

# Categorical Exclusion Documentation

## A. Background

**BLM Office:** Prineville Field Office

**NEPA Log #: DOI - BLM - OR – P040- 2011-0026 -CX**

**Project/Lease/Serial/Case File #: OR-66595**

**Proposed Action Title:** Road Right-of-Way (ROW)

**Location:** This ROW is approximately 66 air miles north east of Prineville, Travel east from Service Creek on Highway 19 (John Day Highway) for approximately 5 miles, turn north off the highway. OR-66595, T 9 S. R 23 E. Sec 1 Lot 1, E1/2NESE; T 9S R 24 E, Sec. 6 Lot 5.

**Description of the Proposed Action:** Charles and JoAnne South are requesting legal access to their private property over an existing road that is approximately 30 feet wide and 3950 feet in length.

## B. Land Use Plan Conformance

Land Use Plan Name: Two Rivers Resource Management Plan (RMP) Record of Decision (ROD)

Date approved: June 6, 1986

The proposed action is in conformance with the above plan because it is specifically provided for in the following land use plan decisions: Page 32, Utility and Transportation Corridors, second paragraph states, “Public lands will continue to be available for local 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 Departmental Manual (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”. (516 DM 11.9, dated 1/30/2008)

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. Also attached is a Finding of No Wilderness Characteristics on Public Lands determination.

**D. Signature**

I considered that this road has been in existence for over 100 years and the proposed action does not have a significant affect either individually or cumulatively on the human environment.

*H. F. "Chip" Faver*

*3.31.11*

Authorizing official: \_\_\_\_\_  
 H. F. "Chip" Faver, Field Manager, Central Oregon Resource Area

\_\_\_\_\_  
 Date

**Contact Person**

For additional information concerning this review, contact: Julie Freeman, Land Law Examiner  
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 6701, Julie\_K\_Freeman@blm.gov.

<b>CX EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION</b>		<b>YES</b>	<b>NO</b>
The proposed categorical exclusion action will:			
2.1	Have significant impacts on public health or safety.		<input checked="" type="checkbox"/>
Rationale: 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.		<input checked="" type="checkbox"/>
Rationale: This ROW 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; or wetlands. See attached Finding of No Wilderness Characteristics on Public Lands .			
2.3	Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].		<input checked="" type="checkbox"/>
Rationale: The above project has been reviewed and found to be in conformance with the following BLM plan: Two Rivers Resource management Plan (RMP) June 1986. The proposed action is simply to renew an existing ROW that has been in use for over 100 years. The proposed action does not have any highly controversial environmental effects or involve unresolved conflicts.			
2.4	Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		<input checked="" type="checkbox"/>
Rationale: This existing ROW does not have any highly uncertain and potentially significant environmental effects nor does it involve unique or unknown environmental risks.			
2.5	Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		<input checked="" type="checkbox"/>

<p>Rationale: Road rights-of-way grants have been authorized for many years throughout BLM with various authorities. There is no evidence that these actions have 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.</p>		
2.6	Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	✓
<p>Rationale: This proposed action is specifically provided for in the land use plan decision. Similar past activities had no significant direct, indirect or cumulative effect.</p>		
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.	✓
<p>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.</p>		
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.	✓
<p>Rationale: This proposal is for a ROW that has been used for over 100 years. The scope of the project would not change the overall habitat function of the stand or result in the loss of critical habitat.</p>		
2.9	Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.	✓
<p>Rationale: This proposed action conforms to the direction given for the management of public lands in the Prineville District ROD/RMP, which complies with all applicable laws, such as the Clean Water Act, Endangered Species Act and others.</p>		
2.10	Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).	✓
<p>Rationale: This proposed action would not affect low income or minority populations.</p>		
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).	✓
<p>Rationale: A Threatened and Endangered plant survey was conducted on the site as well as an archaeological inventory and the site was cleared for both resources.</p>		
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).	✓
<p>Rationale: If granted, a term and condition of the ROW grant would be that the holders would be responsible to control the spread of noxious weeds within the boundaries of the ROW grant.</p>		