

## RECORD OF PLAN CONFORMANCE AND CATEGORICAL EXCLUSION (CX) DETERMINATION

CX Log #:DOI-BLM-OR-V040-2015-031-CX

**CE Exemption category:** The following actions are designated as categorical exclusions pursuant to 516 DM 11.9.

- E.19. Temporary placement of a pipeline above ground.

**BLM Office:** Vale District Bureau of Land Management, 100 Oregon Street, Vale, Oregon 97918  
**Phone #:** 541-473-3144

### BACKGROUND

Project Name: South McNulty Temporary Pipeline

Applicant: None

Location of Proposed Action: Placement and use of a temporary water pipeline which will be located alongside a portion of Antelope Flat road between a private well in Township 25 South, Range 42 East, Section 32 and McNulty Reservoir located in Township 25 South, Range 41 East, Section 24.

DESCRIPTION OF THE PROPOSED ACTION: The proposed action is to place a temporary pipeline for water along the Antelope Flat Road in the South McNulty pasture of the Quartz Mountain allotment. The pipeline will carry water from a well located on the permittee's private land to a BLM facility, McNulty Reservoir (project no.720951). The McNulty Reservoir is dry this year and is a critical water source for livestock grazing and distribution in the South McNulty pasture. The length of the pipeline will be approximately three miles. No road construction will be necessary nor will it be authorized for this project. The pipeline will be limited to the scheduled dates of use (June 6 to August 15) for the South McNulty pasture and must be removed within 7 days of the pasture off-date (August 15). The placement and removal of the pipeline is the responsibility of the permittee.

### PLAN CONFORMANCE

All actions approved or authorized by the BLM must conform to the existing land use plan where one exists (43 CFR 1610.5-3, 516 DM 11.9). Although it is not a NEPA requirement, the BLM includes within all its NEPA documents a statement about the conformance of the proposed action and alternatives with the existing land use plan (LUP). The BLM's planning regulations state that the term "conformity" or "conformance" means that "... a resource management action shall be specifically provided for in the plan, or if not specifically mentioned, shall be clearly consistent with the terms, conditions, and decisions of the approved plan or amendment" (43 CFR 1601.0-5(b)).

The proposed action is also in conformance with the management objectives of the Southeastern Oregon Resource Management Plan (SEORMP, Sept. 2002), *General Planning Criteria*, cited on page 9 of the RMP. The proposed action conforms to program-specific objectives of the SEORMP which are cited on page 59 where it states that, "A combination of administrative and rangeland project development will be implemented, as necessary, on site- specific basis to provide a sustained level of livestock use while maintaining resource values.....Structural rangeland projects will be implemented to facilitate meeting resource objectives rather than making additional forage available." Additionally, on page 56 it states, "Provide for a sustained level of livestock grazing consistent with other resource objectives and public land use allocations."

**DOCUMENTATION OF CATEGORICAL EXCLUSIONS: EXTRAORDINARY CIRCUMSTANCES**

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 516 DM 2, Appendix 2, and listed below apply.

Yes	No	Extraordinary Circumstances	Reviewer (Specialist and/or FM Initials in each box)	Date
		1. Have significant impacts on public health or safety.		
		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.		
		3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].		
		4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		
		5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		
		6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		
	XX	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.	CB	5-13-15
	X	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.	SF (plants)	6.1.15
		9. Violate a Federal law, or a State, local, or Tribal law or requirement imposed for the protection of the environment.		
		10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		
	XX	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).	CB	5-13-15
X		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).	ls	05.13.2015

**DOCUMENTATION OF RECOMMENDED MITIGATION**

For any item(s) above checked "Yes", proposed mitigating measures for those items are listed below. If the CX extraordinary circumstances cannot be mitigated, the criteria required for a CX are not met and BLM must prepare an EA or EIS.

Item No.	Can Be Mitigated	Cannot Be Mitigated	Mitigation Measures	Reviewer	Date

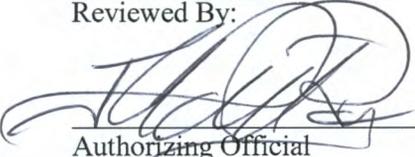
**SUMMARY OF FINDINGS AND DETERMINATION**

The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with the Departmental Manual Categorical Exclusions list, sections of which are cited and quoted above. The proposed action has also been reviewed in relation to the above listed 12 extraordinary circumstances in accordance with the Departmental Manual, and none of these circumstances apply.

**Decision Record**

Based on the enclosed Categorical Exclusion Documentation, DOI-BLM-OR-V040-2015-031 CX, I have determined that the proposed action to place a temporary above ground pipeline has no significant impacts to the human environment and requires no further environmental analysis. It is my decision to authorize this action as proposed. For additional information concerning this project, contact Project Lead Becky Evans Vale District Office, 100 Oregon Street, Vale, Oregon 97918. Phone (541) 473-6376.


 Prepared By: \_\_\_\_\_ Title RMS Date 10/8/15

Reviewed By: \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_  

 Authorizing Official \_\_\_\_\_ Title Field Manager Date 6/8/15