

## **Categorical Exclusion Documentation**

Department of the Interior  
Bureau of Land Management, Spokane District  
1103 North Fancher Road  
Spokane Valley, WA 99212

### **A. Background**

*BLM Office: Spokane District*

*Lease/Serial/Case File No.: WAOR-19509*

*NEPA Log Number: OR-135-2010-0020 CX*

*Proposed Action Title: Elgie-Frunz Water Pipeline Right-of-Way Assignment and Renewal*

*Location of Proposed Action: Stevens County, Washington, Willamette Meridian, T.33N., R.38E., Section 7: N1/2SW1/4*

*Description of Proposed Action: Rodney Frunz is applying for an assignment to a right-of-way for an existing water pipeline from Marguerite Elgie. The water pipeline travels through BLM property near Daisy Mine from Magee Creek to the applicant's property. The original right-of-way was issued April 2, 1981. In addition to the assignment, we are renewing the right-of-way for a 30 year period. The right-of-way is approximately 1,200 feet long and 20 feet wide. No new rights will be issued or new ground disturbance approved as a result of this administrative action.*

Refer to attached Exhibit A - Map.

### **B. Land Use Plan Conformance**

Land Use Plan Name: Spokane Resource Management Plan

Date Approved/Amended: Approved 1987/Amended 1992

*Option 1 (conforms with LUP):* The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s): Keep public lands open for exploration/development of mineral resources, rights-of-way, access, and other public purposes with consideration to mitigate designated resource concerns.

OR

*(Option 2: not explicitly provided for in the LUP)* The proposed action is in conformance with the applicable LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (*objectives, terms, and conditions*):

### **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(9) Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations.

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 43 CFR 46.215 apply, as shown in the following table:

CX EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION The proposed categorical exclusion action will:	YES	NO
(a) Have significant impacts on public health or safety.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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 (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

(i) Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(j) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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).	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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).	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**F: Signature**

/s/ June E. Hues

10/14/10

\_\_\_\_\_  
(Authorizing Official Signature)

\_\_\_\_\_  
(Date)

Name: June E. Hues

Title: Border Field Manager

**G. Contact Person**

For additional information concerning this CX review, contact Heidi Lee Honner, Realty Specialist at (509)536-1216.

**Note:** A separate decision document must be prepared for the action covered by the CX.

WAOR 19509  
2800 (135)

October 14, 2010

**CERTIFIED MAIL – RETURN RECEIPT NUMBER \_\_\_\_\_**

DECISION

Assignor:

Mrs. Marguerite Elgie  
360 Valley Westside Road  
Colville, WA 99114-9691

Assignee:

Mr. Rodney Elam Frunz  
3606 Daisy Mine Road  
Rice, Washington 99167-9717

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: Right-of-Way  
: WAOR 19509  
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ASSIGNMENT OF RIGHT-OF-WAY APPROVED

On August 5, 2010, Rodney Frunz filed an application to receive, through assignment, right-of-way serial number WAOR 19509, held by Mrs. Marguerite Elgie. The property was sold to Mr. Frunz who is applying for the assignment and subsequent renewal of the right-of-way from Mrs. Elgie. This right-of-way was authorized pursuant to Title V of the Federal Lands and Policy Management Act of October 21, 1976 and authorizes use of an existing water pipeline covering approximately 0.55 acres of public land described as follows:

Stevens County, Washington  
Township 33 North, Range 38 East, Willamette Meridian  
Section 7: N½SW¼

Rodney Frunz has agreed to be bound by all terms and conditions of the grant. Mrs. Marguerite Elgie has agreed to the assignment. This request is approved. No other terms or conditions of the right-of-way will be affected by this decision. The processing fee has been paid.

The advanced rent for the right-of-way grant was determined to be:

\$138.60 for the first 10-year period from January 2009 through December 2018 or  
\$415.80 for the entire term from January 2009 through December 2038.

In addition, there is back rent to be collected for the period of January 1, 2004 through December 31, 2008 in the amount of \$59.95.

You have the option of paying rent in 10-year periods or for the entire term of your ROW grant along with the back rent mentioned above. Please return the rental fees discussed above by November 5, 2010. If this requirement is not met, your application may be denied. Since no new conditions are added to the grant as a result of this assignment, no monitoring fee is requested. This assignment is approved.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulation 43 CFR 2801.10 or 43 CFR 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

#### Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

If you have any questions, please contact Heidi Lee Honner, Realty Specialist at (509) 536-1216.

