

Categorical Exclusion Documentation

A. Background

BLM Office: Prineville Field Office

NEPA Log #: DOI - BLM - OR – P040 - 2014- 0036 - CX

Project/Lease/Serial/Case File #s: OR 67592

Proposed Action Title: Proposed linear right-of-way (ROW) OR 67592 to the Applicants for continued access to their ranch property.

Location:

Proposed ROW OR 67592 consists of approximately two-thirds mile of dirt road that crosses approximately 3,930 feet of BLM administered lands between such dirt road's origination on Starvation Lane (at a point on Starvation Lane that is approximately eight miles east of the latter road's beginning on Oregon Hwy. 206) and the subject dirt road's northern termination at the Applicant's ranch property. The ROW route is shown as to location on Exhibit A hereto.

The subject ROW is within BLM land described as:

Willamette Meridian, Oregon

T.01 S., R.19 E.,
sec. 01, W1/2NW; sec. 02, NENE.

Description of the Proposed Action: The BLM proposes granting the Applicants (Patrick and Nancy Dunham) a linear road ROW that would give them the legal right to use that portion of an access road to their ranch property that crosses BLM administered lands. The subject ROW would be approximately 3,930 feet in length and eight (8) feet in width and would encompass an area of approximately 1.0 acre.

The subject road has been used by the Applicants on a "casual use" basis for more than ten years and is located in a portion of the Two Rivers Resource Management Plan area (Two Rivers RMP) that is expected soon to become part of the publicly announce proposed John Day Basin Resource Management Plan (JDBRMP). Under the JDBRMP, continued use of the subject road by the Applicants would be allowed if the Applicants apply to the BLM for, and are granted, a ROW. Accordingly, the requested ROW is proposed to be granted pursuant to the publicly announced "access right-of-way" procedure outlined in the attached Q&A release (for further

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		YES	NO
The proposed categorical exclusion action will:			
2.1	Have significant impacts on public health or safety.		X
<p>Rationale: The proposed action and the road use activities that would be permitted under such action are referred to collectively herein as the "Project". The Project would allow legal access over certain portions of an existing ranch access road in a remote area of central Oregon. The road is a dirt two-track route in a rough condition that is customary for the area, is not intended for general use by highway passenger vehicles, and the road receives 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 will not be subjected to any new disturbance based on the current Project action. Accordingly, 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. 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>The Project would allow legal access for ranch access purposes affecting less than a one-mile portion of an existing dirt road in a remote area of central Oregon. Such road receives 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
<p>Rationale: The proposed ROW grant is for an existing dirt road that is in travelable condition and has been in use for several years by the owners and guests of the ranch that the road provides access to. The proposed action would not have highly controversial effects or involve unresolved</p>			

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: As noted above, the dirt road involved in the Project is a remote, isolated access roadway to a private ranch property and the road 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: 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 right-of-way that would be granted under the Project 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 such right-of-way is 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.		

2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		X
Rationale: The issuance of the linear road right-of-way under the Project is for the purpose of granting legal road access to a parcel of rural private property. The Project is not expected to have any noticeable 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 Project would not make any changes to the access and use of Federal lands other than it grants the rights-of-way holders a continuation of their legal access to their private property. 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 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: The proposed rights-of-way grant is for an existing dirt road that has been used by members of the public for several years. The Project is not expected to significantly increase traffic on the ranch access road. Customary stipulations would be placed in the right-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).		