the 2008 RMP:

- The RMP at LAND-1 (Page 103) stated: "All currently administered public lands within the monument will be retained."
- The RMP at LAND-5 (Page 103) stated: "Lands may be acquired by exchange only where the public land involved in the exchange is located outside the CSNM."

The BLM processed an RMP Amendment in October 2013 that revoked land tenure adjustment decision LAND-1 on page 103 of the CSNM RMP and revised LAND-5 on page 103 of the CNSM RMP to allow lands to be acquired by exchange where the public land involved in the exchange is located inside or outside the boundaries of the CSNM as long as, in either case, the exchange "furthers the protective purposes of the monument." The RMP Amendment allows the BLM to consider the two Congressionally authorized land exchanges.

This Environmental Assessment (EA) documents the environmental analysis conducted to estimate the site-specific effects on the human environment that may result from the implementation of BLM's proposed action for the Box R Land Exchange referenced in P.L 111-011. This document complies with the Council on Environmental Quality's (CEQ) Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (NEPA; 40 CFR Parts 1500-1508) and the Department of the Interior's manual guidance on the National Environmental Policy Act of 1969 (516 DM 1-7).

Box R Ranch Land Exchange

In 1987, Bureau of Land Management (BLM) cadastral surveyors discovered a trespass on an isolated, 46-acre tract of public land involving: (1) unauthorized fenced enclosure for hay production and (2) a 15'x24'historic shed. The shed and fencing enclosure were already in existence when Donald E. and Jean Rowlett (Rowletts) bought the non-federal property in 1969. The shed is estimated to be over 50 years old.

The trespass was initially resolved by issuance of an agricultural lease to the Rowletts (under Sec. 302 of the Federal Land Policy and Management Act (P.L. 94-579, as amended) (FLPMA))—Serial No. OR 44943. The last renewal of this lease expired on December 31, 2009. While the lease was a valid existing right as of the time the monument was established (and the Proclamation allows for continuation of valid existing rights), the renewal could only be authorized if it were determined to be consistent with the purposes of the monument. The lease case file documents that the original lease and each renewal were authorized in anticipation of the ultimate goal of completing a land exchange. A third trespass, the Rowlett family cemetery, was discovered during the cultural resource inventory of the federal parcel in 2009.

The BLM is proposing to exchange the 46-acre tract of federal land in T. 40 S. R. 4 E., Section 5, Government Lot 2 for an approximate 40-acre parcel of non-federal land in T. 40 S., R. 4 E., Section 18, portions of Government Lots 2 and 3 (Maps 1-3), pursuant to Section 206 of the

Federal Land Policy and Management Act (FLPMA) of 1976, as amended (43 U.S.C. 1716) and as authorized by Public Law 111-011.

PURPOSE AND NEED

The BLM manages the CSNM in accordance with the direction in CSNM ROD/RMP (USDI 2008), as amended. The CSNM RMP states that "*the BLM may acquire additional lands within the greater monument boundary through purchase and exchange with willing participants. Lands may be acquired by exchange only where the public land involved in the exchange is located outside the CSNM"* (USDI: 103). The RMP was amended in October 2013 to allow land exchanges *where the public land involved in the exchange located inside or outside the boundaries of the CSNM as long as, in either case, the exchange "furthers the protective purposes of the monument."*

On March 30, 2009, Congress gave the Secretary of the Interior the authority to offer to convey federal lands in exchange for non-federal lands owned by the Rowletts. The federal land is <u>within</u> the boundaries of the CSNM. In response to Public Law 111-011, the Medford District BLM is developing a proposal to exchange an isolated federal parcel of land for a parcel of land along Keene Creek that provides habitat for Jenny Creek suckers and redband trout.

PROPOSED ACTION

The proposed action is to exchange a 46.39 acre tract of federal land in T. 40 S. R. 4 E., Section 5, Government Lot 2 for an approximate 40-acre parcel of non-federal land in T. 40 S., R. 4 E., Section 18, portions of Government Lots 2 and 3 (Maps 1-3).

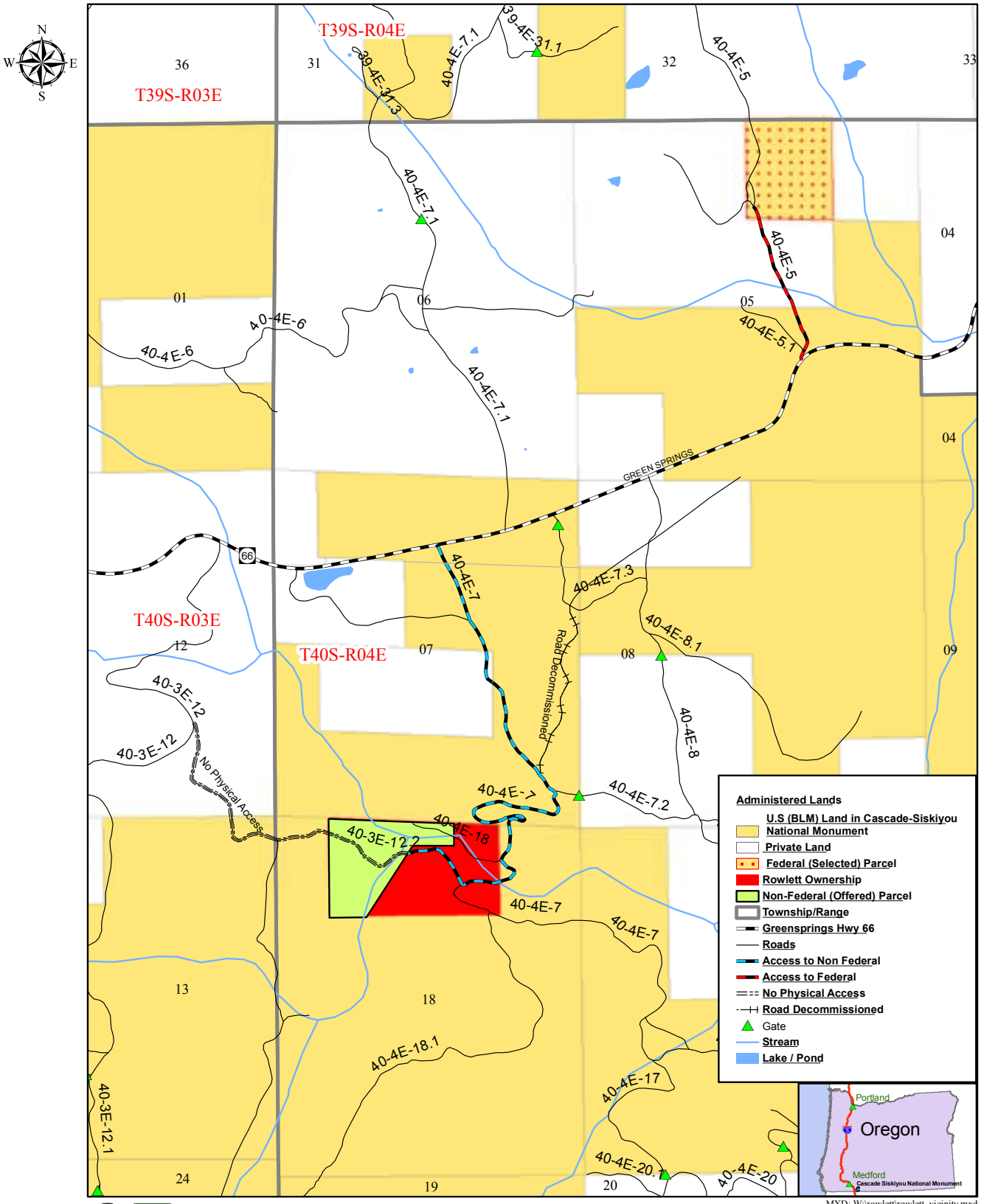
CONFORMANCE WITH EXISTING LAND USE PLANS AND LEGAL REQUIREMENTS

This land exchange proposal is designed to be in conformance with the *Cascade-Siskiyou National Monument* (CSNM) *Record of Decision* (ROD) and *Resource Management Plan* (RMP) (USDI 2008), as amended (USDI 2013). The CSNM ROD/RMP incorporates by reference portions of the Northwest Forest Plan (NFP) (USDA/USDI 1994a), as amended, and the Medford District RMP (USDI 1995) as they are consistent with the presidential proclamation. The analysis supporting this decision tiers to the *Cascade-Siskiyou National Monument Proposed Resource Management Plan/Final Environmental Impact Statement* (USDI 2005).

The Proposed Action and alternatives are compliant with the direction given for the management of public lands in the Medford District by the Oregon and California Lands Act of 1937 (O&C Act), Federal Land Policy and Management Act of 1976 (FLPMA), the Endangered Species Act (ESA) of 1973, the Clean Water Act of 1987, Safe Drinking Water Act of 1974 (as amended 1986 and 1996), Clean Air Act, the Archaeological Resources Protection Act of 1979, the Taylor Grazing Act (TGA) of 1934, the Public Rangelands Improvement Act of 1978, the Wild Free-Roaming Horses and Burros Act of 1971, and the National Environmental Policy Act of 1969.

