

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

**CATEGORICAL EXCLUSION ENVIRONMENTAL REVIEW AND APPROVAL**

**CX Number:** DOI-BLM-OR-B070-2013-35-CX

**Date:** April 30, 2013

**File Code:** 2800

**Serial Number:** OR-67577

**Preparer:** Tara McLain, Realty Specialist

**Applicant:** John Atkinson

**Title of Proposed Action:** Juniper Ranch Irrigation Ditch and Underground Power Line Right-of-Way

**Description of Proposed Action:** The proposed action is to authorize a Right-of-Way (ROW) to [REDACTED] under the authority of Title V, Federal Land Policy and Management Act and the regulations at 43 CFR 2800 for two purposes. First, the ROW would authorize an existing irrigation ditch that has been in existence for approximately 17 years, constructed by a prior landowner causing an unintentional unauthorized development. This ditch delivers water to an existing authorized pre-FLPMA irrigation ditch and canal ROW, OR-41638. Second, the ROW would authorize a 240/480 volt secondary underground service to a single phase irrigation site distribution line to run a pump that will service the above mentioned ditch and increase water supply for agricultural purposes. The grant would provide [REDACTED] with the right to construct, operate, maintain, and terminate the ditch and power line existing on approximately .5 acre. The ROW width is 10' from centerline to allow for workspace on each side of the ditch and power line. The specified ROW width gives the holder permission to do ground disturbing activities anywhere within the valid ROW; however they are required to rehabilitate the area if any ground disturbing activities occur that are outside of the permanent disturbance, the ditch and underground power line.

Irrigation Ditch

The ditch currently delivers water to an irrigation ditch that was originally constructed prior to the Federal Land Policy and Management Act. The length of the "new" ditch is approximately 880'. A pipeline, constructed of PVC pipe, with a minimum 1/4" thick wall and a working pressure of 35 lbs., would be buried in the ditch canal. The pipeline would be buried at a depth that would allow the use of water from 15 Cent Lake during low water years. The maximum depth would be 8' at the southeastern end of the pipeline rising in elevation as it heads northwest towards 15 Cent Lake. Maintenance activities would be authorized with the ROW and would include activities such as pipe clean out and weekly checks to ensure that the suction lines and discharge lines are not leaking. An electric water pump will be located somewhere within the ditch to aid in bringing water out of the lake and deliver it to the existing pre-FLPMA ditch. The actual location of the pump within the ditch may vary depending on where it creates the best suction. The pump will be removed after irrigation season is over and re-installed prior to the beginning of the following irrigation season.

Construction of the pipeline within the existing ditch canal would take approximately two days. The ROW would be flagged to ensure no activities occur outside of the ROW. After the pipeline is buried within the canal the holder would grade any disturbed soil to blend with the existing grade. Disturbed areas would be reseeded with a seed mix approved by the BLM Authorized Officer.

Equipment necessary on the site for the pipeline construction would be:

- Excavator
- Small trencher
- Pickup truck

Power Line

Construction of the power line would begin within the existing ROW, ORORE-12617, held by Harney Electric Cooperative, Inc. A 40' power and service pole would be installed by a digger derrick, the digger will dig two 6'x 14" holes to install and bury the power poles, ground disturbance would be rehabbed per the conditions of the existing ROW, OR-41638. A trench would be dug, approximately 6" wide by 3' deep by a motorized trencher within the disturbed access point for the existing d/c ROW and run along the existing ditch. The power line would traverse approximately 525' from the existing overhead power line to the electrical water pump discussed in the above section.

Construction of the underground power line would take approximately 5-6 hours. There is currently a disturbed two-track that is being used to access the existing pre-FLPMA ROW. The trench would be dug on the north side of the disturbed two track road. As soon as the trench has been excavated, the cable-in-conduit (CIC) would be dropped in the trench and covered up with the blade of the trencher and compacted by driving over the trenched area length. Any disturbed area would be reseeded with a seed mix approved by the BLM Authorized Officer. All equipment would be cleaned prior to arrival at the work site to minimize the potential introduction of noxious weeds. Equipment necessary on the site for construction would be:

- Truck and trailer
- Wire trailer
- Trenching machine

The ROW area is within the Andrews Resource Area. There are valid and existing rights encumbering the lands within the ROW area for a ditch and a power line; however, they do not conflict with the uses identified in this ROW application. There are no mining claims or rights of third parties or other title factors that would prohibit the grant of the ROW. It is located near 15 Cent Lake approximately 70 miles southeast of Burns, Oregon and within the Pollock Allotment, #06011; there are no conflicts with this action and grazing management.

