

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

CATEGORICAL EXCLUSION ENVIRONMENTAL REVIEW AND APPROVAL

CX Number: DOI-BLM-OR-B050-2011-0002-CX
File Code: 2800
Preparer: Tara McLain, Realty Specialist
Title of Proposed Action: Right-of-Way(ROW)

Date: October 18, 2011
Serial Number: OR-66824
Applicant:

Description of Proposed Action: The proposed action is to grant a right-of-way (ROW) to _____ under the authority of Title V, Federal Land Policy and Management Act, and the regulations at 43 CFR 2800 to authorize an existing road to a private residence. The grant would provide _____ with the right to construct, operate, maintain, and terminate the ROW totaling 2.675 acres. This is an existing road that _____ currently uses on a casual use basis. Under the ROW _____ would grade the road with a 2% slope to aid in runoff. A 1 1/2" aggregate base would be added to the road. The current road width is roughly 12' +/-, all road construction would remain at that width. Any ground disturbance outside of the roadbed would be reseeded with a BLM approved seed mix. All earthmoving equipment would be washed down to remove mud and vegetative debris prior to use on the road. The ROW would be 30', 15' from centerline on each side to allow for work area around the road; the road width would not change from the existing width. This road has been designated a Maintenance Level 2, which means that is appropriate for low clearance vehicles and does not refer to the surface type of the road. The work proposed by the proponent for this ROW would not change the maintenance level.

The road use will be year round, maintenance and improvements as necessary will be performed to ensure year round travel is possible. Vehicles using the road will primarily be personal vehicles with the occasional delivery or service truck. Maintenance and construction will suspend when conditions will damage the road.

The ROW area is within the Three Rivers Resource Area. There are valid and existing rights encumbering the lands surrounding the ROW area for road access; however, it does not conflict with the proposed ROW. There are no mining claims or rights of third parties or other title factors that would prohibit the grant of this ROW. It is located northeast of Hines, Oregon and is in grazing allotment #04097.

The existing location of the road is described on the attached map, Exhibit A.

Legal Description (attach Location Map, Exhibit A): W.M., T. 19 S., R. 31 E., section 25, SE¼.

Conformance with Land Use Plan (LUP) (name): The Three Rivers Resource Management Plan and Record of Decision (RMP), dated September 1992, allow public access to public land. Lands and Realty Objective #2: Meet public needs for use authorizations such as Rights-of-Way, leases and permits.

BLM Categorical Exclusion Reference (516 DM, Chapter 11.9):

E.16- Rights-of-Way for the use of existing facilities, improvements, or sites for the same or similar purposes.