Map 1: Proposed Action
Rowlett Land Exchange

OR66137 FD/PT



United States Department of the Interior
Bureau of Land Management
Medford District Office
3040 Biddle Road
Medford, Oregon 97504

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources. This information may not meet National Map Accuracy Standards. This product was developed through digital means and may be updated without notification.

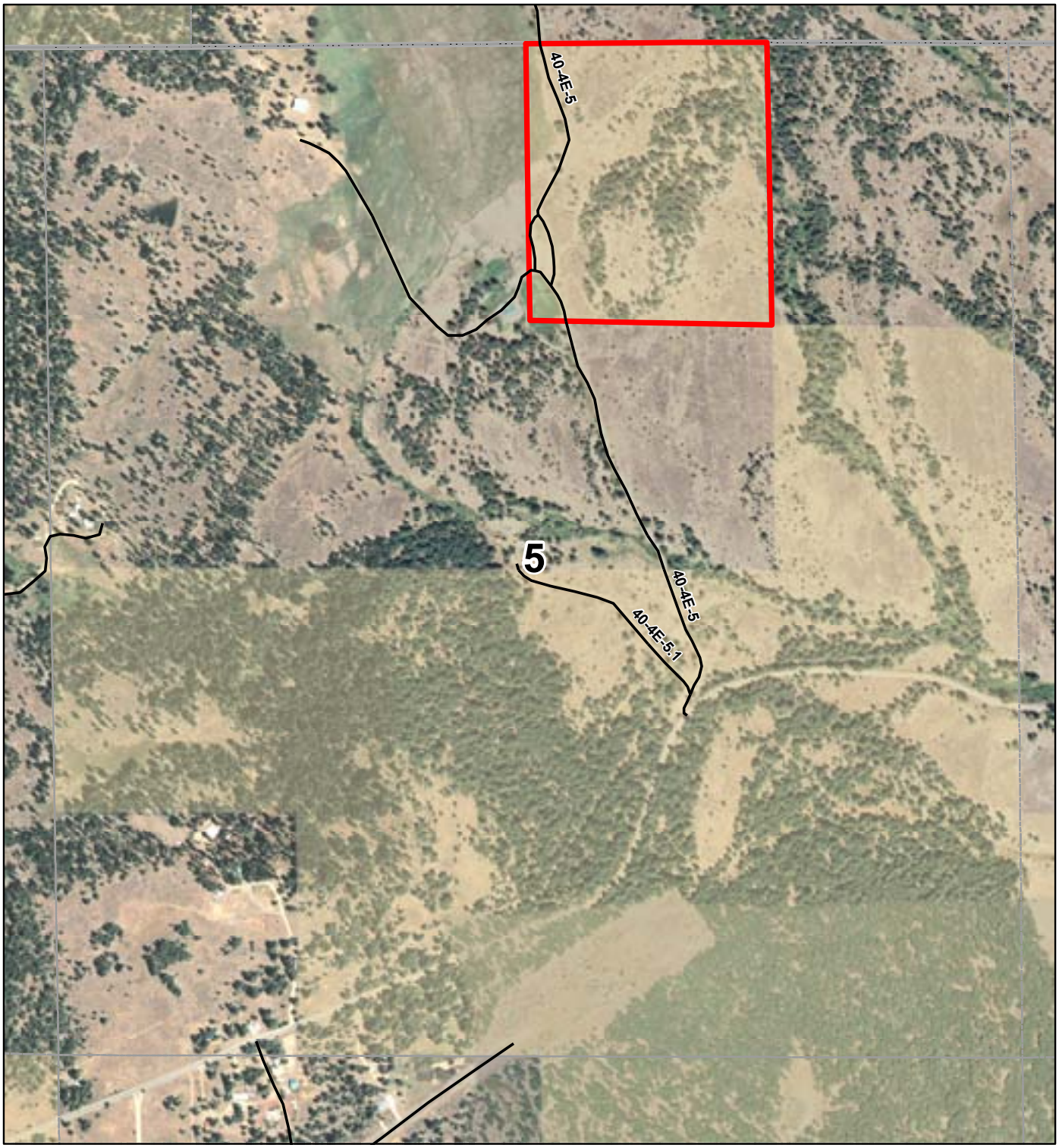
1:24,000

0 0.15 0.3 0.6 Miles

MXD: W:\rowlett\rowlett_vicinity.mxd
Prepared By: ghertz
Current Date: 07/15/2010 02:19:39 PM

Map 2:

Box R Land Exchange
OR 66137 Federal Parcel
T40S R4E Sect 5 Govt Lot 2



Legend

Selected Land

OWNERSHIP

BLM

USFS

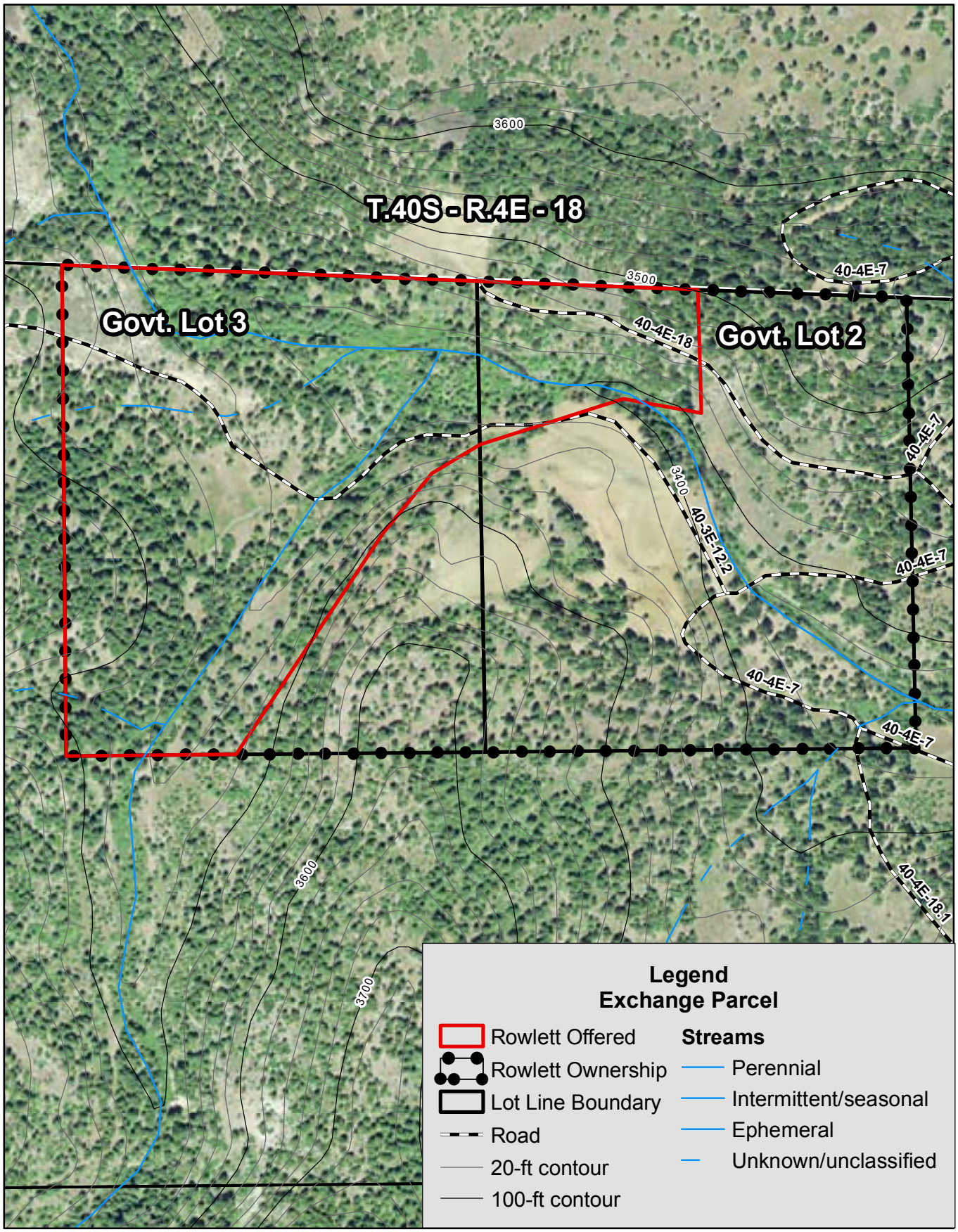
PRIVATE

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources and may be updated without notification.

