RESOURCE AREA: Klamath Falls

FY& EA #: OR-014-04-02

ACTION/TITLE: Bonanza View Dairy-DeJong Direct Land Sale- OR58506

LOCATION: Klamath Falls Resource Area

FOR FURTHER INFORMATION CONTACT:

   Linda Younger
   Klamath Falls Resource Area, BLM
   2795 Anderson Avenue, Bldg. 25
   Klamath Falls, OR 97603
   541-883-6916

FREEDOM OF INFORMATION ACT AND RESPONDENT'S PERSONAL PRIVACY INTERESTS: The Bureau of Land Management is soliciting comments on this Environmental Assessment. Comments, including names and street addresses of respondents, will be available for public review at the above address during regular business hours. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.
I. Introduction

Purpose and Need

The Klamath Falls Resource Area, Lakeview District, Bureau of Land Management (BLM) has negotiated with Bonanza View Dairy (Elso and Arie DeJong), for several years and had requested an exclusive easement thru Mr. Elso DeJongs property to access 1200 acres of BLM administered lands. During the negotiations and surveys, it was discovered Mr. DeJong had trespassed on two small parcels of adjoining BLM lands. Lot 1 has a solid waste treatment pond and lot 4 has an agriculture trespass on it. It was agreed we would sell Mr. DeJong those two lots and use of an irrigation ditch as a negotiated trade for the Easement that was proposed. The easement (OR 10118) was granted from Elso and Dita DeJong, on September 14, 1972, to BLM. BLM paid $115.00 and other considerations for this easement. The trespass area now has had an accurate land survey completed on April 23, 2002. The parcels surveyed are a total of 8.78 acres. Lot 1 is 3.78 acres in size and Lot 4 is 5 acres in size.

The affected public lands are described as following:

T. 39 S., R. 11 E., Sec. 21, lots 1 & 4. Willamette Meridian, Klamath County, Oregon.
See Map A.

This request is also being considered to meet Congressional instructions to compensate Klamath County for the loss of local tax revenues associated with acquisition of the Wood River Ranch.

The purpose of this environmental assessment is to identify, analyze, and reduce, where possible, any potential impacts associated with sale of these public lands, if approved.

Conformance with Applicable Land Use Plan

Sale of these 8.78 acres of public land conforms to the Klamath Falls Resource Area Record of Decision and the RMP amendment of October 1998. The subject land would have been identified as Zone 1, retain land in Resource Management Plan (RMP), (approved June 2, 1995 1-7 of Appendix I). The 1998 Amendment changed encroachments and survey hiatus discoveries to Zone 3, therefore making it available for disposal by sale or exchange, The amendment states; "The Plan Amendment would also amend the RMP to place lands resulting from survey hiatuses and unintentional encroachments on public land, which are discovered in the future, into Land Tenure Zone 3. Any future disposal actions would be required to meet the RMP criteria. Lands affected by this amendment may be retained if the consultations, clearances, reports, or Environmental Assessment show any resource values worthy of permanent Federal retention."
Public Involvement

A legal notice was published in the Klamath Falls Herald and News newspaper on January 26, 2004, notifying the public of the possible land sale and soliciting their participation. Also, notification was mailed to individuals (listed) who have expressed interest in the sale of public land and other local government offices. Adjacent land owners of surrounding lands were notified. No comments were received in response to either the public notice or the letters to individuals.

II. Proposed Action and Alternatives

There are three alternatives: Alternative A - Proposed Action: Disposal of Public Lands by direct sale, Alternative B Lease of Public lands, and Alternative C - No Action. No other alternatives are proposed because the original request is specific to those public lands between BLM and Mr. DeJong’s private property.

Alternative A - Proposed Action: Disposal of Public Lands by Sale

The proposed action is to sell 8.78 acres of BLM-administered public land by direct sale to the Bonanza View Dairy, Arie DeJong, for the appraised fair market value of the property. The sale would include the surface and mineral estates, except oil and gas and geothermal resources which would be reserved to the United States.

Alternative B: Lease the Public Land

Under this alternative, the subject 8.78 acres of public land would be retained in public ownership. Mr. DeJong would be issued a land use lease pursuant to 43 CFR 2920. The public land would be leased at fair market value, as determined by appraisal.