The existing location of the ROW is described on the attached map, Exhibit A. Access to the ROW would be from existing routes (or roads).

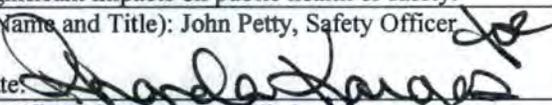
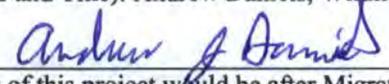
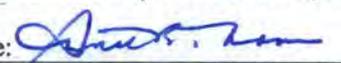
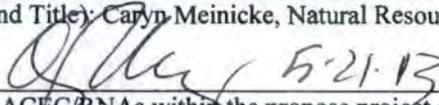
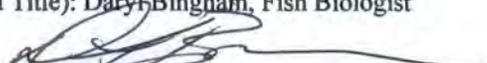
**Legal Description** (attach Location Map): W.M., T. 30 S., R. 36 E., sec. 16, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
sec. 21, NW $\frac{1}{4}$ NW $\frac{1}{4}$ .

**Conformance with Land Use Plan (LUP) (name):** The Andrews Resource Management Plan and Record of Decision, dated August 2005, states that we will meet public, private, and federal agency needs for realty related land use authorizations. The area of proposed ROW is not within a designated ROW avoidance or exclusion area. Therefore the Proposed Action is in conformance with the Andrews RMP on page RMP-59.

**BLM Categorical Exclusion Reference (516 DM, Chapter 11.9):** E.17, Grant of a short rights-of-way for utility service or terminal access roads to an individual residence, outbuilding, or water well.

**DOI Categorical Exclusion Reference (516 DM 2, Appendix 1):** N/A

**Screening for Exceptions:** The following extraordinary circumstances (516 DM 2, Appendix 2) may apply to individual actions within the categorical exceptions. The indicated specialist recommends the proposed action does *not*:

CATEGORICAL EXCLUSION EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION	
<b>2.1</b>	Have significant impacts on public health or safety.
Specialist (Print Name and Title): John Petty, Safety Officer	
Signature and Date:  5/23/13	
Rationale: No significant impacts on public health or safety	
<b>2.2</b>	Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); flood plains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.
<u>Migratory Birds</u>	
Specialist (Print Name and Title): Andrew Daniels, Wildlife Biologist	
Signature and Date:  5/21/13	
Rationale: The timing of this project would be after Migratory birds have left the area; the area where project work is to be accomplished is previously disturbed, thus no migratory birds or their habitat will be affected by this project.	
<u>Historic and Cultural Resources</u>	
Specialist (Print Name and Title): Scott Thomas, District Archaeologist	
Signature and Date:  5/21/13	
Rationale: No historic or cultural resources would be affected by the proposed project.	
<u>Areas of Critical Environmental Concern/Research Natural Areas</u>	
Specialist (Print Name and Title): Caryn Meinicke, Natural Resource Specialist, Botany	
Signature and Date:  5-21-13	
Rationale: There are no ACECRNAs within the propose project area.	
<u>Water Resources/Flood Plains</u>	
Specialist (Print Name and Title): Daryl Bingham, Fish Biologist	
Signature and Date:  2 May 2013	
Rationale: Water resources and flood plains would not be affected since Fifteen Cent Lake is intermittent being only partially filled for three to six months of the year and changes in the water level would not be measurable. Fish are not present in Fifteen Cent Lake or tributary streams.	
<u>Soils, Biological Soil Crust, Prime Farmlands</u>	
Specialist (Print Name and Title): Caryn Meinicke, Natural Resource Specialist, Botany	

Signature and Date:

*[Signature]* 5-21-13

Rationale: Soils and BSCs will be disturbed when burying the power line; however, impacts will be visible for one to two growing seasons as vegetation re-establishes preventing soil loss and allowing biological soil crusts to re-establish. Burying the power line will remove the need for maintaining vegetation free area around the power line preventing exposure to wind and water erosional forces. The irrigation ditch is already in existence and no further impacts will be associated with this project. There are no prime farmlands within the proposed project area.