Prepared By: dassali
Current Date: 10/09/2009 02:54:14 PM

Map 3:

Non-Federal Offered Parcel
Box R (Rowlett) Land Exchange - (OR66137 FD/PT)



United States Department of the Interior
Bureau of Land Management
Medford District Office
3040 Biddle Road
Medford, Oregon 97504

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources. This information may not meet National Map Accuracy Standards. This product was developed through digital means and may be updated without notification.

1:5,000

0 95 190 380 570 760 Feet

MXD: W:\rowlett\box_r_rowlett_exchange.mxd
Prepared By: kminor
Current Date: 02/09/2010 01:00:31 PM

DECISION TO BE MADE

The Medford District Manager, as the responsible official, will make a decision based on the interdisciplinary team's analysis summarized in this Environmental Assessment. The decision will also include a determination of whether or not the impacts of the Proposed Action are significant to the human environment. If the impacts are determined to be insignificant, a Finding of No Significant Impact (FONSI) can be issued and a decision implemented. If this EA determines that the significance of impacts are unknown or greater than those previously analyzed and disclosed in the RMP/FEIS then a project specific environmental impact statement (EIS) must be prepared.

SCOPING AND ISSUES

Scoping is the process the BLM uses to identify issues related to the proposal (40 CFR 1501.7) and determine the extent of environmental analysis necessary for an informed decision. It is used early in the NEPA process to identify (1) the issues to be addressed, (2) the depth of the analysis, and (3) potential environmental impacts of the Proposed Action.

The BLM published a Notice of Exchange Proposal (NOEP) in the *Medford Mail Tribune* on September 10, 17, 24 and October 1, 2013. The NOEP was also mailed to the congressional delegation, State legislators, local government officials, authorized users, adjacent landowners, and other interested parties. The first publication of the NOEP initiated the public scoping period which ended on October 25, 2013. No public comments were received for the proposed land exchange.

The interdisciplinary team (IDT) identified the following land exchange issue: The federal land is revested Oregon and California Railroad Grant Land (O&C Land). Disposal of any O&C Land is subject to a no-net-loss policy in Public Law 105-321.

CHAPTER 2 - ALTERNATIVES

INTRODUCTION

This chapter presents the alternatives considered, including the Proposed Action, in detail, as well as other alternatives considered but not analyzed in detail. A no-action alternative, which assumes a continuance of the existing lease, is presented to form a baseline for analysis.

ALTERNATIVE 1 (NO ACTION)

This alterative would not authorize the proposed land exchange. The trespass would be addressed either through 1) authorize the use under Section 302 of the FLPMA and associated regulations under 43 CFR 2920 or 2) authorize the use with a right-of-way grant under Title V of the FLPMA and related regulations at 43 CFR 2800.

Under either scenario, the Rowletts would be authorized a use of a portion (4.09 acres) of public land in Lot 2 (46-acre BLM parcel) of Section 5, T. 40 S., R. 4 E., W.M. for hay production and pasturage (Map 4). The historic shed (located within the 4.09 acres) and the cemetery would be included as part of the authorized use.

ALTERNATIVE 2 (PROPOSED ACTION)

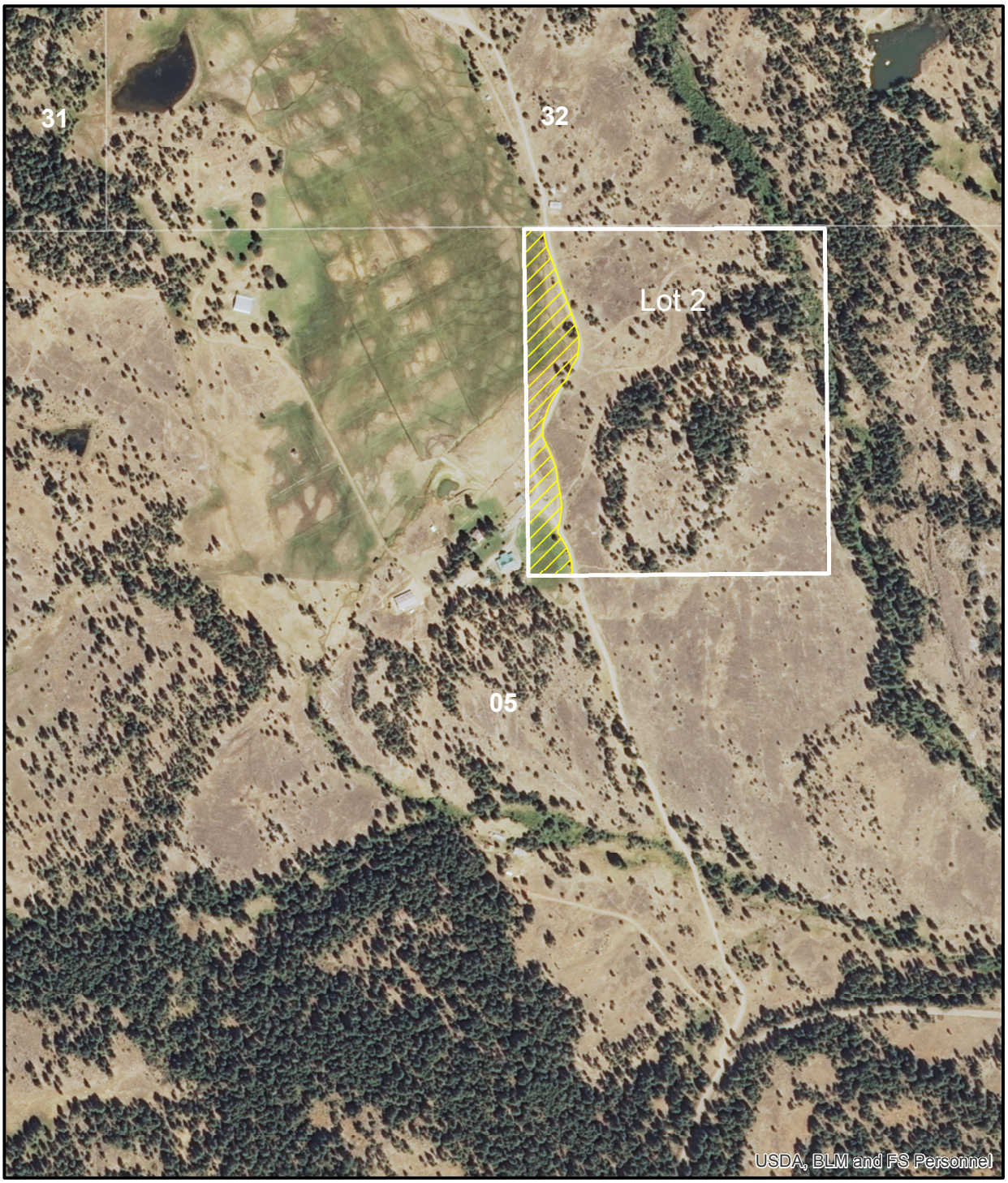
The Proposed Action is to complete the land exchange authorized under Public Law 111-011. The Medford District BLM would exchange an isolated 46-acre tract of federal land in T. 40 S. R. 4 E., Section 5, Government Lot 2 for an approximate 40-acre parcel of non-federal land in T. 40 S., R. 4 E., Section 18, portions of Government Lots 2 and 3 (Maps 1-3).

This land exchange proposes the fee acquisition of a non-federal parcel by the United States (US) in exchange for the conveyance of a federal parcel from the US to the Rowletts. Both parcels include the mineral estate. Both the federal and non-federal lands are located within the boundaries of the CSNM as shown on Map 1 and both are approximately 15 miles southeast of Ashland, Oregon in Jackson County.

The federal parcel is the exact parcel identified in Section 1401, Subtitle E, of Public Law 111-011, and described as follows:

> (2) BUREAU OF LAND MANAGEMENT LAND —The term “Bureau of Land Management land” means the approximately 40 acres of land administered by the Bureau of Land Management identified as “Rowlett Selected,” as generally depicted on the Box R Ranch land exchange map.

Map 4:
Cascade-Siskiyou National Monument
Agriculture Lease OR 44943 (Rowlett)
T. 40 S., R. 4 E., Section 5, Lot 2, W.M.



United States Department of Interior
Bureau of Land Management
Medford District Office
3040 Biddle Road
Medford, Oregon 97504

Legend

Agricultural Lease

Road

The “Box R Ranch Land Exchange Map” found in the legislation is attached as Exhibit A.

The legislation did not include any legal descriptions. However, the BLM Master Title Plat (MTP), properly describes the federal parcel as follows:

> Township 40 South, Range 4 East, Section 5, Government Lot 2
> Willamette Meridian, Jackson County, Oregon.

The MTP describes this federal parcel as containing 46.39 acres. The above description is the exact same parcel as referenced in the legislation (P.L. 111-011) and associated map.

The non-federal parcel is described in Section 1401, Subtitle E, of Public Law 111-011, as follows:

> (12) ROWLETT PARCEL.— The term “Rowlett parcel” means “the parcel of approximately 40 acres of private land identified as ‘“Rowlett Offered,’” as generally depicted on the Box R Ranch land exchange map.

