

Categorical Exclusion Documentation

A. Background

BLM Office: Prineville Field Office

NEPA Log #: DOI - BLM - OR – P060 - 2014- 0041 - CX

Project/Lease/Serial/Case File #s: OR 36666

Proposed Action Title: Proposed renewal of roadway right-of-way OR 36666.

Location:

The right-of-way OR 36666 (referred to herein as the “ROW”) proposed for renewal begins at the terminal end of an approximately ¼ mile long private spur road that commences at Hwy. 97 between Redmond and Bend, Oregon and heads due east from such intersection to the spur road’s endpoint. The 1,368 foot long ROW roadway begins at such endpoint. The ROW route is shown on Exhibit A to the ROW which was granted May 4, 1984.

The subject ROW is within BLM land described as:

Willamette Meridian, Oregon

T.16 S., R.12 E., sec. 13.

Description of the Proposed Action: The BLM proposes granting the Applicant (The Halligan Ranch, Inc.) a 30 year renewal of their existing ROW, which ROW gives the Applicant the legal right to use and maintain that portion of the access road to its ranch property that crosses BLM administered lands. The ROW roadway is 1,368 feet long by 40 feet wide (approximately 1.26 acres). The existing ROW roadway has been used by the Applicant for 30 years. An Environmental Assessment/Land Report dated December 21, 1983 (the “Environmental Assessment”) was completed prior to the BLM’s granting of the original ROW; no new disturbances would be permitted under the renewed ROW.

B. Land Use Plan Conformance

Land Use Plan Name: The Upper Deschutes Record of Decision and Resource Management Plan (the “ROD/RMP”). Date approved: September 2005.

The proposed action is in conformance with the above ROD/RMP. See ROD/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".

C. Compliance with NEPA

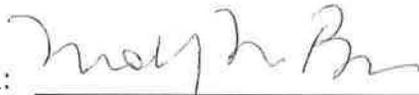
The renewal of the ROW under the proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 Departmental Manual (DM) 516 11.9, E. Realty, subparts "(9) Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations.", and "(17) Grant of short rights-of-way for utility service or terminal access roads to an individual residence, outbuilding, or water well."

Each above 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 renew the grant of the ROW and have found that this action has no significant affect either individually or cumulatively on the human environment.

Authorizing official:



Molly M. Brown,
Field Manager, Deschutes Resource Area

7/24/14

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.

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, the renewal of ROW OR 36666, is referred to herein as the "Project". The Project would give the Applicant continued legal access over, and the right to maintain, certain portions of an existing ranch access road. An Environmental Assessment was conducted when the ROW was originally granted; no new disturbances would be permitted under the renewed ROW. 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. An Environmental Assessment was conducted when the ROW was originally granted; no new disturbances would be permitted under the renewed ROW.</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. An Environmental Assessment was conducted when the ROW was originally granted; no new disturbances would be permitted under the renewed ROW. 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 ROW grant proposed for renewal is for an existing road that is in travelable condition and has been in use for several years by the owners and guests of the ranch that the</p>			

road provides access to. 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: An Environmental Assessment was conducted when the ROW was originally granted; no new disturbances would be permitted under the renewed ROW. 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 and grant renewal 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: The short road involved in the Project is an access roadway to a private ranch property and the road receives only light to moderate 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: The Project 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 would it cause loss or destruction of significant scientific, cultural, or historical resources. The BLM proposes granting the Applicant a 30 year renewal of their existing ROW, which ROW gives the Applicant the legal right to use and maintain that portion of the access road to its ranch property that crosses BLM administered lands. An Environmental Assessment was conducted when the ROW was originally granted; no new disturbances would be permitted under the renewed ROW.		
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 right-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		

<p>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.</p>		
2.10	Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).	X
<p>Rationale: The renewal of the ROW as proposed under the Project is for the purpose of granting continued 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.</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 right-of-way holder continued legal access to its private property and the right to maintain the ROW road 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 ROW proposed for renewal is for an existing road that has been used by the Applicant for 30 years under the existing ROW. An Environmental Assessment was conducted when the ROW was originally granted; no new disturbances would be permitted under the renewed ROW. 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>		