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 | |
|---|---|
| 2.1 | Have significant impacts on public health or safety. |
| Specialist (Print Name and Title): | John Petty, Safety Officer |
| Signature and Date: | <i>Richard Ry</i> 11/4/2011 |
| Rationale: | No significant impacts on public health or safety. |
| 2.2 | 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): | Nick Miller, Wildlife Biologist |
| Signature and Date: | <i>Nick Miller</i> 11/1/11 |
| Rationale: | Work would be limited to a previously disturbed area (existing road). Some flushing of birds in the immediate vicinity may occur, but effects would be temporary and quickly dissipate when work stops. The road work and maintenance would impact only a few acres of potential habitat over a large area, and birds would have adequate cover, nesting, and foraging habitat in adjacent areas. The cutting and/or pruning of trees associated with improving or maintaining the road would remove a small amount of potential nesting habitat, but similar nesting opportunities are abundant in the area. |
| <u>Historic and Cultural Resources</u> | |
| Specialist (Print Name and Title): | Scott Thomas, District Archaeologist |
| Signature and Date: | <i>Richard Ry</i> 11/4/2011 |
| Rationale: | Cultural and historical resources would not be affected by this proposed ROW. |
| <u>Areas of Critical Environmental Concern/Research Natural Areas</u> | |
| Specialist (Print Name and Title): | Caryn Meinicke, NRS-Botany |
| Signature and Date: | <i>Caryn Meinicke</i> 11-2-11 |
| Rationale: | There are no ACEC/RNAs within the proposed ROW. |
| <u>Water Resources/Flood Plains</u> | |
| Specialist (Print Name and Title): | Lisa Grant/Lindsay Davies, Fish Biologist |
| Signature and Date: | <i>Lisa Grant</i> 11-3-2011 |
| Rationale: | Water resources would not be effected by the proposed action. |
| <u>Soils, Biological Soil Crust, Prime Farmlands</u> | |
| Specialist (Print Name and Title): | Caryn Meinicke, NRS-Botany |
| Signature and Date: | <i>Caryn Meinicke</i> 11-2-11 |
| Rationale: | The ROW is on an existing roadway and will not create new disturbance to soils or BSCs. There are no prime farmlands within the proposed ROW. |
| <u>Visual Resources</u> | |
| Specialist (Print Name and Title): | John Bethea, Outdoor Recreation Planner |
| Signature and Date: | <i>John P. Beehee</i> 11-01-2011 |
| Rationale: | This project area is in a VRM Class 2 and the intention of this class is to 'Largely retain the existing character of the landscape'. This is an existing road and the maintenance of this road would not change the existing character of the landscape. |
| <u>Recreation</u> | |
| Specialist (Print Name and Title): | John Bethea, Outdoor Recreation Planner |
| Signature and Date: | <i>John P. Beehee</i> 11-01-2011 |
| Rationale: | The ROW is on an existing roadway and is for use and maintenance of that roadway so there would likely be no additional effects to recreation. |
| <u>Wilderness/Wild and Scenic River Resources</u> | |
| Specialist (Print Name and Title): | Eric Haakenson, Wilderness Specialist |

| |
|---|
| Signature and Date: <i>Eric Haakerson</i> |
| Rationale: There is no wilderness, WSA, WSR or Lands With Wilderness Characteristics in the project area. |
| 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): Rhonda Karges, Planning and Environmental Coordinator |
| Signature and Date: <i>Richard Py</i> 11/4/2011 |
| Rationale: There are no known highly controversial environmental effects or unresolved conflicts concerning alternatives uses of available resources. The road is an existing feature on the landscape. Implementation would provide the applicant the ability to maintain and use this existing feature. |
| 2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. |
| Specialist (Print Name and Title): Rhonda Karges, Planning and Environmental Coordinator |
| Signature and Date: <i>Richard Py</i> 11/4/2011 |
| Rationale: There are no known highly uncertain or potentially significant environmental effects or unique or unknown environmental risks. The road is an existing feature on the landscape. Implementation would provide the applicant the ability to maintain and use this existing feature. |
| 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): Rhonda Karges, Planning and Environmental Coordinator |
| Signature and Date: <i>Richard Py</i> 11/4/2011 |
| Rationale: Implementation would not establish a precedent for future actions or represent a decision in principle about future actions. Issuance of ROWs is an on-going BLM action and ROWs are issued for a specific purpose. This particular ROW is for use and maintenance of an existing road. |
| 2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. |
| Specialist (Print Name and Title): Rhonda Karges, Planning and Environmental Coordinator |
| Signature and Date: <i>Richard Py</i> 11/4/2011 |
| Rationale: Implementation would not have any known direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. The road is an existing feature on the landscape. Implementation would provide the applicant the ability to maintain and use this existing feature. |
| 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: <i>Scott Thomas</i> 11/4/11 |
| Rationale: National Register eligible or listed properties would not be affected by this proposed ROW. |
| 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. |
| <u>Endangered or Threatened Species-Fauna</u> |
| Specialist (Print Name and Title): Nick Miller, Wildlife Biologist |
| Signature and Date: <i>Nick Miller</i> 11/1/2011 |
| Rationale: There are no known threatened or endangered species or designated Critical habitat that would be affected. There are no known candidate species that would be affected. |
| <u>Endangered or Threatened Species-Aquatic</u> |
| Specialist (Print Name and Title): Lindsay Davies/Lisa Grant, Fish Biologist |
| Signature and Date: <i>Lisa Grant</i> 11/3/2011 |
| Rationale: No aquatic T&E Species or Critical habitat would be effected by the proposed action |
| <u>Endangered or Threatened Species-Flora</u> |
| Specialist (Print Name and Title): Caryn Meinicke, NRS-Botany |
| Signature and Date: <i>Caryn Meinicke</i> 11-2-11 |