While the legislation did not include any legal descriptions, according to the BLM’s MTP, the non-federal parcel identified in the legislation map (Exhibit A) is properly described as follows:

> Township 40 South, Range 4 East, Section 18, Government Lot 3, Willamette Meridian, Jackson County, Oregon.

The BLM’s MTP for this non-federal parcel describes Government Lot 3 as containing 44.41 acres.

The BLM and the Rowletts subsequently agreed to alter the configuration of the non-federal parcel as described below. The parties agreed that proposed new configuration for the non-federal parcel (identified as the “baseline” parcel on Map 5) is “approximately the same parcel” as described in P.L. 111-011.

The non-federal parcel was reconfigured for the following reasons:

1) The Rowletts own an active commercial rock (shale) pit that extends across the adjacent ownership partially into the non-federal parcel (“Rowlett Offered” parcel described in the legislative map, Exhibit A). They use the pit for commercial sale of rock as well as maintaining the roads throughout their ranch to support their commercial ranching operations. The Rowletts have indicated that the portion of the active pit located on the non-federal land contains about 20 percent of the total available rock and that including the pit in the non-federal parcel description would have a detrimental effect on availability of rock for future operations.

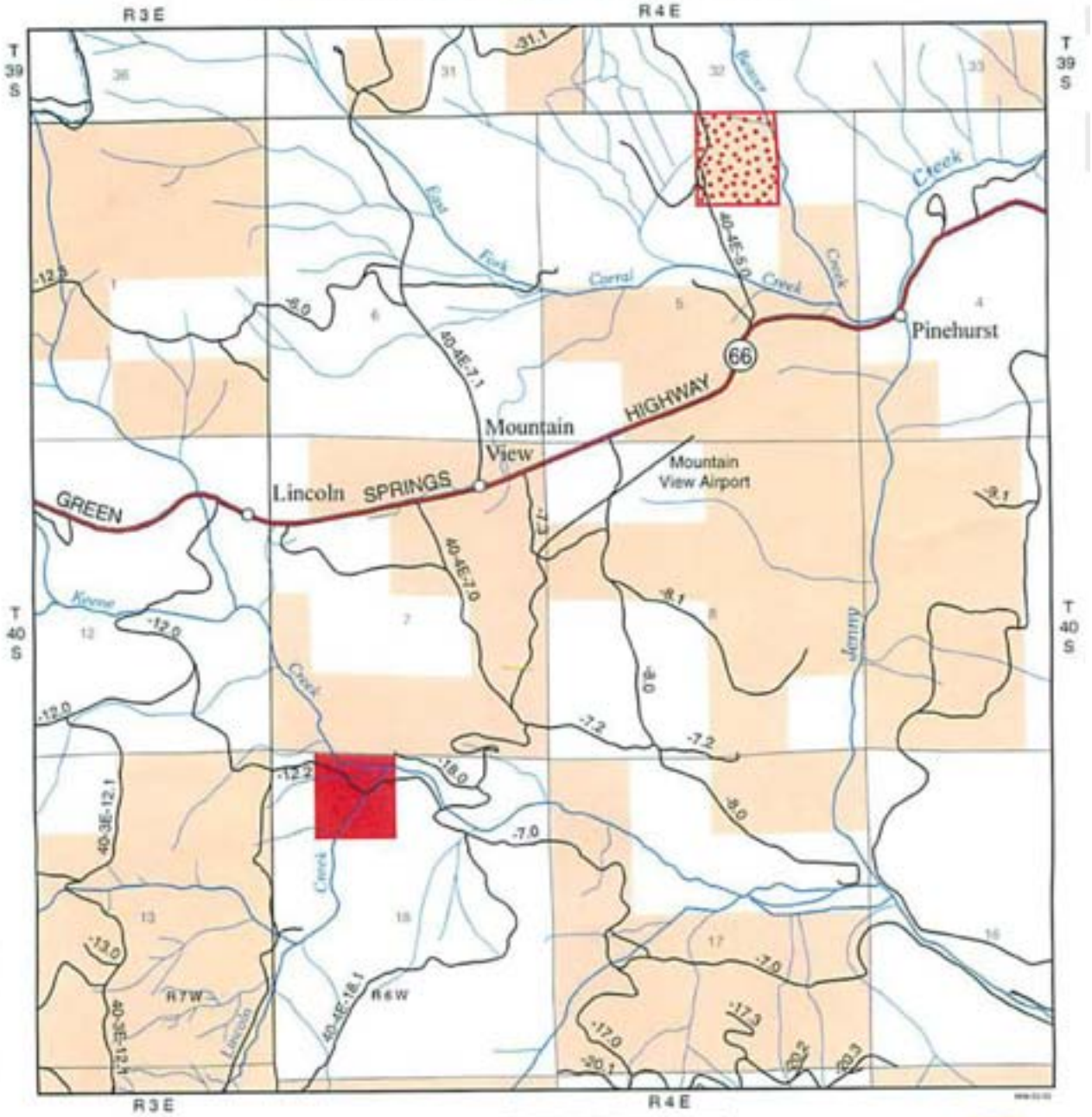
2) While there is riparian habitat in the originally-identified Government Lot 3, Keene Creek extends into the reconfigured portion of the non-federal parcel in Lot 2. The Lot 2 description contains an approximate additional 518 feet of Keene Creek. Keene Creek is

Exhibit A
"Box R Ranch Land Exchange Map"
Referenced in Legislation
(PL 111-01(E)1401(1))

Proposed Rowlett Land Exchange

June 13, 2006

This map prepared at the request of U.S. Senator Gordon Smith



Legend

- Rowlett Offered
- Rowlett Selected

Administered Lands

- Bureau of Land Management Cascade Siskiyou National Monument
- Private or Other

This product was compiled from various sources and may be corrected, updated, modified, or replaced at any time.

0.5 0 0.5 1 Miles

0.5 0 0.5 1 Kilometers

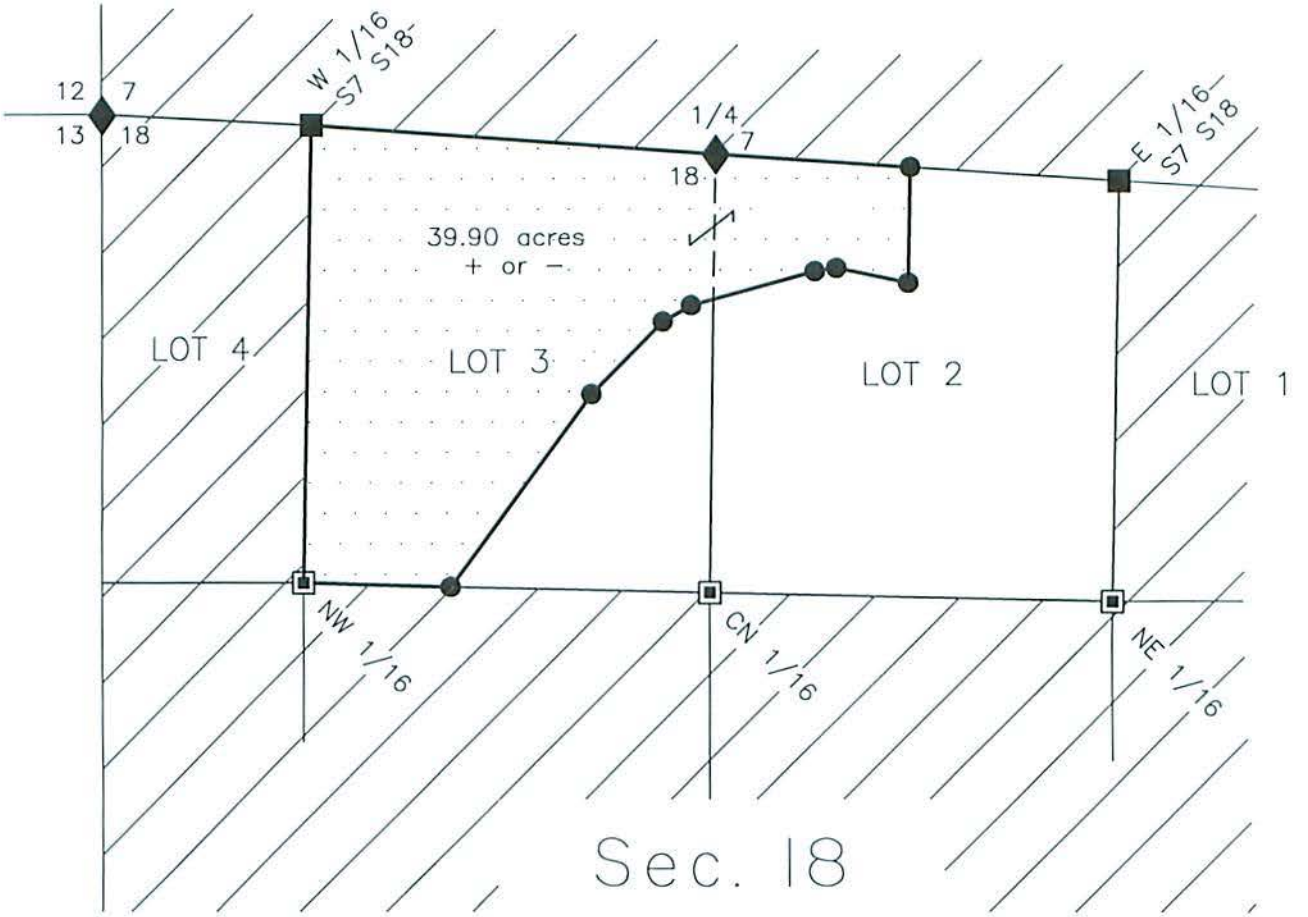
Map 5:

BOX R (ROWLETT) LAND EXCHANGE

TOWNSHIP 40 SOUTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, OR.

