

**U.S. DEPARTMENT OF INTERIOR  
BUREAU OF LAND MANAGEMENT  
SALEM DISTRICT  
TILLAMOOK RESOURCE AREA  
Washington County, Oregon  
Categorical Exclusion Review**

**A. Background**

**BLM Office:** Tillamook Resource Area      **Lease/Serial/Case File No:** OR068434

**Categorical Exclusion Number:** DOI-BLM-OR-S060-2015-0008-CX

**Date:** September 9, 2015

**Proposed Action Title/Type:** FLPMA Title V Right-of-Way Grant for Pat and Buddy Ellis

**Location of Proposed Action:** T2S, R3W, Section 13 (Rock Creek Watershed)

**Land Use Allocation(s):** Adaptive Management Area (AMA)

**Description of Proposed Action:** The proposed Federal action is to issue a right-of-way grant to Pat and Buddy Ellis to use 200 feet in length and 40 feet in width of an existing BLM road, 2-3-13 Segment B, on public land described as T2S, R3W, Section 13: SENESW (Exhibit A). The duration of the agreement would be for 20 years and would provide legal access to their private residence. Three other rights-of-way grants exist for use of this access road.

The Ellis's would be allowed to perform minor maintenance on the road such as grading the driving surface, maintaining drainage ditches, placing gravel, removing snow and removing brush. The use of herbicides would be prohibited. The authorization would be for the road in its "as-is, where-is" condition. Any change in the road alignment or construction or reconstruction which changes the footprint of the existing road prism would require the authorized officer's express prior written consent. No new construction is being requested or would be authorized.

**B. Land Use Plan Conformance:**

The proposed action is in conformance with the *Salem District Record of Decision and Resource Management Plan*, May 1995, as amended; *Middle Tualatin-Rock Creek Watershed Analysis*, February 2001; *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl and Standard and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl*, April, 1994, as amended; and *Record of Decision for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines*, January 2001, as well as subsequent annual species review (IM No.OR-2002-064 and OR-2003-050).

The Salem District Record of Decision and Resource Management Plan (RMP) specifically directs the BLM to:

“Continue to make BLM-administered lands available to needed rights-of-way where consistent with local comprehensive plans, Oregon statewide planning goals and rules, and the exclusion and avoidance areas identified in this resource management plan.” (RMP p. 55).

**C. Compliance with NEPA:**

The proposed action qualifies as a categorical exclusion under Department of Interior Manual 516 DM 11.9, E (16) which allows for the issuance of permits for the use of existing facilities, improvements, or sites for the same or similar purposes.

<b>Table 1: Categorical Exclusions: Extraordinary Circumstances Review (43 CFR 46.215)</b>		
<b>Will the Proposed Action documented in this Categorical Exclusion</b>	<b>Yes</b>	<b>No</b>
<p><b>(a) Have significant impacts on public health or safety?</b></p> <p><i>Rationale:</i> Issuing a right-of-way to use an existing roadway to access private residence will have no impacts on public health or safety therefore would have no significant impacts on public health or safety.</p>		No
<p><b>(b) 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, floodplains, national monuments, migratory birds, other ecologically significant or critical areas?</b></p> <p><i>Rationale:</i> The project would confer rights to use an existing, actively used road and where no natural resources or unique geographic characteristics occur, therefore no impacts to such resources or characteristics would occur.</p>		No
<p><b>(c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2) (E)]?</b></p> <p><i>Rationale:</i> The effects of issuing a right-of-way to use an existing roadway to access private residence are not controversial and there are no unresolved conflicts concerning alternative uses of available resources.</p>		No
<p><b>(d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?</b></p> <p><i>Rationale:</i> Issuing a right-of-way to use an existing roadway to access private residence is not unique or unusual. The BLM has experience implementing similar actions in similar areas without highly controversial, highly uncertain, or unique or unknown risks.</p>		No
<p><b>(e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?</b></p> <p><i>Rationale:</i> Similar actions have taken place throughout the district with no evidence suggesting that this type of project will establish a precedent of decision for future action.</p>		No
<p><b>(f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects?</b></p> <p><i>Rationale:</i> There are not direct or indirect environmental effects associated with the issuance and use of an existing right of way, therefore there could not be any cumulative effects associated with the project.</p>		No