Alternative C: No Action

Under this alternative, the subject 8.78 acres of public land would be retained in public ownership. Mr. DeJong would have to restore the land to its original condition.

III. Affected Environment

The 8.78 acres of BLM-administered lands are located approximately ¼ miles from the #1097 Road, Harpold-Bonanza cut-off road. The property consists of two isolated parcels totaling 8.78 acres that is adjacent to Mr. DeJong’s property. The property Lot 1, has Mr. DeJong’s animal solid waste pond on it, and Lot 4 has an agriculture trespass located on it.

Soils

Portions of Calimus soil within this area, and most particularly within sale area has 2-5 percent slope. Calimus loam is well drained soil on terraces and alluvial fans near the edge of warmer basins. Nearly all areas of this soil were leveled for irrigation, but some areas now make up part
of the suburban area south of Klamath Falls. Permeability is moderate. Roots commonly penetrate to a depth of 60 inches. Runoff is slow and the hazard of erosion is slight. This soil is good for crops and sprinkler irrigation.

**Vegetation**
No plant survey was conducted.

**Special Status Species**
No botanical surveys were conducted or are needed due to the fundamental alteration of habitat.

**Noxious Weeds**
See above

**Wildlife**
Refer to the Final Klamath Falls Resource Area Resource Management Plan and Environmental Impact Statement, September 1994, for a discussion of wildlife species likely to occur on these public lands. No Threatened or endangered species are suspected in the area. The area does contain big game habitat, primarily used by deer.

**Grazing**
The lands described in the proposed action lie within the Harpold Ridge allotment (#0851) which is leased to Mike Connelly for grazing purposes. This allotment is 1,043 acres in size and has a season-of-use of 4/21 to 6/30 for 107 AUMs (46 head of cattle). The forage on the allotment is a mix of seeded and native grasses primarily found in the old “chained” portions on the top and west face of Harpold Ridge. The proposed sale lands are not in the chained area and provide no significant grazing values for livestock.

**Cultural Resource**
The project area falls within the ethnographic territory of the Modoc. The subsistence patterns of the Modoc revolved around the hunting of upland game, gathering roots such as epos or Ipos (*Perideridia* sp.) and camas (*Camassia quamash*), and fishing in Lost River for suckers (*Deltistes luxatus*) and rainbow trout (*Oncorhynchus mykiss* sp.). Their permanent village sites tended to be in the lowlands around Lost River. Sites in the uplands tended to be temporary task-related sites associated with hunting and gathering activities.

Historically, fur trappers from the Hudson’s Bay Company were the first Euroamericans to arrive in the Klamath Basin in the mid 1820s. In 1864, The Modoc, along with the Klamath, and Yahooskin Band of Snake Indians, ceded their territories to the United States. Euroamericans began homesteading the region in the 1860s - 70s. The town of Bonanza, located near the project area, opened a post office in 1875. By 1878, a saw mill had been built in Bonanza. Early settlement focused on cattle ranching, farming, and logging (Follansbee and Pollock 1978).

Follansbee, Julia A. and Nancy L. Pollock
IV. Environmental Impacts

In addition to the following, see Exhibit A Tables 1 & 2 for summaries of other resource element impacts. Because of the recent public lands survey, we now know that the public lands have been used for agricultural purposes since about 1955 when M.V. Sewald, (DeJong’s predecessor) obtained a right-of-way for an irrigation ditch that divided the public lands into a “grazed upland” and “agricultural lowland”. A road and barbed wire fence were subsequently constructed down hill and parallel to the ditch, further isolating the lowland parcel of public land and giving the impression the public lands were privately owned.

Impacts from the sale or lease of the public lands would be the same because there would be no change in the use of the public lands. The manure settling pond and alfalfa farming would continue under both alternatives A and B.

Environmental Justice

No disproportionately high or adverse human health or environmental effects to low income or minority populations are expected to result from the proposed sale of the 8.78 acres of public land

Alternative A - Proposed Action

Positive or negative impacts could occur with any disposal of public land because the BLM would no longer have authority to control management of the lands and resources after the title passes into private ownership. Land and resource management on disposed lands would be at the discretion of the new owner, subject to reserved Federal interests, State laws, regulations, local zoning, and land use ordinances. For analysis purposes, it is reasonable to assume that the public lands would be used as it has in the past.

