

Categorical Exclusion Documentation

A. Background

BLM Office: Prineville Field Office

NEPA Log #: DOI - BLM - OR – P040 - 2012- 0055 - CX

Project/Lease/Serial/Case File #s: OR 66274 (ROW #1), OR 66275 (ROW #2), and
OR 66404 (ROW #3)

Proposed Action Title: Everhart and Buche Requests for Three Road Rights-of-Way.

Location:

Proposed right-of-way (ROW) ROW #1 is located east of the John Day River (JDR) and consists of portions of a dirt road that crosses BLM administered lands. This road begins at the intersection of Hwy. 218 and a point on Hwy. 218 that is about ¼ mile east of the JDR. ROW #1 is about 12.0 miles east of the city of Antelope, Oregon.

Proposed ROW #2 consists of portions of a dirt road that crosses BLM administered lands. This road begins on Bennett Road (County Rd. 300) at a point on Bennett Road that is about four miles northeast of Antelope, Oregon.

Proposed ROW #3 consists of portions of two dirt roads that cross BLM administered lands. The proposed ROW begins on Clarno Homestead Road, which is located roughly parallel with the western bank of the JDR, then turns west onto Sorefoot Road for the last approximately one mile.. Clarno Homestead Road begins at the intersection of Hwy. 218 and a point on Hwy. 218 that is about 1/8 mile west of the JDR. ROW #2 is also about 12.0 miles east of the city of Antelope, Oregon.

The proposed rights-of-way are within BLM land described as:

ROW #1:

Willamette Meridian, Oregon

T.07 S., R.19 E.,

sec. 28, NWSW, SESW;
sec. 33, SWNW.

ROW #2:

Willamette Meridian, Oregon

T.06 S., R.18 E.,

sec. 33, E2SW;

T.07 S., R.18 E.,

sec. 04, W2;
sec. 07, E2SW, W2SE;
sec. 08, E2NE, E2SE;
sec. 09, W2NW;
sec. 17, NWSW;
sec. 18, NWNE, SWNE, SENE;
sec. 20, N2NW.

ROW #3:

Willamette Meridian, Oregon

T.07 S., R.18 E.,

sec. 24, SENE;

T. 07 S., R. 19E.,

sec. 19, SENE, SWNE, NESE, S2NW;
sec. 20, W2SW;
sec. 29, W2;
sec. 32, W2NE.

Description of the Proposed Action: The BLM proposes granting the Applicants (Jon and JoAnn Everhart and Earl Buche for OR 66274, ROW #1; Jon and JoAnn Everhart for OR 66275, ROW #2; and Jon Everhart and Earl Buche for OR 66404, ROW #3) a linear road right-of-way (“ROW”). Each ROW would give its respective Applicant the legal right to use and maintain an existing road to cross the above-noted BLM lands to reach each Applicant’s private property. The proposed road ROWs would have the following approximate dimensions:

ROW #1: Would be 14 foot wide by 3,329 feet long (0.63 miles), amounting to 1.07 acres;

ROW #2: Would be 14 foot wide by 23,787 feet long (4.51 miles), amounting to 7.65 acres.

ROW #3: The portion of the ROW located on Clarno Homestead Road would be 14 foot wide by 19,471 feet long (3.69 miles), and the portion of the ROW located on Sorefoot Road would be 10 feet wide by 5,670 feet long (1.07 miles), amounting to a total of 5.74 acres

Each of the three proposed ROW grants would contain usual and customary BLM stipulations governing each respective Applicant's use of the road under each respective ROW. In addition to the usual and customary BLM stipulations, special stipulations would apply to the approximately one mile section of Sorefoot Road contained in ROW #3.

B. Land Use Plan Conformance

Land Use Plan Name: The Two Rivers Resource Management Plan (RMP) -- Record of Decision (ROD), the RMP/ROD.

Date approved: June 1986.

The proposed action is in conformance with the above RMP/ROD: See RMP/RMP Page 32 which provides, "Utility and Transportation Corridors . . . 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

Each of the three ROWs under 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). Each of the three proposed ROW grants OR 66274 and OR 66404 will be used to access existing homes and outbuildings of the respective Applicants.