/S/

June E. Hues, Field Manager  
Border Field Office

2 Enclosures:

- 1 - BLM Form 1842-1
- 2 - Copy of Original Grant

2800 (135)  
WAOR-19509

October 29, 2010

**CERTIFIED MAIL - Return Receipt No.** \_\_\_\_\_

DECISION

Rodney Elam Frunz :  
3606 Daisy Mine Road : Right-of-Way Grant WAOR-19509  
Rice, WA 99167 :

Right-of-Way Grant Renewal For WAOR-19509 Issued

Under the authority of Title V of the Federal Land Policy and Management Act of 1976, a right-of-way grant will be issued to Rodney Elam Frunz approving the renewal of the domestic water pipeline. The length of the right-of-way is 1,200 and is 20 feet wide. The total acreage included in the right-of-way is .54.

Enclosed is a copy of your executed amended right-of-way grant, serial number WAOR-19509.

The advance rent for the right-of-way grant was determined to be \$138.60 for the period from January 1, 2009 through December 31, 2018 which was received. Since no new conditions are added to the grant as a result of this assignment and renewal, no monitoring fee is requested. No other fees are required at this time.

The issuance of this right-of-way grant may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this letter/decision. The appellant has the burden of proof of showing that the decision appealed from is in error.

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- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

If you have any questions about this decision or the enclosed right-of-way grant, please contact Heidi Lee Honner, Realty Specialist at (509)536-1216.

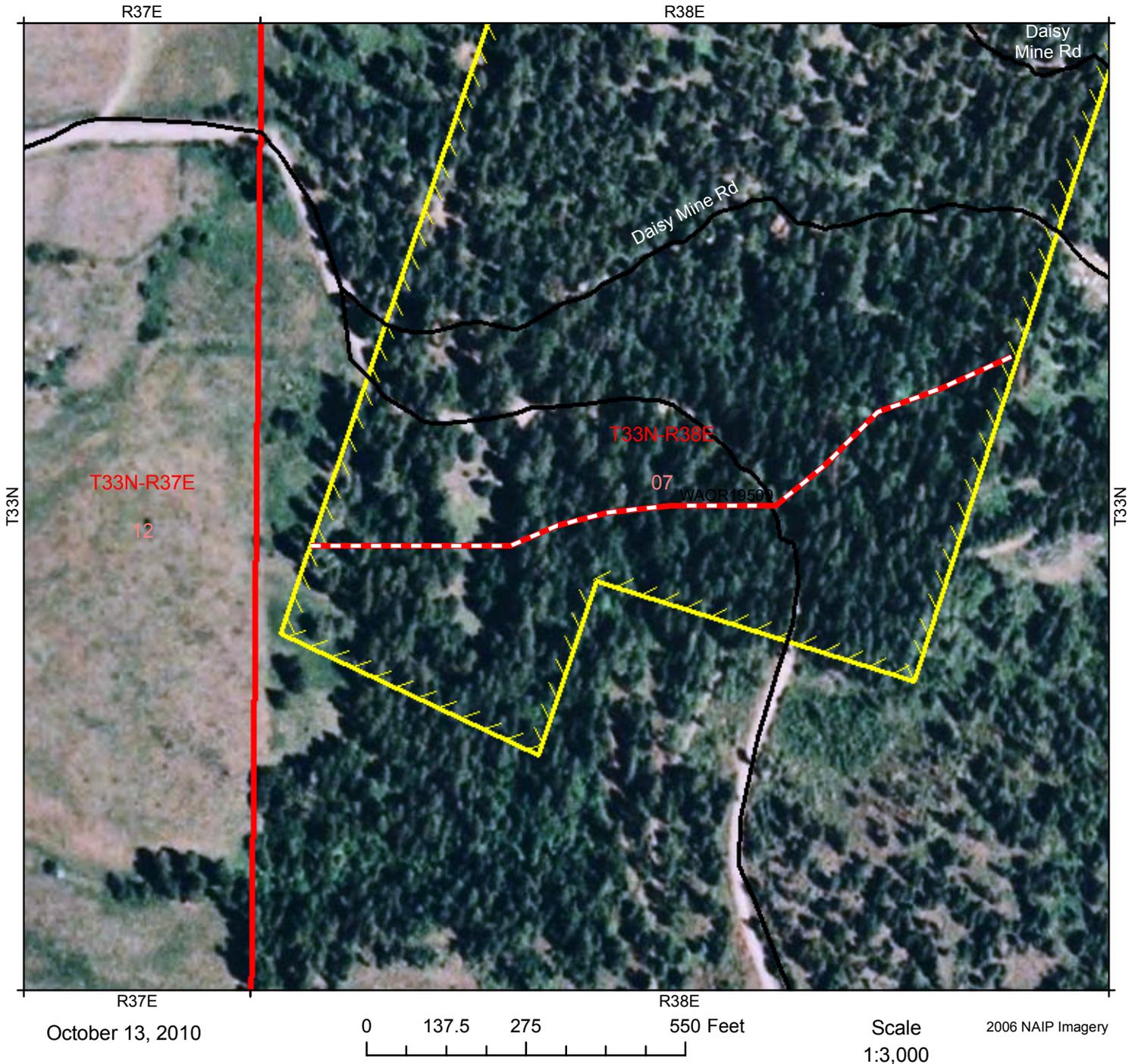
/S/

June E. Hues, Field Manager  
Border Resource Area

Enclosure:  
Form 1842-1

# Exhibit A

## Elgie/Frunz Right-of-Way Assignment WAOR-19509



Willamette Meridian, Stevens County, Washington  
 T.33 N., R.38E., Section 7  
 Approximately 20 ft. wide by 1,200 ft. long right-of-way  
 Total Acres - .55