NON-FEDERAL PARCEL (OR66137PT) SECTION 18 (PRELIMINARY)

BASELINE - LOCATION DIAGRAM



Non Federal Parcel - Portion of Lot 3, 34.15 acres
and portion of Lot 2, 5.75 acres = 39.90 acres planned (preliminary)

Baseline
Non Federal
selected parcel
(39.90 acres +or-)

Administered
by BLM

- Original corner previously remonumented
- Corner previously established or reestablished
- Local corner to be verified and/or reestablished
- Corner point to be established
- Line to be resurveyed or surveyed

ACAD MAP2008
D: CMMDATA ROW ROWLETTB

an important perennial stream that provides habitat for Jenny Creek suckers and redband trout.

The non-federal parcel would be cut out of the existing parent parcel owned by the Rowletts. It encompasses most of the original Government Lot 3 (in T. 40 S., R. 4 E., Section 18) as identified in Section 1401(12) of Public Law 111-011 and then extends eastward into the Rowletts' adjacent ownership in Government Lot 2 (T. 40 S., R. 4 E., Section 18). This proposed parcel is to be cut out of an approximate 87.03-acre Rowlett parent tract comprised of Government Lot 2 (42.62 acres) and Government Lot 3 (44.41 acres) as shown on Map 5. The reconfigured non-federal parcel (baseline parcel) contains approximately 39.9 acres. The BLM Medford Cadastral Surveyor has conducted a preliminary survey and has provided the following preliminary legal description for this proposed non-federal parcel:

> The non-federal parcel will be cut out of the existing parent parcel owned by the proponent which is currently described as Government Lots 2, and 3, Section 18, Township 40 South, Range 4 East of the Willamette Meridian, Jackson County, Oregon:
>
> A parcel of land located in Government Lots 2 and 3, Section 18, Township 40 South, Range 4 East of the Willamette Meridian, Jackson County, Oregon. More particularly described as follows: Beginning at the 1/4 section corner of sections 7 and 18, (NW Lot 2), Township 40 South, Range 4 East of the Willamette Meridian, Jackson County, Oregon, thence North 87° 03' 00" West along the north line of section 18, 1332.20 feet, more or less to the W 1/16 section corner of sections 7 and 18 (NW Lot 3); thence South 0° 16' 54" East, on the north and south center line of the NW 1/4, of section 18, 1507.25 feet more or less to the NW 1/16 section corner of section 18 (SW Lot 3); thence South 89° 33' 34" East, on the east and west center line of the NW 1/4, of section 18, 482.00 feet; thence North 34° 51'26" East; 783.64 feet; thence North 43° 16' 07" East, 335.55 feet; thence North 60° 17' 15" East, 107.88 feet; thence North 72° 55' 21" East 420.95 feet; thence North 80° 05' 46" East 70.93 feet; thence South 78° 26' 05" East; 240.72; thence North 0° 17' 45" West; 385.77 feet more or less to the north line of section 18; thence North 87° 27' 43" West, on the north line of section 18, 637.20 feet more or less to the point of beginning.

This exchange will be completed on an equal value basis consistent with the regulations at 43 CFR 2200 and will be based on an equalization of values using approved appraisals. In order to minimize the difference in values between the federal and non-federal parcel to the maximum extent possible, two additional options for the non-federal parcel will be considered: 1) Option A parcel containing approximately 34.15 acres and including only that portion of the above legal description lying within Government Lot 3 (Map 6), and 2) Option B parcel containing approximately 46.0 acres which adds additional acreage (to the east) in Government Lot 2 to the non-federal parcel description (Map 7).

The final description will be based on a survey executed and approved by the Bureau of Land Management, Oregon State Office, Branch of Geographic Sciences.

ALTERNATIVE 3 (REMOVAL OF TRESPASS)

This alternative would require removal of the unauthorized outbuilding (shed), fenced enclosure (and discontinue the agricultural use), and cemetery from the public land.

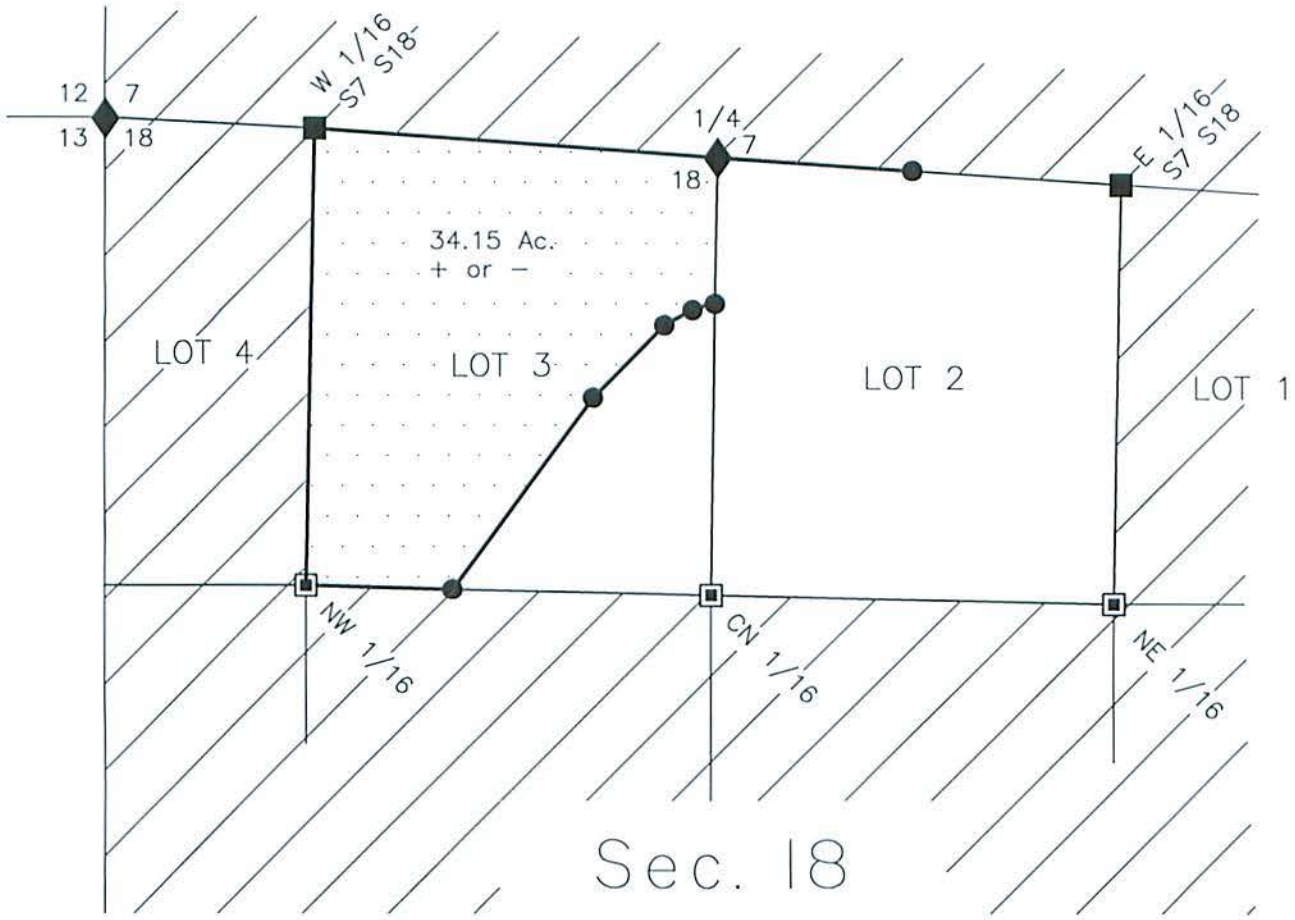
Map 6:

BOX R (ROWLETT) LAND EXCHANGE

TOWNSHIP 40 SOUTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, OR.

