

Categorical Exclusion Documentation

A. Background

BLM Office: Prineville Field Office

NEPA Log #: DOI - BLM - OR – P060 - 2013 - 0001 - CX

Project/Lease/Serial/Case File #: OR-66951

Proposed Action Title: Right-of-Way Road- Veterans Cattle Co.

Location: This road is approximately three air miles Southeast of Prineville, Oregon.

T. 17 S., R. 17 E., sec. 35, SE¼ SE¼;

T. 17 S., R. 18 E., sec. 31, SW¼ SW¼;

Description of the Proposed Action: Issue Right of Way for access to private property through 250 yards of BLM land, then through one mile of applicant's property, then through 440 yards of additional BLM land. This road is approximately 2070 feet long, 30 feet wide and is an unpaved, ranch road used for access and moving cattle and has been in existence for over 100 years.

B. Land Use Plan Conformance

The Upper Deschutes Record of Decision (ROD) and Resource Management Plan (RMP).

Date approved (ROD): September 2005.

The proposed action is 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: Page 107, Interim Guidelines for use of Existing Roads and Trails, item 23 (b) "Any road or trails on private land without legal easements for public use and roads and trails that occur for a majority of their length on private land". Travel and road use restrictions listed on ROD/RMP Map 3 "Travel Management Designations and Seasonal Use Periods" show the proposed ROW as being in an area "Limited to Designated Roads Only Year Round". The same designation is shown on ROD/RMP Map 22 "Interim Guidance for Motorized Use of Existing Roads and Trails for the Prineville Reservoir Recreation Area".

The ROD/RMP provides an "administrative needs" exception to the above travel and road use restrictions: On p. 139 it states "Objective TU-6: Provide motorized access to facilitate reasonable entry and operations for administrative purposes. Rationale: To meet BLM administrative needs for land and resource management activities, public access restrictions may not apply or may be temporarily modified . . . Administrative access will be required in cases of access required by law or regulation . . . and to construct, maintain, ad 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 . . . and other activities allowed under written authorization."

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. Realty, (17) "Grant of short rights-of-way for utility service or terminal access roads to an individual residence, outbuilding or water well". The proposed ROW grant OR-66951 will be used to access an existing ranch and outbuildings of the applicant.

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 considered that this road has been in existence and used by owners and previous owners for access to their private property for more than 100 years, and have found that it had no significant affect, either individually or cumulatively on the human environment.

Authorizing official:  3/12/13
 Molly M. Brown Date
 Field Manager, Deschutes Resource Area

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) 416-6701, or email jkfreama@blm.gov.

| CX EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION | | YES | NO |
|---|--|------------|-----------|
| The proposed categorical exclusion action will: | | | |
| 2.1 | Have significant impacts on public health or safety. | | X |
| Rationale: This existing road has had no significant impacts on public health or safety and would continue to have no 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: This road is not within park, recreation or refuge lands; or within any wilderness, wilderness study area, or lands having wilderness characteristics; wild or scenic river, national natural landmark, sole or principal drinking water aquifers; prime farmland or wetlands. | | | |

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| 2.3 | Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]. | | X |
| Rationale: This project has been reviewed and found to be in conformance with the following BLM plan: Upper Deschutes Record of Decision (ROD) and Resource Management Plan (RMP), September 2005. The proposed action is to grant a ROW for a road 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. | | X |
| Rationale: This proposed action would have no effects on the human environment that are considered to be highly uncertain or involve 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: This proposed action applies only to this ROW 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: This proposed action would not have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. | | | |
| 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: This proposed action would not 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. | | | |
| 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: This 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: This proposed action would 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: This proposed action would 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: This 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 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: No new construction or alteration to the existing road is planned. However, if equipment is brought into the area, it is to be washed prior to entering onto BLM land.