Grazing

The loss of the lands described in the proposed action would have no impact on the grazing capacity of the Harpold Ridge allotment; thus, no reduction in the grazing lease is necessary or proposed. The new owner of the lands (DeJong) may continue to graze the lands, but the nature of the two parcels (a highly disturbed settling pond and alfalfa field) are not conducive to extensive livestock grazing, with the possible exception of grazing use of the alfalfa stubble in the fall. In summary, there is no impact to livestock grazing positively or negatively by either the Proposed Action or the No Action alternative.

Minerals

Leaseable (oil, gas and geothermal) mineral resources would not be affected by the sale because the United States would retain ownership of them. Even after the sale the United States could issue leases to these resources but the leases may contain no surface occupancy stipulations or conditions to require the lessee to complete cooperative agreement(s) with land owner(s) prior to activity on split estate leases. There is no known potential for precious or base metal resources on the lands affected by the sale. There is moderate potential for the occurrence of
diatomite, but a very low likelihood that any development would occur. The potential for the occurrence of aggregate or quarry rock is considered to be low and because of the apparent poor quality of the material, the likelihood for development is practically non-existent.

Vegetation
There is little natural vegetation located on the parcels to be purchased. No vegetation is located at the solid waste site, parcel 1, and mostly planted alfalfa is located on the parcel 4.

Wildlife
The present use of the 8.78 acres is expected to continue. There should be no impact, positive or negative, to wildlife.

Cultural Resources
A cultural resources inventory was conducted in July, 2003. No historic or prehistoric resources were identified within the area proposed for sale. However, a historic refuse scatter dating to the 1930s – 1940s was identified and recorded immediately adjacent to the subject property. This historic resource will continue to be managed by the BLM. Thus, impacts to cultural resources are not anticipated from the sale of the public lands.

Alternative B:
Under this alternative, the subject 8.78 acres of public land would be retained in public ownership. Mr. DeJong would be issued a land use lease pursuant to 43 CFR 2920. The public land would be leased at fair market value, as determined by appraisal. The lands described would remain the same, but Mr. DeJong would be paying a rental fee for the land he is using.

Alternative C: No Action
Under this alternative the public lands would remain in public ownership and the above impacts would not occur. BLM would require reclamation of the parcels, by Mr. DeJong, and Bonanza View Dairy.
V. Consultation and Coordination

Preparers       Resource Responsibility
Don Hoffheins   -Planner
Linda Younger   -Realty/Writer
Dana Eckard/Bill Lindsey -Range
Scott Senter    -Recreation
Gayle Sitter    -Wildlife
Lou Whiteaker   -Botany
Tim Canaday     -Cultural Resources
Mike Cutler     -Soils
Rebecca Lange   -District Geologist
Tom Cottingham -Hazmat and Safety

Agencies/Groups Contacted

Oregon Department of Fish and Wildlife
Oregon State Historic Preservation Officer
Oregon Natural Resources Council
The Klamath Tribes
Oregon Government Offices
U.S. fish and Wildlife Service
Klamath County

Individuals Contacted

Bonanza View Dairy  Eric Bondshu  Dr. Albert Wedam
Dave Buchanan       Susan Duchume  Earl W. Wiersma
Tom Harris          W.G. Jump     Jan Wright
John & Edna Lilly   Joanne Mack, Ph.D. Karl Schwartz
Margaret McKinsey   Dan Applebaker  Carl R. Stepp
Frederick W. Booth III Regina Chichizola Ray West
James B. Grimes     Dino Herrera  Bruce Wirth
William D. Kennedy  Dick Leever    Carl Zimmermann
Dr. David London    Ken Mastenj
Susan Parsons       Darrel Bagley
Anston L. Bruner    Richard Dixon
Cliff Guymon        Jerry Jones
Tom Loustalet       Mary Jo Matthews
Carl Rajnus         Donald M. Roeder
Robert & Marilyn Stewart Maribeth G. Zwick
Jeanne Roster       Cody Smith

Exhibit A - Summary of Resource Elements and Impacts
## Table 1. Summary of Potential Impacts to Critical Elements of the Human Environment (For Alternative A- Proposed Action only)