NON-FEDERAL PARCEL (OR66137PT) SECTION 18 (PRELIMINARY)

OPTION A (DOWNSIZED) - LOCATION DIAGRAM



Non Federal Parcel - Portion of Lot 3, 34.15 acres

Option A (Downsized) Non Federal selected parcel (34.15 acres +or-)

Administered by BLM

- ◆ Original corner previously remonumented
- ■ Corner previously established or reestablished
- ▣ Local corner to be verified and/or reestablished
- ● Corner point to be established
- —— Line to be resurveyed or surveyed

ACAD MAP2008
D: CMMDATA ROW ROWLETTB

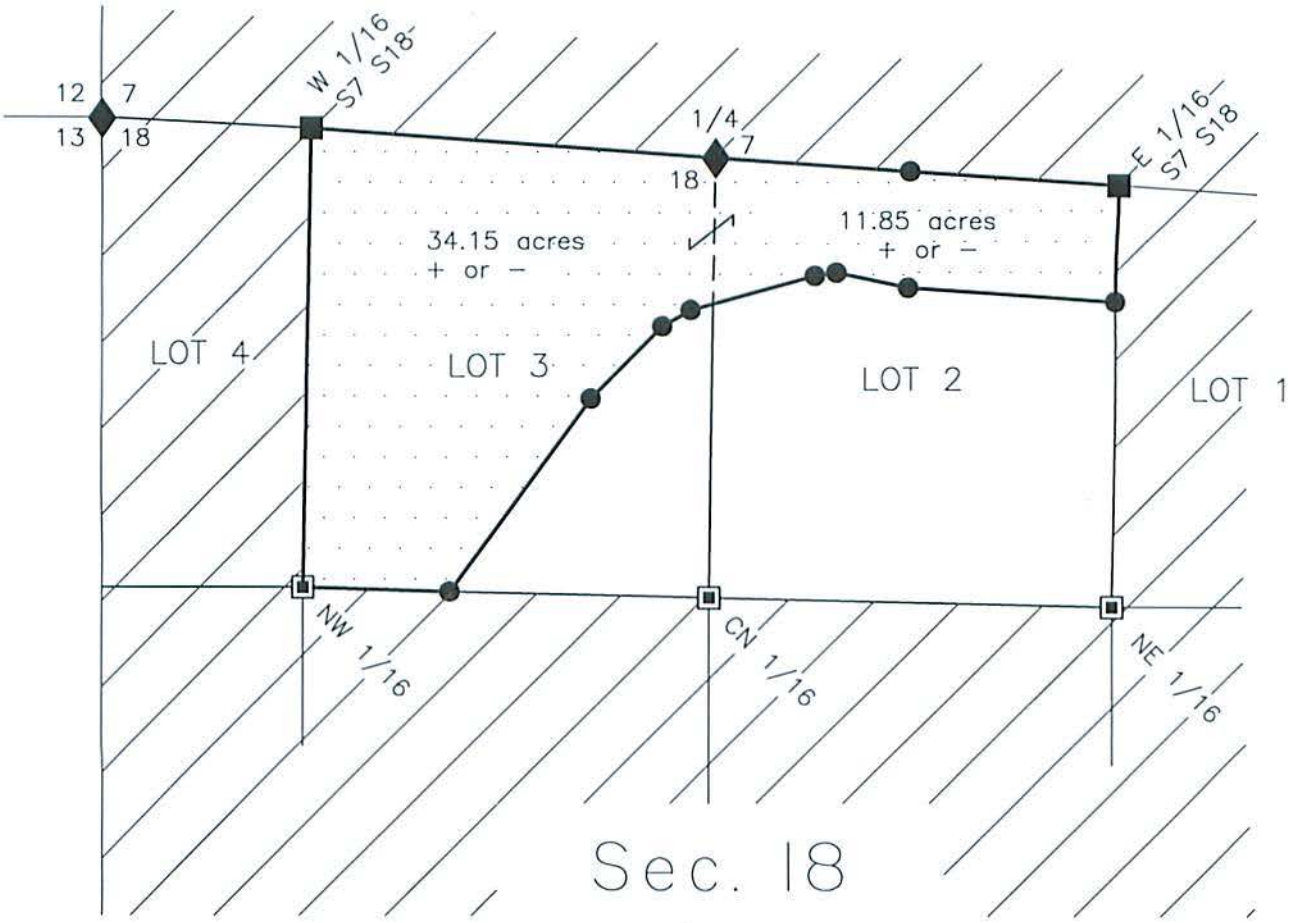
Map 7:

BOX R (ROWLETT) LAND EXCHANGE

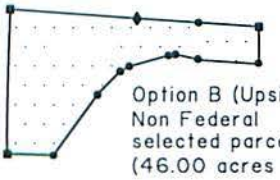
TOWNSHIP 40 SOUTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, OR.

NON-FEDERAL PARCEL (OR66137PT) SECTION 18 (PRELIMINARY)

OPTION B (UPSIZED) - LOCATION DIAGRAM



Non Federal Parcel - Portion of Lot 3, 34.15 acres
and portion of Lot 2, 11.85 acres = 46.00 acres planned (preliminary)



Option B (Upsized)
Non Federal
selected parcel
(46.00 acres +or-)

Administered
by BLM

- Original corner previously remonumented
- Corner previously established or reestablished
- Local corner to be verified and/or reestablished
- Corner point to be established
- Line to be resurveyed or surveyed

ACAD MAP2008
D: CMMDATA ROW ROWLETTB

ALTERNATIVES CONSIDERED BUT ELIMINATED FROM DETAILED ANALYSIS

An alternative to resolve the trespass by selling the land under Section 203 of the FLPMA and related regulations at 43 CFR 2200 was considered, but eliminated from detailed analysis because it would be inconsistent with Presidential Proclamation 7318 that established the monument and with the withdrawal decision VER-3 in CSNM ROD/RMP (2008, pg. 115-117) that, "segregated all federal lands and interests in lands from all forms of entry, location, selection, **sale**, or leasing or other disposition under the public land laws, including but not limited to withdrawal from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing, **other than by exchange that furthers the protective purposes of the monument.**"

CHAPTER 3 - AFFECTED ENVIRONMENT

INTRODUCTION

The Affected Environment section describes the existing conditions of the project planning area and associated analysis areas, and it sets the environmental baseline for comparing the effects of the alternatives, including the No Action Alternative. The affected environment is described to the level of detail needed to determine the significance of impacts to the environment of implementing the Proposed Action or an alternative.

Both parcels proposed for exchange lie within the Cascade-Siskiyou National Monument. The *Cascade-Siskiyou National Monument Draft Resource Management Plan/Environmental Impact Statement* (DEIS) (USDI 2002, pages 13-130), the *Cascade-Siskiyou National Monument Proposed Management Plan/Final Environmental Impact Statement* (FEIS) (USDI 2005) and the *Cascade-Siskiyou National Monument Record of Decision* (ROD) *and Resource Management Plan* (RMP) (USDI 2008) provide detailed descriptions of the affected environment within the CSNM, and are incorporated here by reference.

FEDERAL PARCEL

The federal parcel is a 46-acre isolated tract of BLM land, surrounded by the Rowlett Ranch. The parcel is lightly forested with a few scattered conifers, primarily a grassland/meadow community. A portion of the parcel (within the unauthorized fenced enclosure) has historically been used for hay production and ranching activity.

Trespass

There are three items in trespass on the federal parcel: (1) a fenced enclosure for hay production; (2) a 15’x24’historic shed; and (3) a family cemetery. The shed and the fencing were in existence at the time the property was purchased by the Rowletts in 1969.

Cultural Resources

The BLM District Archaeologist made a preliminary site visit to the federal parcel and three potential cultural features were identified: 1) trace of an old road/trail, 2) an outbuilding (shed), and 3) a family cemetery.

Grazing Lease

There is a current BLM grazing lease (No. 10137) held by Mr. Rowlett for five animal unit months (AUM’s). The allotment includes the federal parcel, the Rowlett ranch to the west and north, and the BLM parcel in the NW¼ NW¼ of Section 32, T 39 S, R 4 E.

Water Right

There is an existing water right for which the “place of use” includes the federal land (Case 122, Claim 171).

Access

There is currently physical access to the property, but not legal road access to the federal parcel. The BLM is authorized to access the parcel to administer the existing grazing lease.

Aquatic Resources

There are no known wetlands on the federal parcel. Approximately 0.1 mile of Beaver Creek and a short section of an unnamed Corral Creek tributary (0.1 mile) flow through the federal parcel. The Oregon Department of Environmental Quality (DEQ) is required by the federal Clean Water Act (CWA) to maintain a list of stream segments that do not meet water quality standards for one or more beneficial uses. This list is called the 303(d) list because of the section of the CWA that makes the requirement. DEQs 2010 303(d) list is the most recent listing of these streams (ODEQ 2012). Beaver Creek within the federal parcel is on DEQs 2010 303(d) list. Beaver Creek is listed for year-around stream temperature (non-spawning core cold water habitat for redband trout from the mouth to stream mile 5.5).

