

**RECORD OF PLAN CONFORMANCE AND
CATEGORICAL EXCLUSION (CX) DOCUMENTATION for
CATEGORICAL EXCLUSIONS NOT ESTABLISHED BY STATUTE
Bureau of Land Management (BLM)**

BLM Office: Lakeview District, Klamath Falls Resource Area Lease or Serial #: OROR 42985
Proposed Action Title/Type: Livingston Water Pipeline Amendment/Renewal
NEPA Log #: DOI-BLM-OR-L040-2013-18-CX
Project Location: W.M., T.39 S., R.14 E., SEC 15 NW ¼ NW ¼

A. Background

Description of Proposed Action:

Edward Livingston has requested a renewal and an amendment of Right-of-Way (ROW) Grant OROR 42985 for a Water Pipeline. The existing grant is 6 feet wide and 1320 feet long, encompassing 0.30 acres. This ROW has been in place since July 29, 1987. No additional rights are requested and there will be no change to the existing prism. Maintenance is planned for summer 2013; the existing 4 inch PVC pipe will be replaced with 8 inch PVC pipe for the entire 1320 feet across BLM and private lands.

It was requested that the ROW be amended to include an existing culvert which crosses the CCC road in T39S., R14E., Sec. 09 NENE. This culvert allows an irrigation ditch that predated the construction of the CCC road to pass under that road. BLM installed a culvert in 1981 which is scheduled for maintenance/replacement. (See Exhibit C for specifications). The Livingston's propose to replace this 30-year-old culvert which currently houses their irrigation pipe with a new culvert provided by BLM and install their new water line directly beneath the new culvert. There is a non-merchantable tree growing over the existing culvert that will be removed. Natural Resource Conservation Service (NRCS) is involved in the funding of this project.

Purpose and Need for the Project:

The purpose of the proposed action is to allow continued and efficient irrigation to the Livingston property.

B. Land Use Plan Conformance

Land Use Plan (LUP) Name: Klamath Falls Resource Area Resource Management Plan

Date Approved/Amended: June 1995

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s): (Refer to page 66) "Continue to make BLM-administered lands available for needed rights-of-way where consistent with local comprehensive plans, Oregon statewide planning goals and rules, and the exclusion and avoidance areas identified in this Resource Management Plan.

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. Realty 9. "Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations", and Departmental Categorical Exclusions (516 DM 2, Appendix 1) 1.7 Routine and continuing government business, including such things as supervision,

administration, operations, maintenance, renovations, and replacement activities having limited context and intensity (e.g., limited size and magnitude or short-term effects).

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2, Appendix 2 apply. The following documentation describes whether or not the extraordinary circumstances apply to the project:

CX Extraordinary Circumstances Documentation		
Will the proposed categorical exclusion action:	YES	NO
2.1 Have significant impacts on public health or safety.		X
Rationale: Consulted with field/district office health and safety specialist and no significant impacts were identified.		
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); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.		X
Rationale: The project area was reviewed on the ground and resource specialists were consulted and no unique features are present.		
2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].		X
Rationale: No highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources were identified by resource specialist during project analysis. [NEPA Section 102(2)(E)].		
2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
Rationale: No highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks were identified by resource specialist during project analysis.		
2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
Rationale: Will not establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects because this is a minor and routine action.		
2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
Rationale: No direct relationships to other actions with individually insignificant but cumulatively significant environmental effects were identified by resource specialists during project analysis.		
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.		X
Rationale: This is an existing right-of-way/road and portions of this road have been previously disturbed and inventoried. While the road is a historic linear feature, these portions of the road no longer retain the historic feel and integrity that would make the road eligible to the National Register of Historic Places.		
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.		X
Rationale: No 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.		
2.9 Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		X
Rationale: Does not violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		
2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		X
Rationale: Review of the project area locations shows no disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		
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).		X
Rationale: Does not 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).		
2.12 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).		X
Rationale: Refer to Exhibit A (attached) ROW project design features (PDFs) and best management practices (BMPs).		

The proposed action would not meet any of the above extraordinary circumstances, or fail to comply with Executive Order 13212 (Actions to Expedite Energy-Related Projects) – to avoid direct or indirect adverse impact on energy development, production, supply, and/or distribution, or impact RMP exclusion and avoidance areas.