USDI – Bureau of Land Management  
 Spokane District Office  
 1103 N. Fancher Rd.  
 Spokane Valley, WA 99212  
 (509) 536-1200

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.

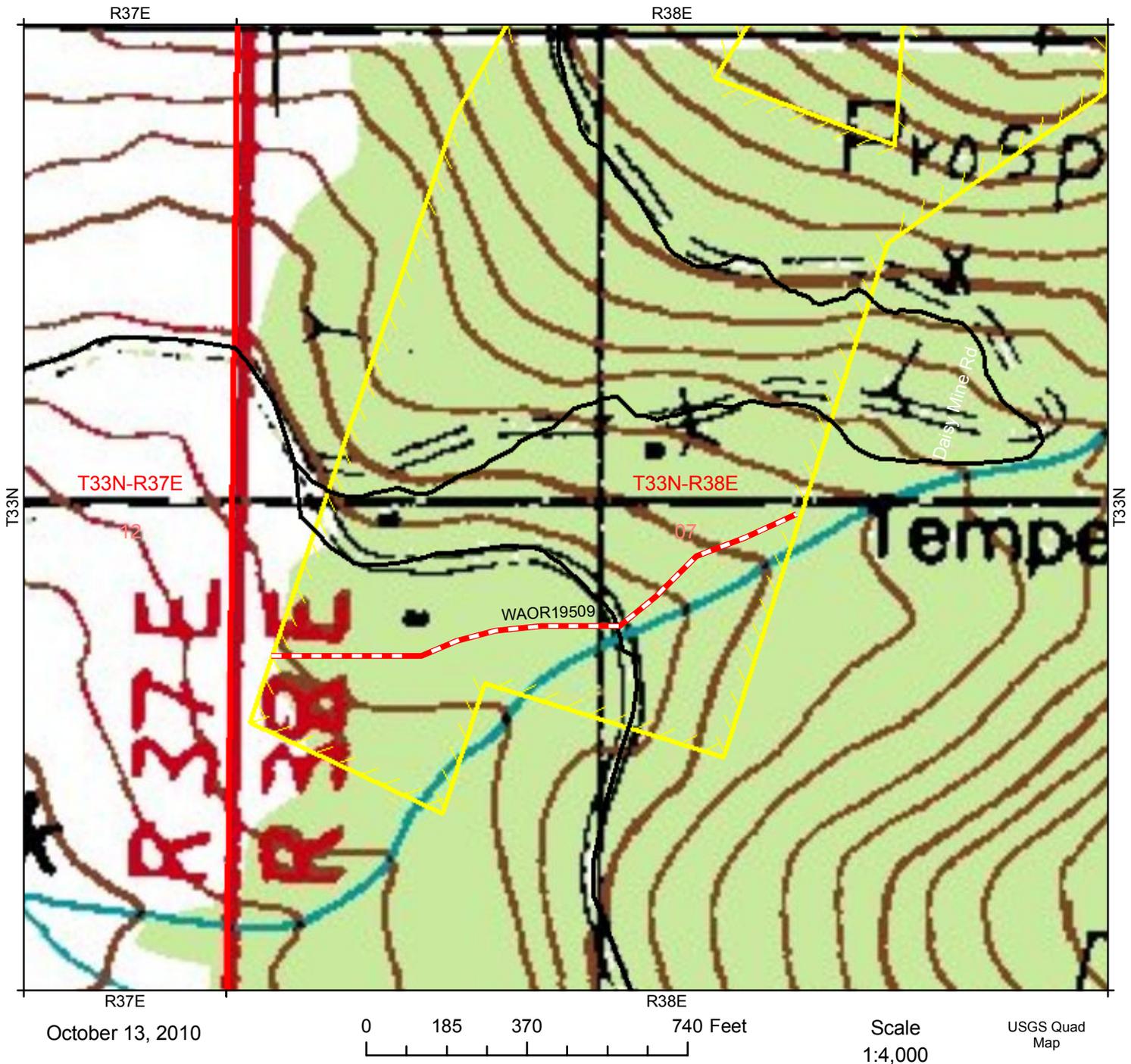
### Legend

-  Water Pipeline
-  Roads
-  BLM Lands



# Exhibit A

## Elgie/Frunz Right-of-Way Assignment WAOR-19509



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