NON-FEDERAL PARCEL

The "baseline" non-federal parcel is 39.9 acres (Map 5). In order to minimize the difference in values between the federal and non-federal parcel, two additional options for the non-federal parcel will be considered: 1) Option A parcel containing approximately 34.15 acres and including the same that portion Government Lot 3 as included in the baseline parcel (Map 6), and 2) Option B parcel containing approximately 46.0 acres which adds additional acreage in Government Lot 2 to the non-federal parcel description (Map 7).

The larger Rowlett parcel from which the non-federal would be carved out of is entirely surrounded by BLM lands. The non-federal parcel is primarily mixed conifer stands with some interspersed grassland/meadow communities. The forested portion on the non-federal parcel contains approximately 35 percent higher volume per acre than the forested portion of the federal parcel.

Access

The approximate 87-acre parent tract out of which the non-federal parcel will be created currently has physical road access from Highway 66 over Road 40-4E-7 to and through this parent parcel. The non-federal parcel being created would also have physical access, using an existing road across the Rowlett remainder parcel (Road 40-3E-12.2).

The non-federal parcel to be cut out of the larger parcel would not have legal access across the remainder of the parent tract (basically over the portion of Lot 2 that would remain in Rowlett ownership) unless an easement was granted by the Rowletts. However, the newly created lot will be immediately adjacent to federal ownership and become a part of the adjacent BLM tax lot (Map No. 4E, Tax Lot 700). Legal access to this newly created parcel once in federal ownership would be served by existing BLM roads across the adjacent U.S. ownership all the way out to State Highway 66.

Aquatic Resources

There are no known wetlands on the non-federal parcel. The non-federal parcel contains longer stream segments. Approximately 0.3 miles of Keene Creek and 0.3 miles of Lincoln Creek flow through the non-federal parcel. Both are perennial streams. Keene Creek is listed is on DEQs 2010 303(d) list for summer stream temperature (rearing habitat (17.8° C)). Keene Creek provides habitat for Jenny Creek suckers and redband trout.

CHAPTER 4 – ENVIRONMENTAL CONSEQUENCES

INTRODUCTION

This chapter forms the scientific and analytical comparison of alternatives and answers the question:

> ***What are the effects of BLM's Proposed Action and alternative actions and what would happen if the BLM did not do this project?***

The impact analysis addresses direct, indirect, and cumulative effects on all identified affected resources of the physical, biological, and human environment.

REVESTED OREGON & CALIFORNIA RAILROAD GRANT LANDS (O&C LANDS) AND NO NET LOSS POLICY

The federal parcel in the proposed exchange is classified as revested Oregon & California Railroad Grant Lands (O&C Lands). As such, disposal of O&C lands is subject to the "No Net Loss Policy," Oregon Public Lands Transfer and Protection Act of 1998, P.L. 105-321, § 3(b), 112 Stat. 3020, 3022 (1998). This policy states:

> In carrying out sales, purchases and exchanges of land in the geographic area, the Secretary shall ensure that on expiration of the 10-year period beginning on the date of the enactment of this Act and on expiration of each 10-year period thereafter, the number of acres of O&C land and CBWR [Coos Bay Wagon Road] land in the geographic area, and the number of acres of O&C land, CBWR land, and public domain land in the geographic area that are available for timber harvesting, are not less than the number of acres of such land on the date of the enactment of this Act.

The BLM Oregon State Office Instruction Memorandum (IM) No. OR-99-081 – No Net Loss Policy – Interpretation and Implementation directs that:

> . . . when selling, purchasing and exchanging land, the BLM may neither:
> 1) reduce the total acres of O&C . . . lands nor 2) reduce the number of acres of O&C lands that are available for timber harvest below what existed on the date of enactment [1998]. The Act requires the BLM to ensure a no net loss of acres on a ten-year basis. The Act applies specifically to the "geographic area" within the boundaries of the Medford, Roseburg, Eugene, Salem and Coos Bay Districts, and the Klamath Falls Resource Area, as those offices were constituted on January 1, 1998.

The Act does not require balancing of acres within an individual county, district, or resource area, but only for the "geographic area" as a whole.

> To simplify compliance, we will not attempt to identify the total acres as of October 30, 1998, or to recalculate total acres every ten years. Instead, we will track the acreage changes as plus or minus based on the acreage figures identified in each individual transaction at the time the decision was made. As long as the total change is either zero or positive, we will be in compliance with the Act.

In Alternative 2 (Propose Action), the federal parcel is slightly larger than the proposed non-federal parcel (as currently configured) by 6.49 acres (federal = 46.39, non-federal = 39.9). The BLM started tracking acres after issuance of IM 99-081 and maintains an excel spreadsheet entitled "Net Loss Summary Table. This table is available for review in the Oregon State Office, Branch of Land, Mineral and Energy Resources. Overall, in the geographical area identified in P.L. 105-321, there is currently a positive net change in O&C lands by 50 acres since 1998. Therefore, the exchange is in compliance with the Act and the IM that provides the Act's implementation guidance. The final acreage figure will be determined after the appraisal process.

Alternatives 1 and 3 do not exchange land ownership and, therefore, have no effect on the No Net Loss Policy for O&C lands.

AQUATIC RESOURCES

Alternatives 1 and 3 do not exchange land ownership and, therefore, have no effect on aquatic resources. Alternative 2 (Proposed Action) would exchange the federal parcel for the non-federal parcel.

Federal Parcel

Approximately 0.1 mile of Beaver Creek and a short section of an unnamed Corral Creek tributary (0.1 mile) flow through the federal parcel. Beaver Creek flows into Corral Creek approximately one-half mile downstream of the parcel and Corral Creek flows into Jenny Creek approximately one-quarter mile downstream. Within the federal parcel, Beaver Creek is down cut, lacks structure, and at the time of the BLM stream survey in 1999, the stream appeared to be vertically and horizontally unstable (USDI 1999). Lacking structure and water for at least part of the year compromises this stream system. The stream segment in the federal parcel is rated as Non-Functional; the stream can no longer access its floodplain. BLM surveys (1999) indicated actively eroding stream banks along 80 percent of the surveyed reach length in the federal parcel. Disposal of this federal property into private ownership would not affect floodplains on this property.

There is an existing water right for which the "place of use" includes the federal land (Case 122, Claim 171). Since the claimant is Donald E. Rowlett, there would be no need to convey the water right to the new owner upon completion of this land exchange.

Non-Federal

Approximately 0.3 miles of Keene Creek and 0.3 miles of Lincoln Creek flow through the non-federal parcel. Both are perennial streams. Keene Creek provides habitat for Jenny Creek suckers and redband trout. BLM stream surveys were not completed for the streams in this parcel as it is privately owned. A small segment of Keene Creek in the western-most portion of the parcel was photographed in 1999 when the stream survey crew was surveying Keene Creek in Section 7 to the north. Stream surveys would be a part of the monitoring of the CSNM upon acquisition of this parcel. The photograph shows that the stream banks are eroding and down cut, but it is likely that during a high water event, the stream is capable of accessing its

floodplain. Recent field visits to the area indicate that there are areas along Keene Creek, particularly near its confluence with Lincoln Creek, where the stream gradient is relatively flat and the stream can easily access its floodplain. An old road was built along the stream channel of a segment of Lincoln Creek within the non-federal parcel. The creek now flows in the roadbed. Acquiring this parcel would also allow the BLM to implement restoration along these stream reaches improving floodplain access.

BOTANY

Alternatives 1 and 3 do not exchange land ownership and, therefore, have no effect on botanical resources. Similar plant species were found on both the federal and the non-federal parcels during surveys. No noxious weeds were found on the federal parcel; Canada thistle and starthistle were discovered on the non-federal parcel. Under Alternative 2 (Proposed Action), noxious weeds would be treated upon acquisition of the non-federal parcel.

TERRESTRIAL WILDLIFE

Alternatives 1 and 3 do not exchange land ownership and, therefore, have no effect on wildlife species or habitat. Alternative 2 (Proposed Action) would implement an exchange that would consolidate federal ownership within the CSNM by transferring adjacent private land (non-federal parcel) and consolidating it with a large block of public land. This would provide additional habitat and connectivity for wildlife. The federal parcel that would be transferred into private ownership is surrounded by the Rowlett's ranch and lacks habitat connectivity for wildlife species that are affected by ranching activities.

CULTURAL RESOURCES

The BLM District Archaeologist made a preliminary site visit to the federal parcel and three potential cultural features were identified: 1) trace of an old road/trail, 2) an outbuilding (shed), and 3) a family cemetery.