Surveys and/or consultation are not needed for special status plants and animals, for cultural resources, and other resources (appropriate fields are Initialed/Dated by resource specialist):

Surveys	Are Completed	Will Be Completed	Are Not Needed
SS* Animals			X MDB 05/15/2013
SS* Plants			X
Cultural Resources			BMB 5/17/2013
ROWs or Cadastral			DB 4/1/2013
Consultation	Is Completed	Will Be Completed	Is Not Needed
SS* Animal Consultation			X MDB 05/15/2013
Botanical Consultation			X
Cultural Consultation			BMB 5/17/2013
*(SS = Special Status)			

Contact Person

For additional information concerning this Categorical Exclusion, contact: Debora Boudreau, Realty Specialist, Klamath Falls Resource Area, 2795 Anderson Avenue, Building 25, Klamath Falls, Oregon 97603-7891 or telephone: 541-885-4150 or email dboudreau@blm.gov

**Determination for Livingston Water Pipeline Amendment/Renewal
ROW # OROR 42985
DOI-BLM-OR-L040-2013-018- CX**

I have determined that it is appropriate to proceed with the Proposed Action as described in the attached Categorical Exclusion (CX) and shown on the attached map, Exhibit A.

Rationale

The Proposed Action has been reviewed by the Klamath Falls Resource Area staff and appropriate project design features (PDFs) and best management practices (BMPs), as specified in Exhibit B, will be incorporated into the proposal. The proposed action would not create adverse environmental effects, meet any of the above extraordinary circumstances, or fail to comply with Executive Order 13212 (Actions to Expedite Energy-Related Projects) – to avoid direct or indirect adverse impact on energy development, production, supply, and/or distribution.

Based on the attached NEPA (National Environmental Policy Act) Categorical Exclusion Review, I have determined the proposed action involves no significant impact to the human environment and no further environmental analysis is required.

Signature

Authorizing Official: _____
(Signature)