Recreation/ Visual Resources

Specialist (Print Name and Title): Eric Haakenson, Outdoor Recreation Planner  
Dory Osgood, Visual Resources

Signature and Date: *Dory Osgood* 5-21-13 *Eric Haakenson* 5/21/13

Rationale: Field observations have shown there is no too little recreation use in this area; therefore recreation would not be affected. The proposed area has a Visual Resource Management (VRM) Class II objective. The level of change to the landscape would be low and would retain the existing character of the landscape. Changes to the landscape will keep the basic elements of form, line, color, and texture of the landscape.

Wilderness/Wild and Scenic River Resources

Specialist (Print Name and Title): Tom Wilcox, Wilderness Specialist

Signature and Date: *Eric Haakenson for* 05/15/2013

Rationale: The project is not located in Wilderness, WSR, WSA or LWC.

2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2) (E)].

Specialist (Print Name and Title): Holly Orr, Planning and Environmental Coordinator

Signature and Date: *Holly Orr* 05/21/2013

Rationale: There are no highly controversial environmental effects or unresolved conflicts concerning alternative uses of available resources. The ditches are existing features on the landscape and the powerline is a short ROW for utility service.

2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

Specialist (Print Name and Title): Holly Orr, Planning and Environmental Coordinator

Signature and Date: *Holly Orr* 05/21/2013

Rationale: There are no known highly uncertain or potentially significant environment effects or unique or unknown environmental risks. The ditches are existing features on the landscape and the powerline is a short ROW for utility service.

2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

Specialist (Print Name and Title): Holly Orr, Planning and Environmental Coordinator

Signature and Date: *Holly Orr* 05/21/2013

Rationale: Implementation would not set precedence for future actions or represent a decision in principle about future actions with potentially significant environmental effects. The ditches are existing features on the landscape and the powerline is a short ROW for utility service.

2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.

Specialist (Print Name and Title): Holly Orr, Planning and Environmental Coordinator

Signature and Date: *Holly Orr* 05/21/2013

Rationale: Implementation does not have any known direct relationship to other actions with individually insignificant but cumulative significant environmental effects. The ditches are existing features on the landscape and the powerline is a short ROW for utility service.

2.7 Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.

Specialist (Print Name and Title): Scott Thomas, District Archaeologist

Signature and Date: *Scott Thomas* 5/21/13

Rationale: No National Register eligible or listed properties would be affected by the proposed project.

2.8 Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.

