

# Categorical Exclusion Documentation

## A. Background

**BLM Office:** Prineville Field Office

**NEPA Log #:** DOI - BLM - OR – P040 - 2010 - 0043 - CX

**Project/Lease/Serial/Case File #:** OR-46057

**Proposed Action Title:** Gutierrez Cattle Company Right-of-Way (ROW)

**Location:** T. 17 S., R. 22 E., Section 8, S ½ SE ¼, Willamette Meridian, Oregon. This ROW is approximately 47 air miles southeast of Prineville. See attached map.

**Description of the Proposed Action:** Renew an existing right-of-way (ROW) across public lands to access private property. This ROW is a non-commercial physical access across approximately one quarter mile of public lands on an existing unimproved road. The right-of-way has a length of 1200 feet and is 24 feet wide and contains .66 acre more or less. No changes to the road are planned at this time. The term of the ROW will be for 20 years.

## B. Land Use Plan Conformance

Land Use Plan Name: Brothers/La Pine Resource Management Plan Date approved (ROD): July 1989.

The proposed action would be in conformance with the above plan, even though it is not specifically provided for, because it is clearly consistent with the following land use plan decisions, objectives, terms, or conditions: On page 29, Management Direction states, “Public lands will continue to be available for rights-of-way, including multiple use and single use utility/transportation corridors, following existing routes, communication sites and roads”.

## 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., Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations.

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 apply. See attached CX Extraordinary Circumstances Documentation checklist.

