

Categorical Exclusion Documentation

A. Background

BLM Office: Prineville Field Office

NEPA Log #: DOI - BLM - OR – P060 – 2014 - 0044 - CX

Project/Lease/Serial/Case File #s: OR 52661

Proposed Action Title: Proposed correction of legal description for right-of-way OR 52661.

Location:

The private property access right-of-way OR 52661(the “ROW”) proposed for correction is in Crook County, Oregon within the following location:

Willamette Meridian, Oregon

T. 16 S., R. 15 E.,

Sec. 14, N1/2NW1/4; Sec 11, S1/2SW1/4.

The parcel of land covered by the ROW contains approximately 1.73 acres.

Description of the Proposed Action: On March 7, 1996, The Bureau of Land Management (BLM) granted the United States of America, Department of Transportation, Federal Aviation Administration (FAA) right-of-way (ROW) OR-52661. The ROW was amended on April 4, 1996 to correct an inadvertent omission from the ROW’s legal description. The ROW OR-52661, as amended, is referred to in this document as the “FAA ROW”. Following a recent boundary survey, and review of the BLM’s record for this matter, the BLM believes that the ROW as originally granted and amended still fails to capture the BLM’s and FAA’s originally intended boundary for such ROW. Accordingly, the BLM proposes that the FAA ROW be amended as described below.

Subject to the limitations and conditions set forth in this letter including, but not limited to, those stated in the following three paragraphs: The length of the right-of-way is the approximately 1,584 feet (0.30 mile) length beginning at the western edge of the existing alignment of George Millican Road (the “western edge of GMR”) and extending westward therefrom to the common boundary line of sections 14 and 15 of the above noted T. 16 S., R. 15 E. The width of the FAA ROW is 40 feet, with the exception that the width shall be 80 feet through the initial approximately 300 feet of the ROW that begins at the western edge of GMR and goes westward from that point to the SE1/16 corner point of the SW1/4SW1/4 of sec. 11, T. 16 S., R. 15 E. The southern boundary of the FAA ROW is the line that is 40’ south of and parallel to the common boundary line of the above sections 11 and 14 of T. 16 S., R. 15 E. A map of the FAA ROW area as previously described is attached to this letter as Exhibit A.

As proposed, the ROW holder (holder) may apply cinders or gravel to the presently existing roadbed within the ROW and may conduct routine maintenance activities on the ROW such as periodic grading activities, adding or removing cinders or gravel as needed and spot rock filling of pot holes within the presently existing road prism. The holder would not be permitted to widen the existing roadbed or apply asphalt, concrete or other finished surface to the roadbed within the ROW or initiate any other substantial construction activities thereon without the prior

written authorization (the "Authorization") of the Authorized Officer. Any Authorization, if and when issued in the discretion of the Authorized Officer, would be a written notice to proceed issued by the Authorized Officer approving the plan of development ("POD") which shall be submitted by the holder in connection with its request for any such Authorization. Any such approved POD would be made a part of this right-of-way grant. The roadbed has a current width of approximately 21 feet.

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 "(13) Amendments to existing rights-of-way, such as the upgrading of existing facilities, which entail no additional disturbances outside the right-of-way boundary", 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 8/12/14
Molly M. Brown, Date
Field Manager, Deschutes Resource Area

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 correction of the legal description of ROW OR 52661, 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 private property access road. An Environmental Assessment was conducted when the ROW was originally granted and no adverse environmental consequences were anticipated as a result of the grant of the 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 survey 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 and no adverse environmental consequences were anticipated as a result of the grant of the 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 and no adverse environmental consequences were anticipated as a result of the grant of the 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 correction 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 private property</p>		

that the 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 and no adverse environmental consequences were anticipated as a result of the grant of the 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, grant renewal and grant correction 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 BLM administered lands that would be affected by the Project have been surveyed for historic and cultural resources. Such survey determined that there are no historic or cultural resources within the proposed Project area. 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. An Environmental Assessment was conducted when the ROW was originally granted and no adverse environmental consequences were anticipated as a result of the grant of the 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: An Environmental Assessment was conducted when the ROW was originally granted and no adverse environmental consequences were anticipated as a result of the grant of the ROW. 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 correction 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 right-of-way, as corrected 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 correction 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.		
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 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.		
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 ROW proposed for correction is for an existing road that has been used by the Applicant for more than 10 years under the existing ROW. An Environmental Assessment was conducted when the ROW was originally granted and no adverse environmental consequences were anticipated as a result of the grant of the 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).		