Endangered or Threatened Species-Fauna

Specialist (Print Name and Title): Andrew Daniels, Wildlife Biologist

Signature and Date: <u>Andrew J. Davis</u> <u>5-21-13</u>
Rationale: There are no known listed Threatened or Endangered Species or their habitat within the area; there is no effect to T&E Species.
<u>Endangered or Threatened Species-Aquatic</u> Specialist (Print Name and Title): Daryl Bingham, Fish Biologist
Signature and Date: <u>[Signature]</u> 2 May 2013
Rationale: There are no T&E Aquatic Species present in the project.
<u>Endangered or Threatened Species-Flora</u> Specialist (Print Name and Title): Caryn Meinicke, Natural Resource Specialist, Botany
Signature and Date: <u>[Signature]</u> <u>5-21-13</u>
Rationale: There are no T&E or Special Status plant species or critical habitat within the proposed project area.
<b>2.9</b> Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.
Specialist (Print Name and Title): Holly Orr, Planning and Environmental Coordinator
Signature and Date: <u>[Signature]</u> 05/21/2013
Rationale: Implementation would not violate any known law or regulation imposed for the protection of the environment. The ditches are existing features on the landscape and the powerline is a short ROW for utility service.
<b>2.10</b> Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).
Specialist (Print Name and Title): Holly Orr, Planning and Environmental Coordinator
Signature and Date: <u>[Signature]</u> 05/21/2013
Rationale: Implementation would not have a disproportionately high or adverse effect on low income or minority populations as such populations do not exist within the project area.
<b>2.11</b> Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).
Specialist (Print Name and Title): Scott Thomas, District Archaeologist
Signature and Date: <u>[Signature]</u> <u>5/21/13</u>
Rationale: Access to or integrity of Indian sacred sites would not be affected by the proposed project.
<b>2.12</b> Contribute to the introduction, continued existence, or spread of noxious weeds or nonnative invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).
Specialist (Print Name and Title): Lesley Richman, District Weed Coordinator
Signature and Date: <u>[Signature]</u> <u>5/22/2013</u>
Rationale: Noxious weeds are known to be present in or in close proximity to this area. Treatments are on-going. The weeds are not present in sufficient quantity to be considered a significant impact at this time.

Additional review (As determined by the Authorized Officer): None

**RMP conformance and CX review confirmation:**

Specialist (Print Name and Title): Holly Orr, Planning and Environmental Coordinator

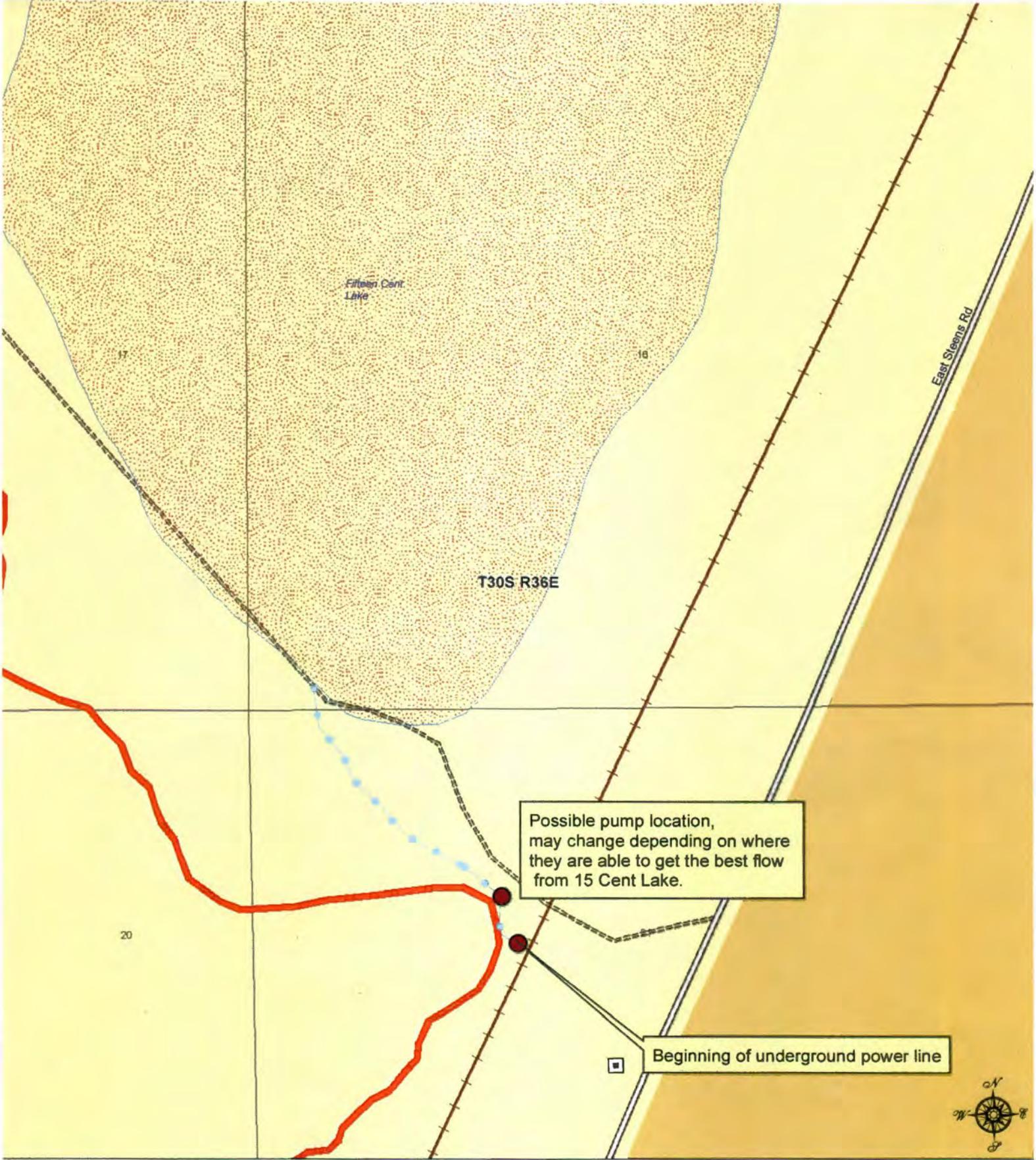
Signature and Date: [Signature]

