

UNITED STATES OF AMERICA
DEPARTMENT OF INTERIEOR
BUREAU OF LAND MANAGEMENT
MEDFORD DISTRICT OFFICE

CATEGORICAL EXCLUSION/DECISION RECORD

Glenn Fly R\W Renewal Application, OR 17384

CE# OR117-08-02

A. Proposed Action: Glenn Fly has applied for a right-of-way renewal for continued use of the existing water facility located in Section 1, T. 35 S., R. 8 W., Willamette Meridian. The system consists of a buried water line (1,073 feet) and two above ground water storage tanks. The system has been in place for many years and is used as a domestic water source by the applicant who resides at 10414 Galice Road. The proposed action is to renew the right-of-way grant for the existing facility for another 30 year term.

B. Location/Land Use Allocation: The water tanks and underground line are located on public land near Galice, Oregon in Josephine County, on the south side of the Rogue River. They are located within the Rogue National Wild and Scenic River corridor. The facility was previously authorized by BLM to Cary Fly (deceased), the applicant's father in 1977. On July 18, 2007, BLM personnel visited the site, verified the use and documented the site with photos. The current grant expires December 22, 2007.

C. Need / Rationale for the Proposed Action:

The existing facility was most recently reauthorized in 1977 by BLM and has been in use for many years. The current use is in conformance with the original application. There have been no changes to the system from the past. It is standard procedure for BLM to approve right-of-way renewals where the activity is consistent with past practices and local comprehensive plans (RMP p. 82).

D. Description of Proposed Action

The proposed action is to renew Mr. Glenn Fly's right-of-way grant for the buried water line and two above ground water storage tanks for another 30 year term. No changes to the right-of-way are proposed. No ground disturbing activities are anticipated.

Project Design Features

If noxious weed species are found on the BLM easement, the applicant will notify the BLM botanist of the population for treatment to reduce, control, contain, or eradicate populations currently on BLM lands or to prevent the further spread of populations onto BLM lands.

E. Plan Conformance

The proposed action is in conformance with the following plans:

(1) *Final EIS and Record of Decision for the Medford District Resource Management Plan* (RMP) (June 1995).

(2) *Final Supplemental EIS on Management of Habitat for Late-Successional and Old-Growth Forest Related Species within the Range of the Northern Spotted Owl* (February 1994).

(3) *Record of Decision for Amendments to Forest Service and Bureau of Land Management*

Planning Documents Within the Range of the Northern Spotted Owl and its attachment A entitled the Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl (NFP)(April 1994).

(4) Final Supplemental EIS for Amendments to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (March 2000), and the Record of Decision and Standards and Guidelines for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (January 2001)

(5) Medford District Noxious Weed Environmental Assessment (April 1998).

(6) Final Supplemental EIS for Management of Port-Orford Cedar in Southwest Oregon (December 2003)

(7) Wild and Scenic Rivers Act (Public Law 90-542; October 2, 1968)

F. Compliance with the National Environmental Policy Act

The Proposed Action qualifies as a categorical exclusion under Department Manual 516 DM 11, Appendix 11.5, Section E (16)--Acquisition of easements for an existing road or issuance of leases, permits, or rights-of-way for the use of existing facilities, improvements, or sites for the same or similar purposes.

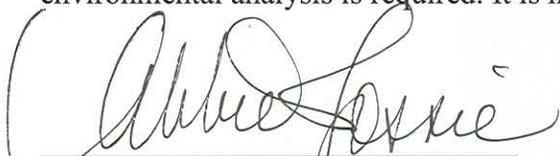
The proposed action has been reviewed to determine if extraordinary circumstances exist that would require further environmental analysis and documentation (516 DM 2, Appendix 2). None have been identified (see attached).


NEPA Reviewer / Date

Preparer / Date

G. Decision

I have reviewed this CE, plan conformance, and NEPA compliance review and have determined the proposed action is in conformance with the approved land use plan and that no further environmental analysis is required. It is my decision to implement the action as described.


Abbie Jossie
Field Manager
Grants Pass Resource Area

10-11-07
Date

**NEPA COMPLIANCE
CATEGORICAL EXCLUSION REVIEW
Glenn Fly R\W renewal Application, OR 17384
CE# OR117-08-02**

The Department of the Interior Manual 516 2.3A (3) requires the review of the following “extraordinary circumstances” (516 DM 2 Appendix 2) to determine if an otherwise categorically excluded action would require additional analysis and environmental documentation.

1) *Have significant impacts on public health or safety.*

Yes No

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.*

Yes No Remarks: The existing right-of-way is within the recreation section of the Rogue National Wild and Scenic River. Section 13(g) of the Wild and Scenic Rivers Act (Public Law 90-542; October 2, 1968) allows right-of-ways within a designated river corridor as long as they are not in conflict with the purposes of the Act. This right-of-way renewal will not impact the outstandingly remarkable values of the river (scenery, fisheries, and recreation), and therefore, is consistent with the intent of the Act.

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

Yes No

4) *Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.*

Yes No

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

Yes No

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

Yes No

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.*

Yes No

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.*

Yes No

9) *Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.*

Yes No

10) *Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).*

Yes No

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).*

Yes No

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).*

Yes No

Reviewers:

Concun Francis 10/10/07
Silviculture, Vegetation Dynamics
& Port-Orford Cedar Date

Robin M. Sagh 10/10/2007
Botany Date

Lisa Brennan 10/11/2007
Cultural Resources Date

Jon Rayson 10/4/07
Fisheries Date

Janice Ray 10/11/07
Wildlife Date

Michael DeBlas Oct 1, 2007
Soils/Hydrology Date

Christal A. Det 10/2/07
Visual Resources / Recreation Date

James R. Prosen 10/10/07
Engineering Date