

**United States
Department of the Interior
Bureau of Land Management
Eugene District Office**

Categorical Exclusion Documentation
Categorical Exclusion No. DOI-BLM-ORE060-2011-0032-CX
Right-of-Way Grant OR 66809

A. Background

Location of Proposed Action: T. 22S., R.3W., Section 7, Lots 1 and 2.

Proposed Action: On August 4, 2011, Carl Wells, a private landowner, submitted an application for a domestic waterline right-of-way across BLM land for irrigation and fire prevention purposes. He would like to operate, maintain and repair two existing parallel runs of 1" flexible plastic pipe, laying on the ground surface and connecting to Numbers Creek and build a temporary water collection pool. The system will be gravity fed with no pump or electrical requirements. The requested right-of-way crosses approximately 1200 feet of public land and is 2 feet in width. A nearby neighbor (Fruichantie—OR 47983) obtained a similar waterline right-of-way in 1995 and the proposed Wells waterline would follow a portion of the existing Fruichantie right-of-way corridor for approximately 300' as it approaches Numbers Creek.

Cost Recovery processing fees were received on August 26, 2011.

In response to the right-of-way application, the proposed action is to issue right-of-way grant OR 66809 to Carl Wells for a period of 20 years, subject to standard conditions required for rights-of-way granted under the authority of the Federal Land Management and Policy Act. The purpose of the grant would be for the operation and maintenance of two waterlines on a right-of-way approximately 1200 feet long and 2 feet wide, to provide nearby private property with a domestic water supply.

B. Land Use Plan Conformance

The Eugene District has planned this project to conform and be consistent with the Eugene District's 1995 RMP. Following the March 31, 2011 decision by the United States District Court for the District of Columbia in Douglas Timber Operators et al. v. Salazar, which vacated and remanded the administrative withdrawal of the Eugene District's 2008 ROD and RMP, we evaluated this grant for consistency with both the 1995 RMP and the 2008 ROD and RMP. Accordingly, this grant is consistent with the Eugene District's 1995 RMP and the 2008 ROD/RMP.

C. Compliance with NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 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".

This categorical exclusion is appropriate in this situation because the proposed action is in accordance with 516 DM 11.9(E) (17) and there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Eugene District

has reviewed the proposed action, and none of the extraordinary circumstances described in 516 DM2 apply.

D. Categorical Exclusions Extraordinary Circumstances Documentation

| Extraordinary Circumstances | YES | NO |
|---|-----|----------|
| <p>1. Have significant impacts on public health or safety. <u>Rationale:</u> The proposed activity places 1" plastic waterline above ground; there is no expected cause for any drainage problems that would lead to soil instability, increased turbidity in surface water, or other effects to human health of safety in the local area.</p> | | X |
| <p>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); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas. <u>Rationale:</u> There are no natural resources or unique geographic characteristics that would be affected by this action.</p> | | X |
| <p>3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]. <u>Rationale:</u> There are no predicted environmental effects from the proposed action which are considered to be highly controversial nor are there unresolved conflicts concerning alternative uses.</p> | | X |
| <p>4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. <u>Rationale:</u> The proposed operations are not unique or unusual. The BLM has considerable experience implementing similar actions without highly controversial, highly uncertain, or unique or unknown risks.</p> | | X |
| <p>5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects. <u>Rationale:</u> The BLM has conducted similar actions since its inception. There is no evidence that this action will have potentially significant environmental effects and it would not establish a precedent or decision for future actions with potentially significant environmental effects.</p> | | X |

| Extraordinary Circumstances | YES | NO |
|---|-----|----|
| <p>6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. <u>Rationale:</u> Based upon review of the project, and given current conditions on the grounds, the Eugene District did not find any resource issues of concern that would be affected by this action.</p> | | X |
| <p>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. <u>Rationale:</u> There are no eligible or listed properties within the proposed treatment areas.</p> | | X |
| <p>8. Have significant impacts on species listed, or proposed to be listed, as an Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species. <u>Rationale:</u> The areas to be treated will have no significant impacts to species listed or proposed to be listed as an Endangered or Threatened Species, nor have significant impacts on designated Critical Habitat for these species. The following mitigation measures for reducing impacts to an Endangered or Threatened Species or Critical Habitat for these species would be implemented as necessary.</p> | | X |
| <p>9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment. <u>Rationale:</u> The proposed action conforms to the direction given for the management of public lands in the Eugene District ROD/RMP, which complies with all applicable Federal, State, local and tribal laws.</p> | | X |
| <p>10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 2898). <u>Rationale:</u> There would be no adverse effect on low income minority populations.</p> | | X |
| <p>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). <u>Rationale:</u> The project would have no significant impact on access to and ceremonial use of Indian sacred sites or significantly adversely affect the physical integrity of such sites.</p> | | X |
| <p>12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native 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). <u>Rationale:</u> The proposed action does not result in measurable changes to the current baseline of the risk, or actual introduction, continued existence, or spread of noxious weeds or non-native invasive species in or from the project area. The proposed action does not introduce any vector for spread or introduction beyond such vectors already found.</p> | | X |

E. Review

Prepared by: /s/ **Richard Norris**
Land Law Examiner

Date: 10/26/11

Reviewed by: /s/ **Christie Hardenbrook**
Planning & Environmental Coordinator

Date: 10/28/11

Approved by: /s/ **William O'Sullivan**
Upper Willamette Field Manager

Date: 10/28/11

F. Contact Person and Reviewers

For additional information concerning this Categorical Exclusion review, contact Richard Norris, Eugene District Land Law Examiner, (541) 683-6228.

G. Administrative Remedies

This is a lands decision on a right-of-way action in accordance with BLM regulations at 43 CFR 2801.10. This decision is subject to appeal to the IBLA pursuant to Part 4 of 43 CFR Subtitle A. The decision is effective upon signing by the authorized officer and shall remain in effect pending an appeal (43 CFR Part 2801.10).

United States
Department of the Interior
Bureau of Land Management
Eugene District Office

DECISION RECORD
CATEGORICAL EXCLUSION

Decision:

It is my decision to proceed with the proposed action as described in DOI-BLM-ORE060-2011-0032-CX.

Decision Rationale:

The proposed action has been reviewed by the appropriate staff and based on the NEPA Categorical Exclusion Review, I have determined that the proposed action involves no significant impact to the human environment and no further analysis is required. It is my decision to implement the project as described.

The Eugene District has planned this project to conform and be consistent with the Eugene District's 1995 RMP. Following the March 31, 2011 decision by the United States District Court for the District of Columbia in Douglas Timber Operators et al. v. Salazar, which vacated and remanded the administrative withdrawal of the Eugene District's 2008 ROD and RMP, we evaluated this grant for consistency with both the 1995 RMP and the 2008 ROD and RMP. Accordingly, this grant is consistent with the Eugene District's 1995 RMP and the 2008 ROD/RMP.

Administrative Remedies:

This is a lands decision on a right-of-way action in accordance with BLM regulations at 43 CFR 2801.10. This decision is subject to appeal to the IBLA pursuant to Part 4 of 43 CFR Subtitle A. The decision is effective upon signing by the authorized officer and shall remain in effect pending an appeal (43 CFR Part 2801.10).

Authorizing Official:

/s/ William O'Sullivan

William O'Sullivan
Field Manager
Upper Willamette Resource Area

10/28/11

Date