<table>
<thead>
<tr>
<th>Critical Element</th>
<th>Environmental Impact</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air Quality</td>
<td>None</td>
<td>No change in use is anticipated, therefore no air quality impacts are expected.</td>
</tr>
<tr>
<td>Areas of Critical Environmental Concern (ACEC)</td>
<td>None</td>
<td>The lands proposed for sale are not within an existing or proposed ACEC.</td>
</tr>
<tr>
<td>Prime or Unique Farmlands</td>
<td>None</td>
<td>Parcel Lot 1 has a solid waste pond located on it. Parcel Lot 4 is under cultivation at present time.</td>
</tr>
<tr>
<td>Flood Plains</td>
<td>None</td>
<td>Soils in portions of the trespass area are derived from riverline/lake deposits, suggesting that it may be on the 500 year floodplain. Not the active Lost River floodplain however.</td>
</tr>
<tr>
<td>Native American Religious Concerns</td>
<td>None Known</td>
<td>A cultural survey of the property has been completed &amp; no cultural resources found. The Klamath Tribes were sent a letter giving them notice of potential sale. No comments were received from the Tribes.</td>
</tr>
<tr>
<td>Threatened or Endangered Species, Special Status Species</td>
<td>None Known</td>
<td>Plant surveys have been conducted on the property proposed for sale and on adjacent and nearby public lands for other activities. No Threatened or Endangered Species or Special Status Species have been found or expected on the property proposed for sale.</td>
</tr>
<tr>
<td>Hazardous or Solid Wastes</td>
<td>None Known</td>
<td>(see Initial Assessment Report in the land sale case file).</td>
</tr>
<tr>
<td>Water Quality</td>
<td>None</td>
<td>There are no surface waters on the subject property. The ponds are lined.</td>
</tr>
<tr>
<td>Wetland/Riparian Zones</td>
<td>None</td>
<td>The property proposed for sale is not within a wetland or riparian area.</td>
</tr>
<tr>
<td>Wild and Scenic River</td>
<td>None</td>
<td>Property is outside the Klamath River corridor, the only designated river segment within the Klamath Falls Resource Area.</td>
</tr>
<tr>
<td>Cultural Resources</td>
<td>None anticipated</td>
<td>A cultural resource survey was conducted and no prehistoric or historic sites were found.</td>
</tr>
<tr>
<td>Wilderness Areas</td>
<td>None</td>
<td>No wilderness areas are on or adjacent to this property.</td>
</tr>
</tbody>
</table>
Table 2. Summary of Elements of Other Resources

<table>
<thead>
<tr>
<th>Resource</th>
<th>Environmental Impact</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wild Horse and Burro Management</td>
<td>None</td>
<td>The property proposed for sale is not within a Wild Horse and Burro Management Area.</td>
</tr>
<tr>
<td>Mineral Resources</td>
<td>None</td>
<td>There is little potential for Oil, Gas and Geothermal resources. Those Mineral resources will be reserved to the United States. All other mineral resources will be sold. Reference Mineral Report in the sale file.</td>
</tr>
<tr>
<td>Water Resources</td>
<td>None</td>
<td>No municipal watersheds are involved in the sale.</td>
</tr>
<tr>
<td>Rangeland Resources</td>
<td>None</td>
<td>The property proposed for sale is within the #0851 allotment. Approx. 8.78 acres by the sale. However, there would be no short- or long-term loss of livestock forage. Area is not within the chained area of allotment.</td>
</tr>
<tr>
<td>Visual Resources</td>
<td>None</td>
<td>No Class I or Class II VRM issues. The property proposed for sale is inventoried as VRM Class III.</td>
</tr>
<tr>
<td>Recreation Resources</td>
<td>None</td>
<td>Minimal recreation potential exists on these 8.87 acres of land proposed for sale as the land is already being utilized.</td>
</tr>
</tbody>
</table>
TOWNSHIP 39 SOUTH, RANGE 11 EAST, OF THE WILLAMETTE MERIDIAN, OREGON

DEPENDENT RESURVEY, SUBDIVISION OF SECTION 21 AND SURVEY

A history of surveys is contained in the field notes.

This plot represents a dependent resurvey of a portion of the subdivider's lines, T. 39 S., R. 11 E., Willamette Meridian, Oregon, designed to restore the corners in their true original locations according to the best available evidence, the subdivision of section 21, and the metes-and-bounds survey of lots 1 and 4 in section 21.

