CATEGORICAL EXCLUSION

WATER PIPELINE RENEWAL RIGHT-OF-WAY WYW-058452

DOI-BLM-WY-R01-2008-0018-CX

BLM

Worland Field Office, Wind River/Bighorn Basin District, Wyoming

July 2011

The BLM's multiple-use mission is to sustain the health and productivity of the public lands for the use and enjoyment of present and future generations. The Bureau accomplishes this by managing such activities as outdoor recreation, livestock grazing, mineral development, and energy production, and by conserving natural, historical, cultural, and other resources on public lands.

DOI-BLM-WY-R01-2008-0018-CX

Categorical Exclusion Review

BLM Office: Worland Field Office **NEPA #** DOI-BLM-WY-R01-2008-0018-CX

Case File No: WYW-058452

Title of Proposed Action: Renewal Right-of-way **Name of Preparer:** Victor Trickey

Location of Proposed Action: 6th PM, Washakie County, Wyoming, T. 41 N., R. 87 W., sec. 5, lot 5.

Description of Proposed Action: Vale S. Dent and Sharon R. Dent have requested renewal of an existing water pipeline right-of-way. The right-of-way was issued April 14, 1978. The 1-inch pipeline conveys water from the Dent No. 1 spring to their private residence. The right-of-way for the line is 20 feet in width and 33.1 feet in length for a total of 0.015 acres more or less. The water pipeline is in compliance with the terms and conditions of the grant.

Applicant: Vale S. Dent and Sharon R. Dent, 619 Sunset Drive, Worland, WY 82401

Part I: PLAN CONFORMANCE REVIEW The proposed action is subject to the following land use plan:

Name of Plan: Washakie Resource Management Plan *Date Approved*: September 2, 1988

The Proposed Action has been reviewed for conformance with this plan (43 CFR 1610.5, BLM Manual Section 1617.3.)

Reviewer (Environmental Coordinator)

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s): WRMP ROD pg 14; The RMP delineates preferred right-of-way corridors, right-of-way avoidance areas, right-of-way exclusion area, and area available for right-of-way under certain circumstances.

This proposal would be within an area available for linear right-of-way generally open to rights-of-way, and thus it would be in conformance with the land use plan.

Part II: NEPA REVIEW

Categorical Exclusion Review: This proposed action qualifies as a categorical exclusion under 516 DM 11.9. It has been reviewed to determine if any of the exceptions of 43 CFR 46.215, described on the following page, apply.

Reviewer (Environmental Coordinator)

The proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11: 5.4E(9) "Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations."

Part III: DECISION. I have reviewed this plan conformance and NEPA compliance record and have determined that the proposed project is in conformance with the approved land use plan and that no further environmental analysis is required. It is my decision to implement the project, as described, with the mitigation measures identified below.

Mitigation Measures/other Remarks: Attached

Authorizing Official: Don Krump Date: 7-27-2011
Assistant Field Manager

Screening for Exceptions: Will this project...

Yes	No		
	X	A)	Have significant adverse effects on public health or safety?
	X	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 (EO 11990); floodplains (EO 11988); national monuments; migratory birds; and other ecologically significant or critical areas.
	X	C)	Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)].
	X	D)	Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.
	X	E)	Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.
	X	F)	Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.
	X	G)	Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.
	X	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.
	X	I)	Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.
	X	J)	Have a disproportionately high and adverse effect on low income or minority populations (EO 12898).
	X	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 (EO 13007).
	X	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 EO 13112).

Terms and Conditions

The following terms and conditions are in addition to standard terms and conditions associated with the renewal of right-of-way grant WYW-058452.

- **This right-of-way is granted for the water pipeline as it currently exists. Normal maintenance such as replacing sections of pipe may be conducted under this grant. However, no blading or other new surface disturbance, or rerouting may be done without specific written permission from the authorized Officer.**

- **Holder shall maintain the right-of-way in a safe, usable condition, as directed by the authorized officer. No refuse, discarded pipe, or other waste material is allowed on the right-of-way.**

- **The operator is responsible for informing all persons in the area who are associated with this project that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are uncovered during construction, the operator is to immediately stop work that might further disturb such materials, and contact the authorized officer (AO). Within five working days the AO will inform the operator as to:**

  -whether the material appears eligible for the National Register of Historic Places;

  -the mitigation measures the operator will likely have to undertake before the site can be used (assuming in situ preservation is not necessary); and,

  -a timeframe for the AO to complete an expedited review under 36 CFR 800.11 to confirm, through the State Historic Preservation Officer, that the findings of the AO are correct and that mitigation is appropriate. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction measures.

- **Prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination (and rehabilitation) plan. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.**