

# Categorical Exclusion Documentation

## A. Background

**BLM Office:** Prineville Field Office

**NEPA Log #:** DOI - BLM - OR – P060 - 2012- 0020 - CX

**Project/Lease/Serial/Case File #:** OR 59245

**Proposed Action Title:** Hendrickson and Phipps Request for Assignment and Amendment of Existing Road Right-of-Way.

**Location:** Nine air miles south of La Pine, Oregon, within BLM land described as:

Willamette Meridian, Oregon

T. 23S., R. 10E.,

Section 22, W1/2NE1/4, E1/2SW1/4, NW1/4SE1/4;  
Section 27, W1/2;  
Section 34, W1/2NW1/4;

T. 24S., R.10 E.,

Section 04, E1/2SE1/4NE1/4, NE1/4NE1/4SE1/4

**Description of the Proposed Action:** The BLM proposes approving the assignment of Ronald Hendrickson’s (“Applicant”) existing right-of-way (ROW) OR 59245 into joint holding with Steve Phipps (“Phipps”) and amending the right-of-way to add the existing dirt spur access road to Phipps’ property, referred to here as the “Phipps Spur”.

Mr. Phipps is a neighbor of Mr. Hendrickson and this action is to provide Mr. Phipps with joint use of ROW OR 59245 so that Mr. Phipps has legal access to his property and so that he may share maintenance of the dirt roadway covered by OR 59245. The Hendrickson ROW OR 59245 is approximately three miles long prior to this proposed action, and covers 5.3 acres of BLM land. The Phipps Spur that is proposed to be added to ROW OR 59245 is 359 feet long by 10 feet wide (five feet on each side of the centerline of the existing road spur), and would increase the original road ROW from 5.3 to 5.4 acres.

The proposed ROW grant, as assigned and amended by the BLM’s proposed actions, would contain numerous standard and action specific BLM special stipulations governing the Applicant’s and the assignee’s (Phipps’) use of the road under the ROW. For example, the Applicant and the assignee would agree not to change the current width of the roadway as it crosses BLM lands and the Applicant and the assignee would take responsibility for maintaining the roadway in good condition.

## **B. Land Use Plan Conformance**

Land Use Plan Name: The Upper Deschutes Record of Decision (ROD) and Resource Management Plan (RMP).

Date approved: September 2005.

The proposed action is in conformance with the above RMP: See RMP Page 135 which provides, “Transportation and Utilities Objective TU-1: Provide new or modified rights-of-way for transportation/utility corridors and communication/energy sites to meet expected demands and minimize environmental impacts”. In addition, Guideline 1 on such page 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”.

RMP Map 15: Interim Guidance for Motorized Use of Existing Roads and Trails for the La Pine Recreation Area designates the area that includes the 359 feet long “Phipps Spur” as “Limited to Designated Roads Only Year Round.” Map 15 identifies two short east/west spur “Designated Roads” going from T. 24S., R.10 E., section 3 BLM land into section 4 private land. Based on the result of an onsite inspection and review of aerial photographs, it is not possible to confirm with certainty that the Phipps Spur is one of the two noted east/west spur roads. In any event, the proposed action is in conformance with “Transportation and Utilities Objective TU-6 [See RMP Page 139]: Provide motorized access to facilities reasonable entry and operations for administrative purposes. Rationale: To meet administrative needs for land and resource management activities, public access restrictions may not apply or may be temporarily modified . . . Administrative access will be required . . . to construct, maintain, and access private property or facilities. Examples of such administrative and management activities include but may not be limited to . . . rights-of-way and facilities construction/maintenance and ingress/egress to private in-holdings.”

RMP Map 4: Wildlife and Recreation Emphasis designates the area that includes the 359 feet long “Phipps Spur” as “Wildlife Emphasis . . . Primary.” Objective W – 4a – Primary Wildlife Emphasis . . . Guidelines: . . .” states “3. Where possible, manage for low densities of open motorized travel routes (approximately <1.5mi/[mile squared].” See RMP Page 56. Adding the existing Phipps Spur to ROW OR 59245 under the proposed action is consistent with the RMP and Objective W – 4a. The Phipps Spur is an existing dirt road used as casual use for access to the Phipps’ private land. Creating an alternate new road to access such private land would result in the creation of new road area in this area of Wildlife Emphasis that is equal to or larger in size than the current 3,590 square feet area of the proposed Phipps Spur. Therefore, any such new road route would add to, rather than reduce, possible wildlife disturbance in the area.