Except as shown herein, the boundaries and grass are as drawn on the plot approved January 5, 1989.

The survey was executed by Wayen Teo, U.S. Forest Service Land Surveyor, beginning October 26, 2001, and completed April 13, 2002, pursuant to Special Instructions dated September 10, 2000, under Survey Number 1989, Oregon.

LEGEND
- Original corner previously remeasured
- Original corner remeasured this survey
- Corner previously reestablished; remeasured this survey
- Corner established or reestablished this survey

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Portland, Oregon
November 18, 2002

This plot is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director

Chief Counselor Surveyor of Oregon
Finding of No Significant Impact:

I have reviewed this environmental assessment (OR-014-04-02), including the explanation and resolution of any significant impacts, and have determined that the proposed action will not have any significant impact on the human environment and that an EIS is not required. In my review, I also determined that the proposed project is in conformance with the approved land use plan.

Mitigation Measures/Remarks: None

[Signature]
Jon Raby, Manager
Klamath Falls Resource Area

2/26/09
Date
<table>
<thead>
<tr>
<th>Resource or Staff Responsible</th>
<th>Review Priority</th>
<th>Preliminary Review Date/Initials</th>
<th>Comments Attached/Incorporated</th>
<th>Final Review Date/Initials</th>
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<tbody>
<tr>
<td>Manager: Teri Ramly</td>
<td>Jan Koby</td>
<td>Last</td>
<td></td>
<td></td>
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<tr>
<td>Branch Chief: Barbara Ditman</td>
<td></td>
<td>Second to Last</td>
<td></td>
<td></td>
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<tr>
<td>Branch Chief: Larry Frazier</td>
<td></td>
<td>Second to Last</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Branch Chief: Stan Crockett</td>
<td></td>
<td>Second to Last</td>
<td>2/2/03</td>
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<tr>
<td>Planner/EC: Don Hoffheins, Kathy Lindsey</td>
<td>Third from Last</td>
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<td>2 small comments</td>
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<tr>
<td>Range: Bill Lindsey</td>
<td></td>
<td>X</td>
<td>Attached E2 5/19/03</td>
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<tr>
<td>Range: Dana Eckard</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Wild Horses: Tonya Pinckney</td>
<td></td>
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<tr>
<td>Fire/Air Quality: Joe Foran</td>
<td></td>
<td>X</td>
<td>6-20-03 M1</td>
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<tr>
<td>Silviculture: Bill Johnson, Gabi Sommerauer</td>
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<td>Timber: Mike Bechdolt</td>
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<tr>
<td>Botany/ACEC//Noxious Weeds: Lou Whiteaker</td>
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<tr>
<td>Soils: Jannice &amp; Mike Cutler</td>
<td></td>
<td>X</td>
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<tr>
<td>Cultural: Tim Canaday</td>
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<td>X</td>
<td>Cultural Surveys reviewed</td>
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<tr>
<td>Minerals/HazMat: Tom Cottingham</td>
<td></td>
<td>X</td>
<td>5/19/03</td>
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<tr>
<td>Lands/Realty: Linda Younger</td>
<td></td>
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<tr>
<td>Recreation/Visuals/Wilderness : Scott Senter</td>
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<td></td>
<td>5/30/03</td>
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<tr>
<td>Hydrology/Riparian: Mike Tunski, Andy Hamilton</td>
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<td>MT1 6/2/03</td>
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<tr>
<td>Wildlife/T&amp;E: Gayle Sitter</td>
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<td>Fisheries/T&amp;E: Scott Snedaker</td>
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<td>W/S Rivers: Grant Weidenbach</td>
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<tr>
<td>Engineering: Brian McCarty</td>
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<tr>
<td>Clearances/Surveys Needed</td>
<td>Done/Attached</td>
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<tr>
<td>Cultural</td>
<td></td>
<td>Yes to 5/19/03</td>
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<tr>
<td>Botanical</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3A &amp; or Consultation</td>
<td></td>
<td>No, 5/19/03</td>
<td></td>
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</tr>
<tr>
<td>Permits</td>
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</table>

*This document will not sit on your desk for more than 8 hours. Please check on calendar to make sure that the next person will be available to review the document.

**Some resource areas may not apply for all projects. If so, just mark "N/A" in "Review Priority" column.