There are 8-10 burial plots in the cemetery. Each plot is distinguished from the others by small stones placed on the ground surface in a rectangular fashion. Most of the burial plots have head stones or grave markers. A few of the headstones, and by extension the burials, have been established within the last four to ten years. According to Jessie Rowlett (daughter of Donald and Jean), the gravesites all contain family members or, in some cases, family pets. Names on the headstones support this.

A trace of an old, single-track, road passes through the northern portion of the parcel. Whether that segment of road is an historic road or trail, or a user-created contemporary road that has fallen into disuse with the passage of time, is currently not known.

A 100-percent cultural resource survey was conducted across the BLM parcel in July of 2010. Both the single-track road and the cemetery were recorded. Evaluation of those two features determined that neither the road nor cemetery is considered eligible for listing to the National Register of Historic Places, pursuant to the criteria discussed below. No other archaeological sites were encountered during the course of the cultural resource survey. The BLM crafted a cultural resource report documenting its findings and submitted that report to the State Historic

Preservation Office (SHPO) for a 30-day review and comment period. The BLM maintained in their report that no significant sites would be affected as a result of the land transfer under Alternative 2 (Proposed Action). The SHPO concurred with the BLM's conclusion.

The existing outbuilding on the property, while being over 50 years old, was not documented because it was not considered to be significant. Age alone does not constitute significance. In order for a property to be considered significant, and therefore eligible for listing on the National Register of National Places, it must: 1) be associated with events that have made a significant contribution to the broad patterns of history, 2) be associated with the lives of persons significant in our past, 3) embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction, or 4) have yielded, or may be likely to yield, information important in prehistory or history. A significant property must also possess integrity of location, design, setting, materials, workmanship, feeling, and association (Dworsky et. al., 1983). This outbuilding does not meet any of the above criteria for significance and therefore does not warrant any further study or documentation.

Alternative 1 (No Action) would not affect the current condition for cultural resources as land ownership would not change. Alternative 2 (Proposed Action) resolve the inadvertent trespass on public land; allow the historical use of the federal parcel for hay production and storage to continue in private ownership; and allow the family cemetery to remain undisturbed. Alternative 3 would require removal of the unauthorized outbuilding (shed), fenced enclosure (and discontinue the agricultural use), and cemetery from the public land.

RECREATION

Alternatives 1 and 3 do not exchange land ownership and, therefore, do not change the existing condition for recreation. The BLM does not currently have legal access to the federal parcel and it is within the Rowlett ranch. It currently provides no recreation opportunities to the public.

Acquisition of the non-federal parcel under Alternative 2 (Proposed Action) would enhance recreation opportunities in the CSNM. The non-federal parcel is surrounded on three sides by adjacent federal ownership that is unencumbered by improvements. The non-federal parcel has physical road access and once the parcel is acquired by the United States, it will also have public access over the adjacent public land, which would make the parcel available to public recreation opportunities. Therefore, the exchange would facilitate both the expansion and enhancement of recreation opportunities.

ENVIRONMENTAL JUSTICE

This project was reviewed for the potential for disproportionately high or adverse effects on minority or low-income populations; no adverse impacts to minority or low-income populations would occur, per Executive Order 12898 (Environmental Justice).

CUMULATIVE IMPACTS

The analysis of cumulative impacts considers the cumulative impact the proposal would have

with past, present and reasonably foreseeable future actions within the geographic area. This geographic area consists of the entirety of the Cascade-Siskiyou National Monument (approximately 62,340 acres). Ongoing activities within the CSNM include road decommissioning; planning for thinning in existing plantations and fuel treatments in the Wildland Urban Interface (WUI); acquisition of private properties within the CSNM (9,400 acres to date); monitoring; restoration of wildlife sites; noxious weed treatments; trail maintenance; and road maintenance.

Alternative 1 (No Action) would not alter the current condition of either the federal or non-federal parcel. The trespass would be addressed either through 1) authorize the use under Section 302 of the FLPMA and associated regulations under 43 CFR 2920, or 2) authorize the use with a right-of-way grant under Title V of the FLPMA and related regulations at 43 CFR 2800. The fence, shed, and cemetery would remain and a portion of the federal parcel would continue to be used for hay production and pasturage.

The CSNM stands to gain significant resource values as a result of the land exchange under Alternative 2 (Proposed Action):

- The exchange would consolidate federal ownership within the CSNM by transferring adjacent private land (non-federal parcel) and consolidating it with a large block of public land.

- Disposal of the federal parcel would eliminate the management problems associated with the isolated 40-acre parcel of public land which lacks legal access and is completely surrounded by private land.

- The exchange would resolve a long-standing inadvertent trespass on public lands within the boundary of the CSNM.

- Acquisition of the non-federal parcel would transfer into public ownership 0.3 miles of Lincoln Creek and between 0.2 miles and 0.3 miles of Keene Creek (depending on which configuration is ultimately transferred after the final parcel-size adjustment based on the appraisal). Both of these creeks contain valuable riparian and fisheries habitat that would be protected as part of the CSNM including:

    - Keene Creek and Lincoln Creek are perennial streams and provide valuable riparian habitat.

    - The acquisition would increase the amount of important fish habitat in Keene Creek for the Jenny Creek sucker and redband trout (both listed on the Bureau Special Status Species List as sensitive fish species). Keene Creek is listed is on DEQs 2010 303(d) list for summer stream temperature (rearing habitat (17.8° C)) and as such it provides fishery habitat for the Jenny Creek sucker and the redband trout.

- The exchange will facilitate both the expansion and enhancement of recreation opportunities by consolidating federal ownership with public access. The non-federal

parcel is surrounded on three sides by adjacent federal ownership that is unencumbered by improvements. After acquisition there will be public access over the adjacent public land, which would make the parcel available to public recreation opportunities.

Alternative 2 (Proposed Action) meets the intent of the Proclamation as it "furthers the protective purposes of the monument" because: 1) the federal land is developed and encumbered and the use currently interferes with the management objectives of the CSNM, and 2) the non-federal land is in an undisturbed ecological natural condition (consistent with the management objectives of the CSNM).

Alternative 3 exchange land ownership and would continue management problems associated with the isolated 40-acre parcel of public land which lacks legal access and is completely surrounded by private land. Alternative 3 would require removal of the unauthorized outbuilding (shed), fenced enclosure (and discontinue the agricultural use), and cemetery from the public land.

Neither the Proposed Action nor one of the alternatives would result in cumulatively significant impacts when considered in combinations with existing or potential activities within the geographic area.

CHAPTER 5 - PUBLIC PARTICIPATION

The BLM published a Notice of Exchange Proposal (NOEP) in the *Medford Mail Tribune* on September 10, 17, 24 and October 1, 2013. The NOEP was also mailed to the congressional delegation, State legislators, local government officials, authorized users, adjacent landowners, and other interested parties. The first publication of the NOEP initiated the public scoping period which ended on October 25, 2013. No public comments were received for the proposed land exchange.

The Medford District BLM, in meeting its responsibilities under the National Historic Preservation Act (as amended), has consulted with tribal representatives whom the tribal governments have designated for this purpose. Letters were sent certified mail to the Klamath Tribes and the Quartz Valley Indian Reservation, tribes on March 17, 2010. Review and comments of the proposed land exchanges were to be received by April 30, 2010. No such review or comments have been received by the Medford District BLM office.

REFERENCES

Dworsky, Donald, Virginia McVarish, Kate M. Perry, and Susan Mead Robinson 1983 "Federal Law," *A Handbook on Historic Preservation Law*. Edited by Christopher J. Duerksen, p. 199. The Conservation Foundation and The National Center for Preservation Law. Washington D.C.

United States. Cong. The Omnibus Public Land Management Act of 2009. Public Law 111-11 (123 Stat. 991), 111th Congress. March 30, 2009. Washington: GPO, 2009. Print.

United States. Cong. Oregon Public Lands Transfer and Protection Act of 1998, P.L. 105-321, § 3(b), 112 Stat. 3020, 3022 (1998). Washington: GPO, 1998. Print.

USDI Bureau of Land Management. 2008. Cascade-Siskiyou National Monument Record of Decision and Resource Management Plan. Medford District Office, Medford, Oregon.

USDI Bureau of Land Management. 2005. Cascade-Siskiyou National Monument Proposed Resource Management Plan/Final Environmental Impact Statement. Medford District Office, Medford, Oregon.

USDA Bureau of Land Management. 1998. District integrated weed management plan and environmental assessment (EA #OR-110-98-14). Medford District Office, Medford, Oregon.

USDI Bureau of Land Management. 2002. Cascade-Siskiyou National Monument Draft Resource Management Plan/Environmental Impact Statement. Medford District Office, Medford, Oregon.

USDI Bureau of Land Management. 1999. Oregon State Office Instruction Memorandum (IM) No. OR-99-081 – No Net Loss Policy – Interpretation and Implementation, Portland, Oregon.