

U.S.DEPARTMENT OF THE INTERIEOR
BUREAU OF LAND MANAGEMENT
MEDFORD DISTRICT
GRANTS PASS RESOURCE AREA
2164 NE Spalding Ave
Grants Pass OR 97526
(541) 471-6500
Medford_Mail@blm.gov

CATEGORICAL EXCLUSION DOCUMENTATION/DECISION RECORD

**Marla and Dale Otiker Renewal Applications:
R\W OR 44403 & Lease OR 44893
NEPA No: DOI-BLM-OR-M070-2009-0029-CX**

A. Proposed Action: Marla and Dale Otiker have applied for renewals of two BLM authorizations located on public land in Section 1, T. 36 S., R. 5 W., Willamette Meridian. In the past, BLM issued the Otikers a r\w grant for a small water line facility (400') and a lease for residential occupancy of an existing house on public land. Both authorizations were approved by BLM in 1989. The proposed action is to renew both authorizations to the Otikers for 20 year terms.

B. Location/Land Use Allocation: The existing water line facility and lease area are located northeast of Grants Pass, Oregon in the East Jones Creek drainage. The area is accessed via the East Jones Creek Road. The address for the private parcel is 2960 East Jones Creek Road.

C. Need /Rationale for the Proposed Action: The existing residence and water facility have been in place for many years. They were both placed on public land by the prior owner of the private parcel. BLM approved both actions in the past in order to resolve un-authorized use of public land. It is standard procedure for BLM to approve and\or renew land authorizations where the activity is consistent with past practices, and federal and state laws (RMP p.49). In this case, the current use conforms to past practices. Water from the existing facility is used for all their domestic needs.

D. 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 and decisions:

- a) Medford District's 2008 Record of Decision and Resource Management Plan (USDI 2008)
- b) Final EIS for the Revision of the Resource Management Plans of the Western Oregon Bureau of Land Management (2008)
- c) Record of Decision and Resource Management Plan Amendment for Management of Port-Orford-Cedar in Southwest Oregon, Coos Bay, Medford, and Roseburg Districts (May 2004)
- d) Decision Record and Environmental Assessment for the Medford District Integrated Weed Management Plan (April 1998)

This proposal also complies with the direction given for the management of public lands in the Medford District by the Oregon and California Lands Act of 1937 (O&C Act), Federal Land Policy and Management Act of 1976 (FLPMA), the Endangered Species Act (ESA) of 1973, the Clean Water Act of 1987, Safe Drinking Water Act of 1974 (as amended 1986 and 1996), Clean Air Act, and the Archaeological Resources Protection Act of 1979.

This proposed action is consistent with management objective in the 2008 Medford District Resource Management Plan to “provide needed rights-of-way, permits, leases, and easements over BLM-administered lands in a manner that is consistent with federal and state laws” (RMP p. 49). In addition, this project fully complies with the management objectives, actions, and direction of the resource management plan in place prior to December 30, 2008, which was the 1995 RMP, as amended (USDI 1995). The design of this project would not have differed under either the 2008 or the 1995 plans.

F. Compliance with the National Environmental Policy Act

The Proposed Action qualifies as a categorical exclusion under Department Manual 516 DM 11.9. E(9), E(11), E(16) and E(17) as follows:

- “Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations.
- “Conversion of existing right-of-way grants to Title V grants or existing leases to FLPMA Section 302(b) leases where no new facilities or other changes are needed.
- “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.”
- “Grant of a short rights-of-way for utility service or terminal access roads to an individual residence, outbuilding or water well.

G. Extraordinary Circumstances Review

Title 43, Section 46.205(c) of the Code of Federal Regulations (CFR) requires the review of this action to determine if any of the following “extraordinary circumstances” (found at 46 CFR 46.215) would apply. If any of the extraordinary circumstances apply, then 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

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:

<u>Leah Davison</u> 7/13/09 Silviculture, Vegetation Dynamics, & Port-Orford Cedar	<u>Greg Reef</u> 7/13/09 Wildlife
<u>Alvin M. Sisk - Dawngate</u> 7/13/09 Botany	<u>Michael DeBlasi</u> 7/13/09 Soils/Hydrology
<u>Joe Ber</u> 7/14/09 Cultural Resources	<u>Greg Reef</u> 7/13/09 Visual Resources / Recreation
<u>Shirley Jey</u> 7/13/09 Fisheries	<u>Cindy Winkler</u> 7/13/09 Engineering

Dulcey Schuster 7/14/09
Planning Coordinator/NEPA Date

Joe Hoppe 04-30-2009
Prepared by Date

H. 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 above in the Proposed Action.

Abbie Jossie
Abbie Jossie
Field Manager
Grants Pass Resource Area

7-15-09
Date