## D. Signature

Authorizing official: \_\_\_\_\_

*H.F. "Chip" Faver*

H. F. "Chip" Faver

Central Oregon Resource Area Field Manager

*09/07/10*

Date

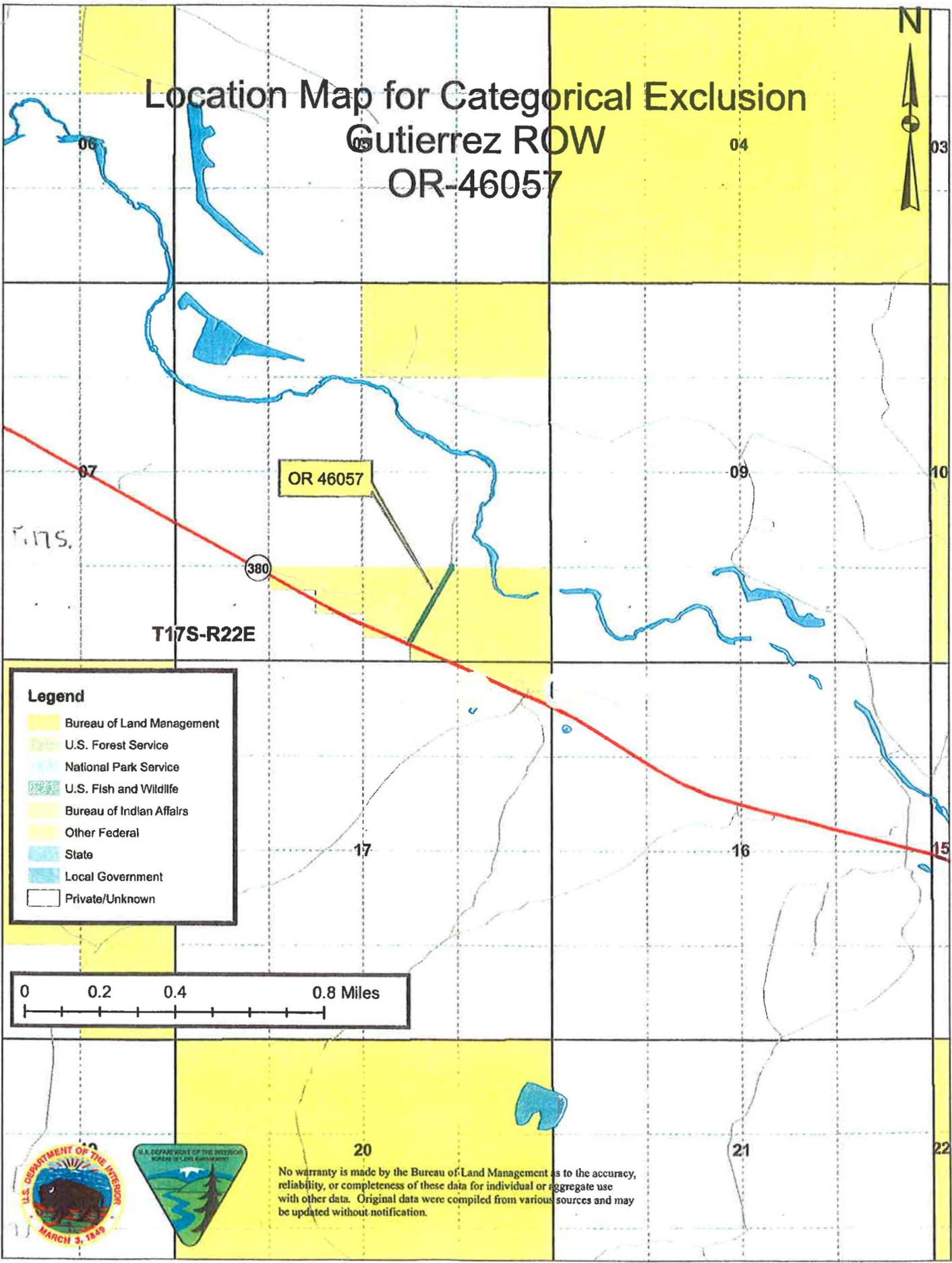
## Contact Person

For additional information concerning this review, contact: Julie Freeman, Land Law Examiner, Prineville Field Office, 3050 NE 3rd Street, Prineville, OR 97754, telephone (541) 541-416-6701, email: Julie\_K\_Freeman@blm.gov.

<b>CX EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION</b>			
The proposed categorical exclusion action will:		YES	NO
2.1	Have significant impacts on public health or safety.		X
All proposed activities would follow established Occupational Safety and Health Administration rules concerning health and safety.			
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 existing road is not within a park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmland; wetlands. There are no wilderness qualities on public lands proposed for the Gutierrez ROW, OR-46057. These public lands did not contain wilderness qualities in the past 1978-9 BLM Wilderness intensive inventory, or current Wilderness inventory Update, due to its small size and lack of outstanding solitude or primitive, unconfined recreation opportunities.			
2.3	Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].		X
Rationale: The above project has been reviewed and found to be in conformance with one or more of the following BLM plans: Upper Deschutes Record of Decision and Resource Management Plan, date approved (ROD): September 2005. The proposed action would be in conformance with the above plan, even though it is not specifically provided for, because it is clearly consistent with the following land use plan decisions, objectives, terms or conditions: On page 135, Objective TU-1, Guideline 1 states, "BLM administered lands will continue to be available for rights-of-way, including multiple use and single use utility/transportation corridors, following existing routes, and roads."			
2.4	Have highly uncertain and potentially significant environmental effects or		X

involve unique or unknown environmental risks.		
Rationale: Past proposed road right-of-way grants have shown no highly uncertain, potentially significant, unique or unknown risks.		
2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
Rationale: Road right-of-way grants have been authorized for many years throughout BLM with various authorities. There is no evidence that this action has potentially significant environmental effects. This management activity does not commit the BLM to pursuing further actions, and as such would not establish a precedent or decision for future actions with potentially significant environmental effects.		
2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
Rationale: The proposed action is specifically provided for in land use plan decisions. Similar past activities had no significant direct, indirect or cumulative effect.		
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: The BLM has conducted surveys for cultural resources in the project area, and determined that the proposed action would not result in significant impacts to cultural resources.		
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: The proposal is an existing road that has been used for over 20 years. The scope of the project would not change the overall habitat function of the stand or result in the loss of critical habitat.		
2.9 Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		X
Rationale: The proposal is to allow use on an existing road that has been used for over 20 years. The scope of the project would not change the overall habitat function of the stand or result in the loss of critical habitat.		
2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		X
Rationale: The proposed road access would not affect low income or minority populations.		
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: A cultural clearance was completed for this proposal and no sacred sites were identified.		
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: If granted a term and condition of the ROW grant is that the holder is to control the spread of noxious weeds within the boundaries of the ROW grant for the life of the ROW. Also if equipment is brought into the area it would be washed prior to entering onto BLM land.		

# Location Map for Categorical Exclusion Gutierrez ROW OR-46057

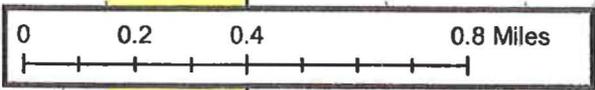


OR 46057

T17S-R22E

**Legend**

- Bureau of Land Management
- U.S. Forest Service
- National Park Service
- U.S. Fish and Wildlife
- Bureau of Indian Affairs
- Other Federal
- State
- Local Government
- Private/Unknown



No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources and may be updated without notification.

R. 22E.