<b>Table 1: Categorical Exclusions: Extraordinary Circumstances Review (43 CFR 46.215)</b>		
<b>Will the Proposed Action documented in this Categorical Exclusion</b>	<b>Yes</b>	<b>No</b>
<p><b>(g) 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?</b></p> <p><i>Rationale:</i> No listed or eligible properties are known to exist within the project area. The project would not disturb any additional ground, and is exempt from survey under Appendix E (R3) of the 2015 State Protocol with Oregon State Historic Preservation Office and Oregon BLM.</p>		No
<p><b>(h) 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?</b></p> <p><i>Rationale:</i> The right-of-way grant area is neither within designated critical habitat, nor does it contain any habitat for any ESA listed species or species proposed to be listed; therefore the proposed action would not have any impacts on any listed species.</p>		No
<p><b>(i) Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?</b></p> <p><i>Rationale:</i> Issuing a right-of-way to use an existing roadway to access private residence would follow all Federal, State, local or Tribal laws or requirements imposed for the protection of the environment.</p>		No
<p><b>(j) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?</b></p> <p><i>Rationale:</i> The proposed action would not occur in areas disproportionately composed of low income or minority populations, and would not result in adverse environmental effects; therefore there would not be any affects to members of those populations.</p>		No
<p><b>(k) 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)?</b></p> <p><i>Rationale:</i> The proposed action would not prohibit public access, as the road has been an existing road in use for many decades. Additionally, there are no known conflicts with Indian ceremonial and/or sacred sites with the existing roads location or use.</p>		No
<p><b>(l) 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)?</b></p> <p><i>Rationale:</i> The road where the proposed action would occur currently exists, is in use, and is being maintained. The granting of the proposed right-of-way is an administrative action that would not contribute to introduction or spread of noxious weeds or invasive species.</p>		No

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 12 extraordinary circumstances described in 43 CFR Part 46, Section 46.215 (see Table 1, above) apply.

The proposed action has no effect on the elements of the environment described above; therefore there is no potential for significant impacts.

**D. Signature:**

Specialist Review and Concurrence:  None required or

Resource	Name	Initial
Aquatic/Fisheries	Matt Walker	<i>MJW</i>
Botany	Claire Hibler	<i>CH</i>
Engineering	Vanessa Stone	<i>VS</i>
NEPA Compliance	Andy Pampush	<i>ATP</i>
Soils	Chris Sween	<i>CS</i>
Wildlife	Steve Bahe	<i>SAB</i>

Authorized Official: /s/ Karen Schank Date: September 9, 2015  
Karen Schank  
Field Manager  
Tillamook Resource Area

**Contact Person:** For additional information concerning this CX review; contact Joel Churchill, Realty Specialist, Tillamook Field Office Bureau of Land Management, 4610 Third Street, Tillamook, Oregon at (503) 815-1465.

**U.S. DEPARTMENT OF INTERIOR  
BUREAU OF LAND MANAGEMENT  
SALEM DISTRICT**

**NEPA CATEGORICAL EXCLUSION DECISION RECORD**

**TILLAMOOK RESOURCE AREA  
DOI-BLM-OR-S060-2015-0008-CX**

**PROPOSED ACTION**

The proposed Federal action is to issue a FLPMA Title V right-of-way grant to Pat and Buddy Ellis to use 200 feet in length and 40 feet in width of an existing BLM road, 2-3-13 Segment B, on public land in the location described in the attached Categorical Exclusion Documentation DOI-BLM-OR-S060-2015-0008-CX. The duration of the grant would be for 20 years and would provide legal access to their private residence.

**DECISION AND RATIONALE**

I have determined that the proposed action, which qualifies as a categorical exclusion under Department of Interior Manual 516 DM 11.9, E (16) involves no significant impact to the human environment and no further environmental analysis is required. It is my decision to authorize the granting of the FLPMA Title V right-of-way to Pat and Buddy Ellis for use of the existing road to access their private residence.

Authorized Official: /s/ Karen Schank Date: September 9, 2015  
Karen Schank  
Field Manager  
Tillamook Resource Area

**RIGHT OF APPEAL**

This decision may be appealed to the Interior Board of Land Appeals (Board or IBLA) according to 43 CFR Part 4 – Department of Interior Hearings and Appeals Procedures, found on the internet at: <http://www.gpo.gov/fdsys/pkg/CFR-2002-title43-vol1/xml/CFR-2002-title43-vol1-part4.xml> Appeals can be made by those who have a “legally cognizable interest” to which there is a substantial likelihood that the action authorized in this decision would cause injury, and who have established themselves as a “party to the case.” (See 43 CFR subpart 4.410). If an appeal is taken, a written notice of appeal must be filed with Karen Schank, Tillamook Field Manager, 4610 Third Street, Tillamook, OR 97141 by close of business (4:30 p.m.) not more than 30 days after the date of service of the decision. Only signed hard copies of a notice of appeal received in the Tillamook Field Office at the address above will be accepted. Appeals faxed, e-mailed, or sent by any other electronic format will not be considered. In order to request a stay of the decision, an appellant must file a petition for stay at the same time as the appeal in accordance with 43 CFR Subpart 4.21(b).