The noted 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 action to grant three road ROWs and have found that this action has no significant affect either individually or cumulatively on the human environment.

Authorizing official: _____


H.F. "Chip" Fayer,
Field Manager, Central Oregon Resource Area

Date

11-16-12

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.

CX EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION The proposed categorical exclusion action will:	YES	NO
2.1 Have significant impacts on public health or safety.		X
<p>Rationale: The proposed action and the road construction and maintenance activities that would be permitted under such action are referred to collectively herein as the "Project". The Project would allow legal access over, and the right to maintain, certain portions of three existing dirt roads in a remote area of central Oregon. Such roads are in a rough condition that is customary for the area, are not intended for highway passenger vehicles, and they receive very little vehicular or human foot traffic. Accordingly, the Project is not expected to have significant impacts on public health or safety.</p>		
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
<p>Rationale:</p> <p>The BLM administered lands that would be affected by the Project have been surveyed for historic and cultural resources. Such surveys determined that there are no historic or cultural resources within the proposed Project area, so the Project would not have any significant effect on historic or cultural resources.</p> <p>The Project would not be located in any designated park, recreation or refuge lands; therefore the proposed action would not have a significant effect on any such lands. The Project would not conflict with current recreational uses of the BLM lands that are within and surrounding the Project area.</p> <p>There are no Wilderness Study Areas or lands with wilderness character within or affected by the proposed Project area. See Wilderness Inventory File OR-054-020 North Pole Ridge WSA Additions Inventory Unit, on file in the Prineville District Office.</p> <p>The Project would not be located within an area designated as Federal Wild and Scenic River and therefore would not affect any such natural resources and unique geographic characteristics.</p> <p>The Project would not be located on or in the vicinity of any national natural landmarks, national monuments, sole or principal drinking water aquifers, or prime farmlands, wetlands (Executive Order 11990), or floodplains (Executive Order 11988), therefore the Project would have no significant effect on any such ecologically significant or critical areas.</p> <p>As noted above, the Project would allow legal access over, and the right to maintain, certain portions of three existing dirt roads in a remote area of central Oregon. Such roads receive very little vehicular or human foot traffic. Accordingly, the Project is not expected to have any negative affect on migratory birds.</p>		

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 grants are for three existing dirt roads that are in travelable 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 numerous similar road ROW grant actions within the Prineville District without incurring any of the aforementioned effects on the human environment.		
2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
Rationale: Rights-of-way 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 any 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: Each of the three dirt roads involved in the Project is a remote, isolated roadway that receives very little traffic. There are no other known significant activities in the Project area that have an impact on or that are impacted by the Project, accordingly 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 and the District botanist, there are no Endangered or Threatened species within the Project area that might reasonably be expected to be negatively impacted by the Project. No special status plants have been identified within the Project area. Based on the foregoing information, the proposed action would not 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.		
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 the linear road rights-of-way under the Project would be in accordance with the provisions of the Federal Land Policy and Management Act of 1976, as amended. The three rights-of-way that would be granted under the Project are substantially		

<p>similar in form and substance to numerous other linear road rights-of-way granted by the BLM and the Prineville District in particular; and such proposed rights-of-way are designed to conform to all Federal, State, local and tribal laws and requirements including those relating to the protection of the environment. Accordingly, the Project would not violate any Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.</p>		
2.10	Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).	X
<p>Rationale: The issuance of the three linear road rights-of-way under the Project is for the purpose of granting legal road access to a three parcels of rural private property. The Project is not expected to have any noticeable effect on 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).	X
<p>Rationale: The Project would not make any changes to the access and use of Federal lands other than it grants the rights-of-way holders legal access to their private property and the right to maintain the roads 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.</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).	X
<p>Rationale: The proposed rights-of-way grants are for three existing dirt roads that have been used by the public for several years. The Project is not expected to significantly increase traffic on these access roads. Customary stipulations would be placed in the rights-of-way that require steps to avoid the introduction, existence or spread of non-native plants, such as requiring road maintenance vehicles to be cleaned before work is performed in the Project area. 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).</p>		