## **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) 516 11.9, E. Realty, (17) “Grant of a short rights-of-way for utility service or terminal access roads to an individual residence, outbuilding, or water well.” (516 DM 11.9, dated 1/30/2008). The

Applicant and the assignee (Phipps) each have existing buildings built on their respective properties that the amended and assigned ROW OR 59245 would provide access to.

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**

I have considered this proposed amendment and assignment of road ROW OR 59245 grant action and have found that it would have no significant effect either individually or cumulatively on the human environment.

Authorizing official: Molly Brown 4/24/12  
Molly Brown, Field Manager, Deschutes Resource Area Date

**Contact Person**

For additional information concerning this review, contact Michael Kroll, Realty Specialist, Prineville Field Office, 3050 NE 3rd Street, Prineville, OR 97754, telephone (541) 416-6752, or email [mkroll@blm.gov](mailto:mkroll@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.		X
Rationale: The proposed action is not predicted to have significant impacts on public health or 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 proposed action would not have an effect 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. The proposed action does not include any actions for Wilderness Study Areas or for lands being managed for wilderness character. There are no wilderness qualities on public lands proposed for the amended and assigned Hendrickson-Phipps ROW OR 59245. These public were not inventoried for wilderness values in the 1978-9 Wilderness Intensive Inventory. Although no current Wilderness Inventory Updates have recently occurred for these public lands, this area lacks wilderness characteristics, due to vehicle routes that bisect these public lands into blocks less than 5,000 acres, so wilderness characteristics are absent.			
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 proposed ROW grant, as assigned and amended, is for existing dirt roads that are in good condition and have been in use by the public for several years. The proposed action would not have highly controversial effects or involve unresolved conflicts with available resources.			
2.4	Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
Rationale: There are no predicted effects on the human environment from this action that are considered to be highly uncertain or involve unique or unknown risks. The BLM has successfully implemented similar road ROW grant actions within the Prineville District.			
2.5	Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
Rationale: ROWs for access roads have been authorized for many years throughout the BLM. There is no evidence that this action will have potentially significant environmental effects. This management activity does not commit the BLM to pursuing further actions, and would not establish a precedent for future action or represent a decision in principle about 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: Significant cumulative effects are not predicted to occur with respect to this proposal.			

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: Based on the findings of the District's cultural/historic expert, the proposed action would not adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places, nor will it cause loss or destruction of significant scientific, cultural, or historical 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: Based on the findings of the District wildlife expert, there are no Endangered or Threatened species within the boundaries of the proposed amended and assigned right-of-way OR 59245. According to the District Botanist, only one special status plant would be suspected in the vicinity of the right-of-way area, the Pumice grape-fern, ( <i>Botrychium pumicola</i> ). As long as no new disturbance is associated with these Rights of Ways there would not be 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. This area was surveyed for special status species during the initial ROW. Pumice grape-fern was found in the immediate area and stipulations were added to the permit. These stipulations will continue to be in effect.		
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 issuance of this amended and assigned linear road right-of-way is in accordance with the provisions of the Federal Land Policy and Management Act of 1976, as amended. It is a right-of-way that is substantially similar in form and substance to numerous other linear road rights-of-way granted by the BLM and the Prineville District in particular; and it is designed to conform with all Federal, State, local and tribal laws and requirements including those relating to the protection of the environment. Accordingly, this right-of-way grant does not violate any Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		
2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		X
Rationale: The issuance of this amended and assigned linear road right-of-way is for the purpose of granting legal road access to a piece of rural private property. The proposed action is not expected to have any noticeable effect on low income or minority populations. Accordingly, the proposed action will not have a disproportionately high and adverse effect on 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: The proposed action does not make any changes to the access and use of Federal lands other than it grants the right-of-way holder legal access to their private property and the right to maintain the road at issue in good condition and repair. Accordingly, the proposed action would not 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.		
2.12 Contribute to the introduction, continued existence, or spread of noxious		X

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).		
---	--	--

Rationale: The proposed ROW grant is for an existing roadway that has been in use by the public for several years. The ROW grant is not expected to significantly increase traffic on this access road. Accordingly, the project is not expected to 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).		
---	--	--