| |
|---|
| Rationale: There are no documented T & E or Special Status flora species within the proposed ROW. |
| 2.9 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): Rhonda Karges, Planning and Environmental Coordinator |
| Signature and Date: <i>Richard Roy</i> 11/4/2011 |
| Rationale: No known laws or requirements for protection of the environment would be violated. |
| 2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898). |
| Specialist (Print Name and Title): Rhonda Karges, Planning and Environmental Coordinator |
| Signature and Date: <i>Richard Roy</i> 11/4/2011 |
| Rationale: Implementation would not result in a disproportionately adverse effect on minority or economically disadvantaged populations as such populations do not occur in or near the project area. |
| 2.11 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: <i>Scott Thomas</i> 11/4/11 |
| Rationale: Sacred site access or integrity would not be affected by this proposed ROW. |
| 2.12 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: <i>Lesley Richman</i> 11/3/2011 |
| Rationale: Noxious weeds are known to be present in or in close proximity to this area. Treatments are ongoing. The weeds are not present in sufficient quantity to be considered significant at this time. |

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

RMP conformance and CX review confirmation:

Specialist (Print Name and Title): ^{for} Rhonda Karges, Planning and Environmental Coordinator

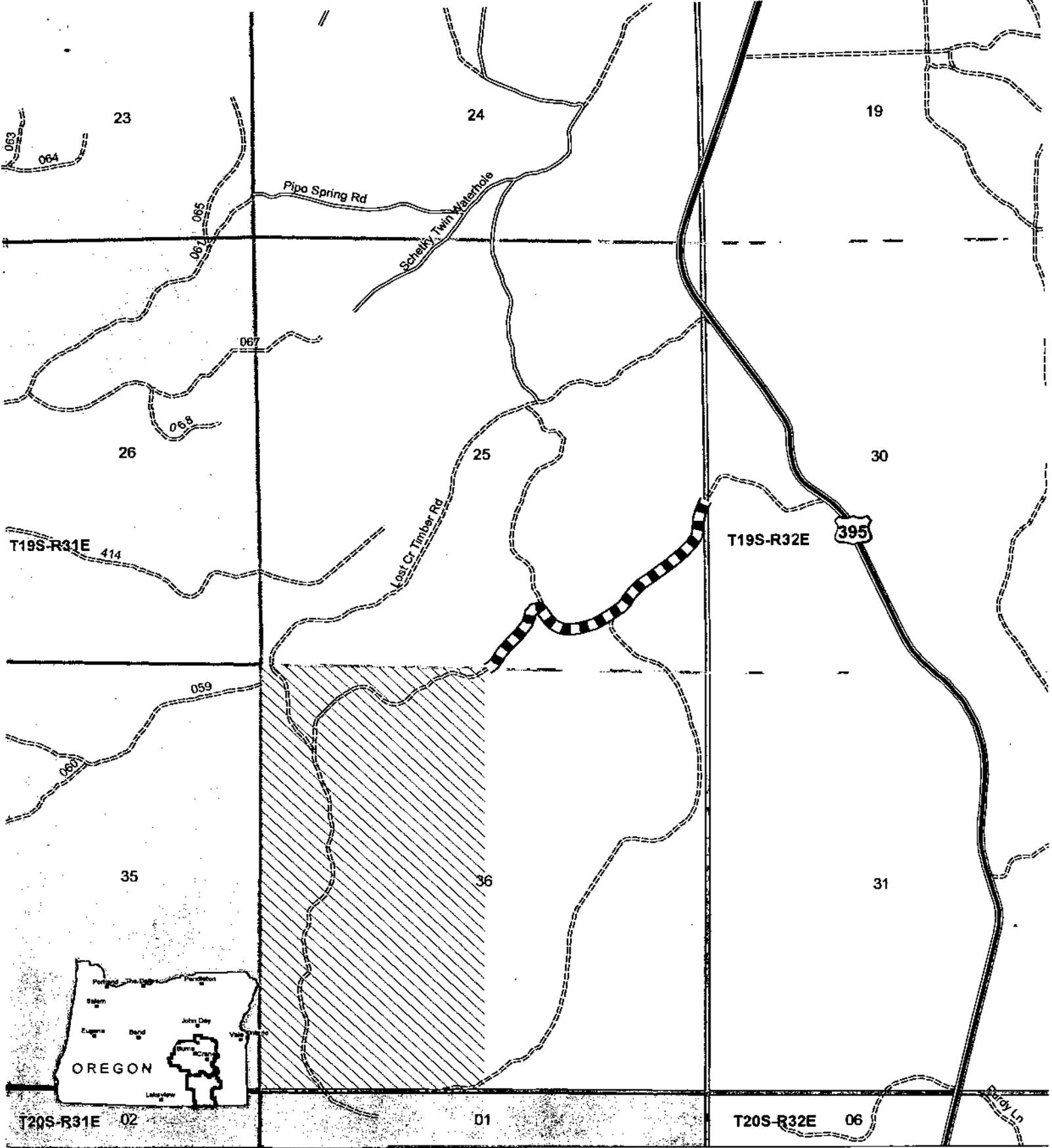
Signature and Date: *Richard Roy*

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.

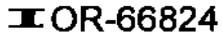
Authorized Officer (Print Name and Title): Richard Roy, Three Rivers Resource Area Field Manager