**Management Determination:** Based upon review of this proposal, I have determined the Proposed Action is in conformance with the LUP, qualifies as a categorical exclusion and does not require further NEPA analysis.

Authorized Officer (Print Name and Title): Rhonda Karges, Andrews/Steens Resource Area Manager

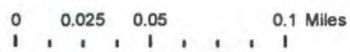
Signature and Date: [Signature] 5/23/13

**Note:** A decision letter and Bureau of Land Management Right-of-Way Grant/Temporary Use Permit, Form 2800-14, are the decision documents that will be prepared to authorize the action covered by this Categorical Exclusion following Lands and Realty specific guidance.



**Juniper Ranch Buried Power Line and Ditch  
OR-67577**

- ROW OR-67577
- OR-41638 D/C ROW
- Distribution Lines Harney Electric
- Mineral Material Sites
- BLM Wilderness Study Area
- Bureau of Land Management
- Dry Lake
- Paved Road
- Non-Paved Improved Road
- Natural/Unknown Road Surface



US DEPARTMENT OF THE INTERIOR  
Bureau of Land Management  
Burns District, Oregon



Note: 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 was 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. workarea/blm/clain/OR67577.mxd, 05/15/2013



2800 (ORB060)  
OR-67577

CERTIFIED MAIL – 7010 1870 0002 7993 0606  
RETURN RECEIPT REQUESTED

JUN 04 2013

DECISION

[REDACTED]	:	Right-of-Way Application
[REDACTED]	:	Serial No. OR-67577
Roseburg, Oregon 97471	:	

Dear [REDACTED]:

Right-of-Way Grant OR-67577 Issued  
Rental Determined  
Monitoring Fee Determined

On May 23, 2013, you received a copy of your Right-of-Way (ROW) grant, serial number OR-67577, which allows the use of the public land for a buried power line and irrigation ditch. It was approved by the Bureau of Land Management (BLM) on May 23, 2013.

The monitoring fee for this ROW is determined to be a Category 2, which is \$410.00. The BLM has received your monitoring fee.

The rental for this ROW is determined to be \$8.31 per year. BLM has received your rental for the full term of the ROW, \$245.83. You will not owe any more rent for this ROW until such time that BLM may decide to grant a renewal of the ROW.

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 the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulation 43 CFR 2801.10 or 43 CFR 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

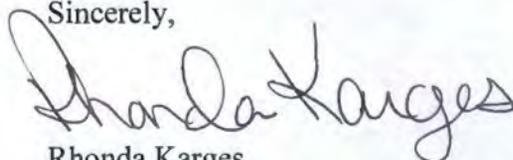
Standards for Obtaining a Stay

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, and
- (4) Whether the public interest favors granting the stay.

If you have any questions, please contact Tara McLain, Realty Specialist, at (541) 573-4462.

Sincerely,



Rhonda Karges  
Andrews/Steens Resource Area Field Manager

Enclosures

TMCLAIN:md 05/31/13:LANDSAND