Date: _____

Name: Donald J. Holmstrom

Title: Field Manager, Klamath Falls Resource Area

EXHIBIT B – MAP

Livingston Pipeline Proposal 4/01/2013

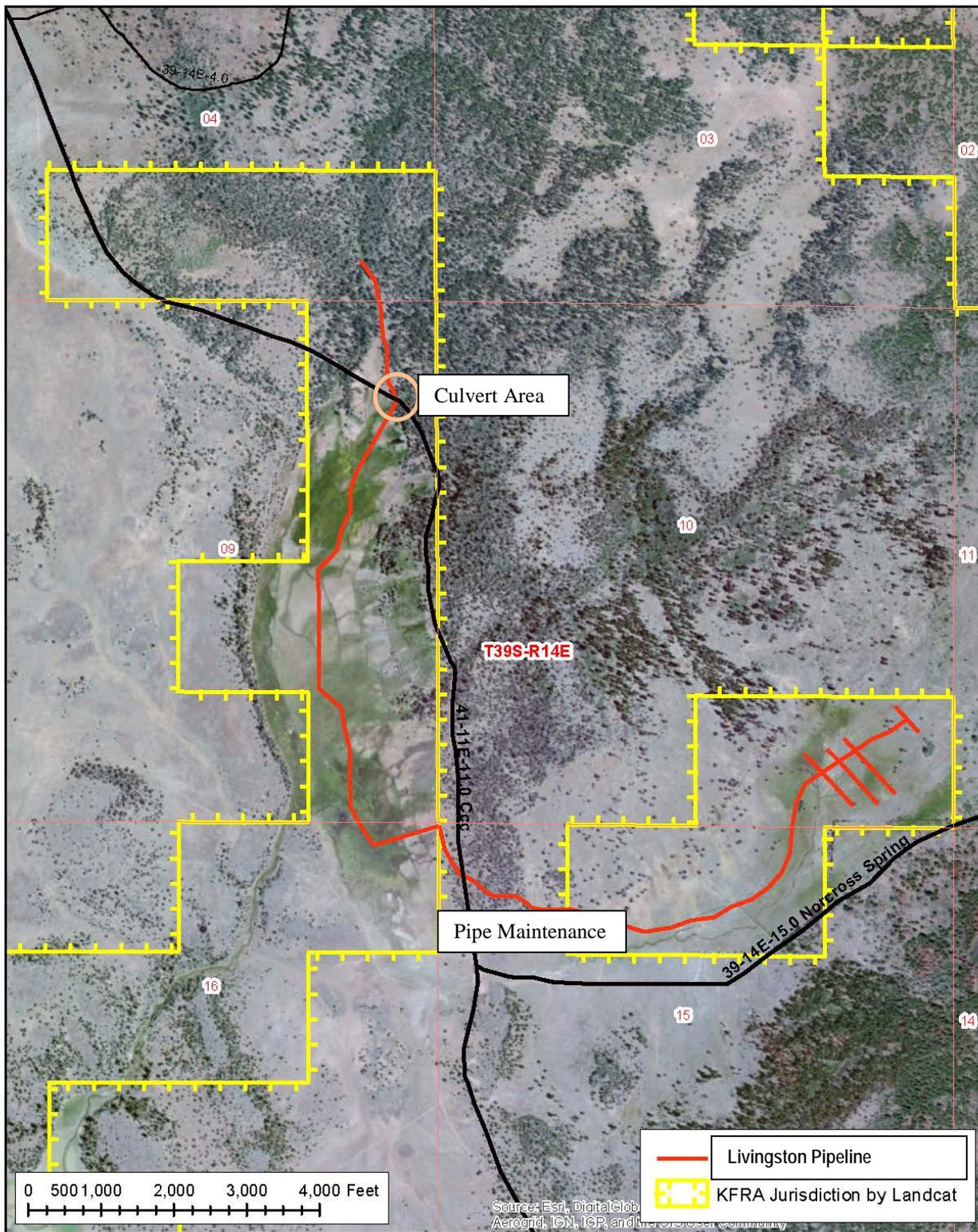


EXHIBIT A

Project Design Features (PDFs) and Best Management Practices (BMPs)

During construction, operation, maintenance, and termination of the project, the grantee must agree to the following PDFs and BMPs:

1. To the extent practicable, comply with all existing and subsequently enacted, issued, or amended Federal laws and regulations and state laws and regulations applicable to the authorized use.
2. Rebuild and repair roads, fences, and established trails destroyed or damaged by the project and or use by ROW holder.
3. Build and maintain suitable crossings for existing roads and significant trails that intersect the project.
4. Do everything reasonable to prevent and suppress wildfires on or in the immediate vicinity of the right-of-way area.
5. Not discriminate against any employee or applicant for employment during any phase of the project because of race, creed, color, sex, or national origin. You must also require subcontractors to not discriminate.
6. Pay monitoring fees and rent described in 43 CFR Sec. 2805.16 of this subpart and subpart 2806 of this part.
7. If BLM requires, you must obtain, and/or certify that you have obtained, a surety bond or other acceptable security to cover any losses, damages, or injury to human health, the environment, and property in connection with your use and occupancy of the right-of-way, including terminating the grant, and to secure all obligations imposed by the grant and applicable laws and regulations. If you plan to use hazardous materials in the operation of your grant, you must provide a bond that covers liability for damages or injuries resulting from releases or discharges of hazardous materials. BLM may require a bond, an increase or decrease in the value of an existing bond, or other acceptable security at any time during the term of the grant.
8. Assume full liability if third parties are injured or damages occur to property on or near the right-of-way (see 43 CFR Sec. 2807.12 of this part).
9. Comply with project-specific terms, conditions, and stipulations.
10. Restore, re-vegetate, and curtail erosion or conduct any other rehabilitation measure BLM determines necessary.
11. Ensure that activities in connection with the grant comply with air and water quality standards or related facility citing standards contained in applicable Federal or state law or regulations.
12. Control or prevent damage to Scenic, aesthetic, cultural, and environmental values, including fish and wildlife habitat; Public and private property; and Public health and safety;

13. Ensure that you construct, operate, maintain, and terminate the facilities on the lands in the right-of-way in a manner consistent with the grant.
14. Notify the Authorized officer of any maintenance or repairs prior to taking any action on the rights-of-way.
15. When the state standards are more stringent than Federal standards, comply with state standards for public health and safety, environmental protection, and citing, constructing, operating, and maintaining any facilities and improvements on the right-of-way.
16. Grant BLM an equivalent authorization for an access road across your land if BLM determines the reciprocal authorization is needed in the public interest and the authorization BLM issues to you is also for road access.
17. Immediately notify all Federal, state, tribal and local agencies of any release or discharge of hazardous material reportable to such entity under applicable law. You must also notify BLM at the same time, and send BLM a copy of any written notification you prepared.
18. Not dispose of or store hazardous material on your right-of-way, except as provided by the terms, conditions, and stipulations of your grant.
19. Certify your compliance with all requirements of the Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C. 11001 et seq., when you receive, assign, renew, amend, or terminate your grant.
20. Control and remove any release or discharge of hazardous material on or near the right-of-way arising in connection with your use and occupancy of the right-of-way, whether or not the release or discharge is authorized under the grant. You must also remediate and restore lands and resources affected by the release or discharge to BLM's satisfaction and to the satisfaction of any other Federal, state, tribal, or local agency having jurisdiction over the land, resource, or hazardous material.
21. Comply with all liability and indemnification provisions and stipulations in the grant.
22. As BLM directs, provide diagrams or maps showing the location of any constructed facility.
23. Comply with all other stipulations that BLM may require.
24. Conditions of Approval to Protect Cultural Values

If subsurface cultural resources are unearthed during operations, activity in the vicinity of the cultural resource will cease and a BLM representative notified immediately. Pursuant to 43 C.F.R. 10.4 the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, the project leader/operator/permittee/etc. must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures that are made by the authorized officer (BLM).