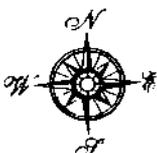
Signature and Date: *Richard Roy* 11/4/2011

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.



OR-66824 Right-of-Way

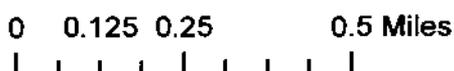
-  OR-66824
-  Bureau of Land Management Private
-  State
-  U.S. Forest Service



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\mclm\OR66824.mxd,10/18/2011

"Ownership Boundaries are accurate within plus or minus 200 feet"



2800 (ORB050)
OR-66824

CERTIFIED MAIL – 7010 1870 0002 7993 3768
RETURN RECEIPT REQUESTED

NOV 17 2011

DECISION

Right-of-Way Grant OR-66824

Right-of-Way Grant OR-66824 Issued
Rental Determined
Monitoring Fee Determined

Dear

On November 4, 2011, you received a copy of your Right-of-Way (ROW) grant, serial number OR-66824, which allows the use and maintenance of an existing road. It was approved by the Bureau of Land Management (BLM) on November 4, 2011.

The advance rental for the ROW is determined to be \$399.61 for the period from December 1, 2011 to December 31, 2020. The BLM has received your advance rental for this period. All subsequent rental billings will be due at the beginning of the calendar year starting January 1, 2021. Future billings will be based on the rent schedule in effect at that time.

The monitoring fee for this ROW is determined to be a Category 1, which is \$112.00. The BLM has received your monitoring fee.

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.

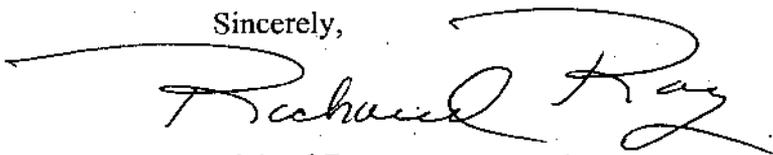
Standards for Obtaining a Stay

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 or not the public interest favors granting the stay.

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

Sincerely,



Richard Roy
Three Rivers Resource Area Field Manager

1 Enclosure

1 - BLM Form 1842-1