

UNITED STATES OF AMERICA  
DEPARTMENT OF INTERIEOR  
BUREAU OF LAND MANAGEMENT  
GRANTS PASS INTERAGENCY OFFICE  
2164 NE Spalding Avenue  
Grants Pass, Oregon 97526

**CATEGORICAL EXCLUSION/DECISION RECORD**  
**Phylis Vigil R\W Reauthorization Application, OR 65580**  
CE# OR117-08-44

**A. Proposed Action:** Phylis Vigil has applied for a right-of-way (r\w) reauthorization for continued use of the existing water facility located in Section 19, T. 38 S., R. 6 W., Willamette Meridian. The system consists of a buried water line (~500 feet). Water is siphoned from a natural pool in the stream. The system has been in place for many years and is used for both domestic water and irrigation purposes by the applicant who resides at 7887 Deer Creek Road. The proposed action is to reauthorize a r\w grant for the existing facility for another 30 year term.

**B. Location/Land Use Allocation:** The diversion source and the underground line are located on public land near Selma, Oregon in Josephine County. The facility was previously authorized by BLM to Luis (deceased) and Phylis Vigil. The previous grant expired February 2, 2008.

**C. Need / Rationale for the Proposed Action:**

The existing facility was authorized in the past 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 and no changes are proposed. It is standard procedure for BLM to approve right-of-way reauthorizations where the activity is consistent with past practices and local comprehensive plans. (RMP 82)

**D. Plan Conformance**

The proposed action is in conformance with the following plans:

1. Final EIS and ROD for the Medford District Resource Management Plan (RMP) (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 (1994)
3. ROD 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 (NWFP) (1994)
4. Final SEIS for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (2000), and the ROD and Standards and Guidelines for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (2001)

5. Medford District Noxious Weed Environmental Assessment (1998).
6. ROD for Management of Port-Orford Cedar in Southwest Oregon (2004)
7. Record of Decision to Remove the Survey and Manage Mitigation Measure Standards and Guidelines in Forest Service and Bureau of Land Management Plans within the Range of the Northern Spotted Owl. (July 2007)

**E. 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).

*Mark C. Ken* 9/28/08  
 NEPA Reviewer Date

s/s Joe Hoppe 9/5/08  
 Preparer / Date

**F. 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*  
 Abbie Jossie  
 Field Manager  
 Grants Pass Resource Area

9-26-08  
 Date

**NEPA COMPLIANCE**  
**CATEGORICAL EXCLUSION REVIEW**  
**Phylis Vigil R\W reauthorization Application, OR 65580**  
**CE# OR117-08-44**

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:

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

Yes No Remarks:

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

Yes No Remarks: .

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

Yes No Remarks:

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

Yes No Remarks:

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 Remarks:

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

Yes No Remarks:

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

Yes No Remarks:

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 Remarks:

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:**

Concetta Fravai 9/11/08  
Silviculture, Vegetation Dynamics  
& Port-Orford Cedar Date

Adriana S. G. 9/11/2008  
Botany Date

Steve Brem 9/9/2008  
Cultural Resources Date

[Signature] 9/9/08  
Fisheries Date

[Signature] 9/9/08  
Wildlife Date

Michael DeBlasi 9/9/08  
Soils/Hydrology Date

Ger M. K. 9/5/08  
Visual Resources / Recreation Date

Jim Roper 9/12/08  
Engineering Date