The project leader/operator/permittee/etc. is responsible for informing all persons associated with this project that they will be subject to prosecution for knowingly disturbing Native American Indian shrines, historic and prehistoric archaeology sites, or for collecting artifacts of any kind, including historic items and/or arrowheads from Federal lands pursuant to the 1906 American Antiquities Act (P.L. 59-209; 34 Stat. 225; 16 U.S.C. 432, 433), the Archaeological Resources Protection Act of 1979 (P.L. 96-95; 93 Stat. 721; 16 U.S.C. 470ee as amended), and/or other federal laws.

25. Wildlife

Raptor Nests

For Bald Eagles and Golden Eagles use the Fish and Wildlife Service Bald Eagle Management guidelines. Seasonal Restriction period would occur from Jan 1- August 31. These guidelines can be found at the following web site:

<http://www.fws.gov/pacific/eagle/NationalBaldEagleManagementGuidelines.pdf>

For all other raptors use the latest information of the critical nesting period for the raptor species and implement seasonal restrictions from human caused disturbance that may result in nest failure or abandonment.

26. The Lessee or Right-of-Way (ROW) Holder shall post the lease or ROW Serial Number on all structures authorized by the lease or grant where practical.

27. Weeds

All vehicles and equipment will be cleaned off prior to operating on BLM lands. Removal of all dirt, grease, and plant parts that may carry noxious weed seeds or vegetative parts is required and may be accomplished with a pressure hose.

High concentrations of noxious weeds in the immediate area of mechanical operations shall be mowed to ground level prior to the start of project activities.

All equipment and vehicles operating off of main roads shall be cleaned off prior to leaving the job site when the job site includes noxious weed populations. Removal of all dirt, grease, and plant parts that may carry noxious weed seeds or vegetative parts is required and may be accomplished with a pressure hose.

28. You are required to contact the Authorized Officer in the event of a name change or address change.
29. You are required to contact the Authorized Officer in writing 180 days prior to the expiration of this grant for renewal or relinquishment procedures.
30. Please notify Authorized Officer when the road will be closed or traffic delayed so that emergency vehicles can be notified of delay.

Exhibit C CCC Road Culvert POD

The crossing of the CCC road by the pipeline will consist of the following elements:

1. Removal of the existing 18” culvert.
2. Excavation of a 30” wide trench from one side of the road right-of-way to the other. The trench will enter the road right-of-way on its Northerly side at a minimum depth of **30”** inches. Once within the road foot print, the trench will transition to a depth of 62” beneath the irrigation ditch and road prism. Beyond the road prism and irrigation ditch, the depth of the trench will either remain horizontal to the Southerly edge of the right-of-way or decrease in elevation to maintain minimum cover of backfill material over the pipeline, depending on the existing site condition ground elevations.
3. 4” of bedding material will be placed in the bottom of the trench.
4. A 10” Class 125 PVC pipeline will be laid on top of the bedding.
5. A 12” HDPE N-12 soil tight pipe (or equivalent) will shield the pipeline beneath the road prism and culvert. The minimum length of the shielding pipe shall match the length of the replacement culvert above it. In lieu of the 12” shielding culvert, a cement/sand slurry, or equivalent CLSM (controlled low strength material) backfill may shield the pipeline.
6. 12” of a CLSM backfill will separate the two pipes from spring line of the lower to the spring line of the upper for the entire length of the culvert.
7. The replacement culvert specifications are the following:
 - Culvert will to be corrugated metal pipe, and a minimum of 36 feet.
 - Culvert lay will to be placed in existing.
 - Culvert shall be bedded with selected granular or fine readily compactable soil. In lieu of the bedding requirements prescribed, a CLSM backfill may be utilized.
 - Side fill shall be compacted under the haunches of the pipe or consist of a CLSM backfill beneath the haunches.
 - Culvert will have a band that is tight fitting to preserve the pipe alignment, prevent separation of pipe sections, and minimize infiltration of fill material.
 - Pipe shall be unloaded and handled with reasonable care.
 - There needs to have at a minimum of 1 foot of material over top of culvert (can include surface material).
 - Surface rock material will cover natural fill (minimum 4 inches).
8. Where the pipeline does not interface with road prism, the pipeline trench shall be backfilled with a select material from the bottom of the trench to 6” above the pipe containing no rocks larger than .5”. Final backfill shall consist of material containing no rocks larger than 3” from 6” above the rock to ground surface.
9. After pipeline construction, all ground disturbances shall be graded and seeded to prior construction conditions.