The Tillamook Field Manager plans to issue the right-of-way grant sometime after the date of the posting of this decision on the Salem District Planning web page which can be found on the internet at: <http://www.blm.gov/or/districts/salem/plans/index.php>.

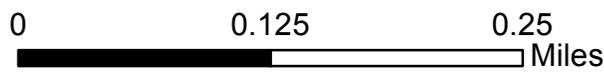
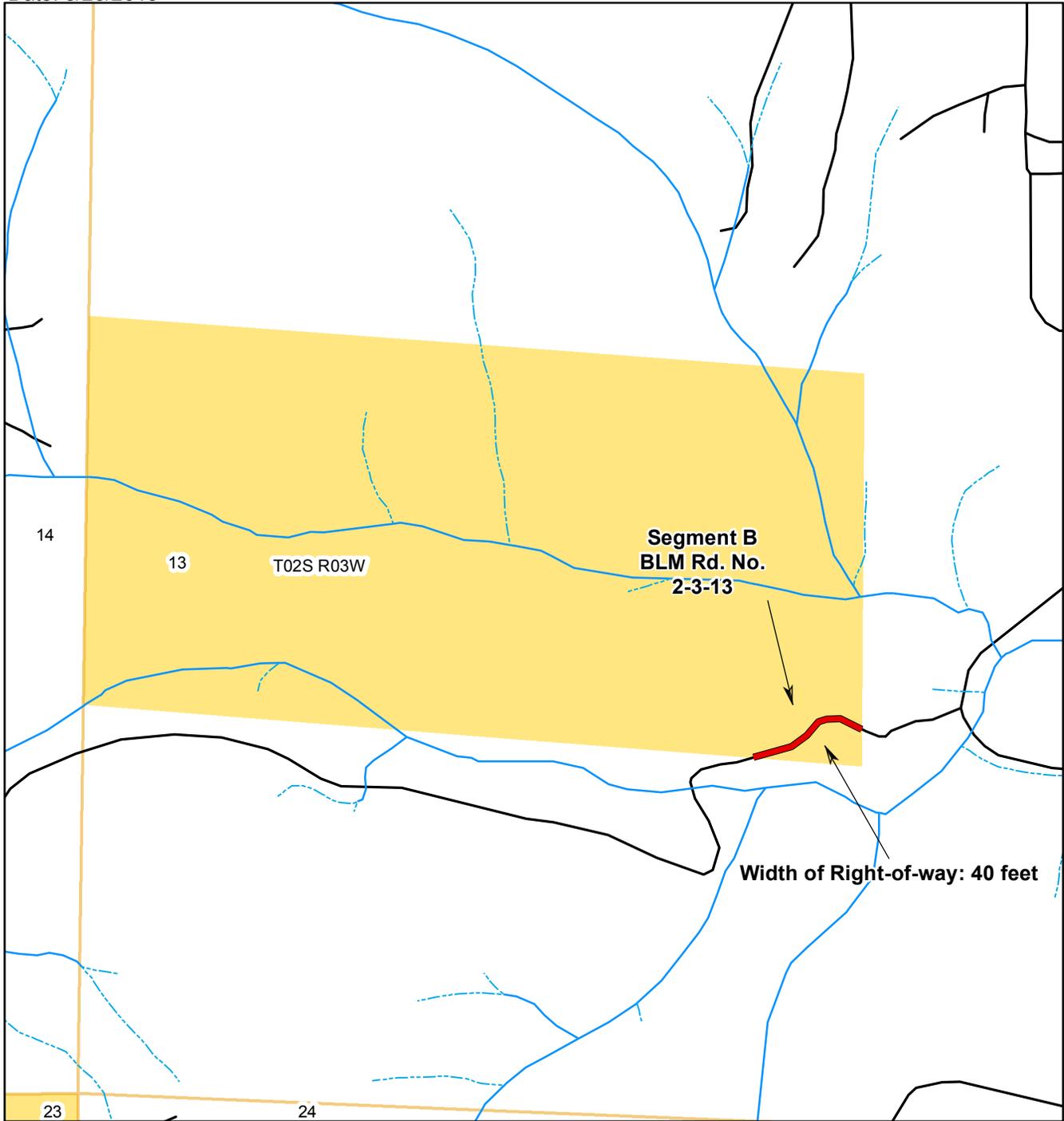


United States Department of the Interior  
 BUREAU OF LAND MANAGEMENT  
**ROW Grant Map**

ROW #OR068434  
 Pat and Buddy Ellis  
 Exhibit A  
 Page 1 of 1

Date: 8/25/2015

T. 2S. R. 3W, Section 13 W. M. - SALEM DISTRICT - OREGON



- Pat and Buddy Ellis ROW
- Minor Road
- Bureau of Land Management
- Private/Unknown

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources and may be updated without notification.