

**United States Department of the Interior
Bureau of Land Management**

**Categorical Exclusion
DOI-BLM-UT-G010-2014-0163-CX**

**Driveway to private property
UTU-90599**

Location: *Salt Lake Meridian,
T. 6 S., R. 21 E.,
sec. 11, SE $\frac{1}{4}$ SE $\frac{1}{4}$.*

Applicant/Address: *Jasen & Tonya Morgan
690 West 250 North
Vernal, Utah 84078*

U.S. Department of the Interior
Bureau of Land Management
Vernal Field Office
170 South 500 East
Vernal, Utah 84078
Phone: (435) 781-4400
Fax: (435) 781-3420



**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
VERNAL FIELD OFFICE**

**CATEGORICAL EXCLUSION REVIEW AND APPROVAL
DOI-BLM-UT-G010-2014-0163-CX**

A. Background

BLM Office: Vernal Field Office **Lease/Serial/Case File No.:** UTU-90599

Proposed Action Title/Type: Driveway to private property.

Location of Proposed Action: Uintah County, Utah

Salt Lake Meridian,
T. 6 S., R. 21 E.,
sec. 11, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

Description of Proposed Action: Jasen and Tonya Morgan (Morgan Family) proposes to construct a driveway to their private property in order to facilitate the delivery of their manufactured home via semi tractor-trailer in August 2014. The proposed right-of-way (ROW) would cross federal surface managed by the Bureau of Land Management - Vernal Field Office (BLM) from the existing county road network and existing power line ROW (UTU-88699). The BLM requested segment crosses the, T. 6 S., R. 21 E., sec. 11, SE $\frac{1}{4}$ SE $\frac{1}{4}$ in Uintah County, Utah (Appendix A-Map). Federal surface use across BLM managed surface is being applied for at this time through the ROW process with a separate application having already been approved for the power line.

The requested BLM segment of driveway would be approximately 135-feet long and 30-feet in width (0.093 acres). The proposed access would begin at the Horse Shoe Bend road and end at private land. The driveway would be constructed within a new 30-foot wide access driveway corridor as shown on the attached map. The proposed driveway consists of entirely new disturbance (135-feet). The driveway would be constructed between the existing power poles. A fence would be cut the width of the proposed driveway and the two ends would be braced utilizing the existing wood poles. No cattle guard or gates would be placed.

Driveway construction would include clearing and grubbing of brush. Driveway maintenance would be performed, as needed, to ensure safe travel and control dust.

Once the home is delivered and in place, the Morgan Family plans to continue to utilize the driveway. The Morgan Family would be responsible for all maintenance activities associated with the access. All maintenance activities would be confined to the existing disturbed width/requested ROW.

B. Land Use Plan Conformance

Land Use Plan Name: Vernal Field Office RMP/ROD

Date Approved/Amended: October 31, 2008

The road ROW would be in conformance with the Vernal Field Office RMP/ROD (October 31, 2008). The RMP/ROD decision allows for processing applications, permits, operating plans, mineral exchanges, leases on public lands in accordance with policy and guidance and allows for management of public lands to support goals and objectives of other resources programs, respond to public requests for land use authorizations, and acquire administrative and public access where necessary (RMP/ROD p.86). It has been determined that the proposed action and alternative(s) would not conflict with other decisions throughout the plan.

C: Compliance with NEPA:

The action described above generally does not require the preparation of an environmental assessment (EA) or environmental impact statement (EIS), as it has been found to not individually or cumulatively have a significant effect on the human environment. The applicable Categorical Exclusion, effective May 27, 2004, reference in 516 DM 11.5 E (17). This reference states an EA may not be required for, "*Grant of a short rights-of-way for utility service or terminal access roads to an individual residence, outbuilding, or water well..*"

Based on a review of the project described above and field office staff recommendations attached, I have determined that the project is in conformance with the land use plan and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed.

D: Signature

Authorizing Official: _____
(Signature)

Date: JUN 12 2014

Name: Jerry Kenczka

Title: Assistant Field Manager, Lands and Minerals

Contact Person

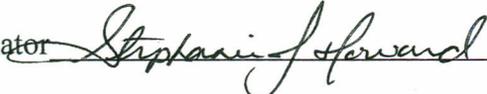
For additional information concerning this CX review contact:
Katie White Bull
Realty Specialist
BLM Vernal Field Office
170 South 500 East
Vernal, Utah 84078
Phone: (435) 781-4436
Fax: (435) 781-3420

Attachments

Categorical Exclusion Review Record

Resource	Yes/No*	Assigned Specialist Signature	Date
Air Quality	No	Katie White Bull	5/27/2014
Areas of Critical Environmental Concern	No	Katie White Bull	5/27/2014
Cultural Resources	No	Leticia Neal	6/11/2014
Environmental Justice	No	Katie White Bull	5/27/2014
Farm Lands (prime or unique)	No	Katie White Bull	5/27/2014
Floodplains	No	Katie White Bull	5/27/2014
Invasive Species/Noxious Weeds	No	Katie White Bull	5/27/2014
Migratory Birds	No	Brandon McDonald	5/29/2014
Native American Religious Concerns	No	Leticia Neal	6/11/2014
Threatened, Endangered, or Candidate Species (Animal)	No	Brandon McDonald	5/29/2014
Threatened, Endangered, or Candidate Species (Plant)	No	Tyler Cox	6/12/2014
Wastes (hazardous or solid)	No	Katie White Bull	5/27/2014
Water Quality (drinking or ground)	No	Katie White Bull	5/27/2014
Wetlands / Riparian Zones	No	Katie White Bull	5/27/2014
Wild and Scenic Rivers	No	Katie White Bull	5/27/2014
Wilderness	No	Katie White Bull	5/27/2014
Other: Paleontological	No	Elizabeth Gamber	5/27/2014

*Extraordinary Circumstances apply.

Environmental Coordinator 

Date: 6/12/14

Exceptions to Categorical Exclusion Documentation

The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215) apply. The project would:

Extraordinary Circumstances		
1. Have significant impacts on public health or safety.		
Yes	No <input checked="" type="checkbox"/>	Rationale: Public health or safety would not be affected given the scope of the proposal.
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.		
Yes	No <input checked="" type="checkbox"/>	Rationale: No resources have been identified by the interdisciplinary team as being impacted by this action. There would be no adverse effects on natural resources.
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].		
Yes	No <input checked="" type="checkbox"/>	Rationale: Resource specialists did not identify any highly controversial environmental effects or unresolved conflicts concerning alternative uses of available resources.
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		
Yes	No <input checked="" type="checkbox"/>	Rationale: BLM specialists reviewed the proposed project and determined there are no uncertain and potentially significant environmental effects, nor are there any unique or unknown environmental risks.
5. Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.		
Yes	No <input checked="" type="checkbox"/>	Rationale: This ROW would establish no precedent for future actions, nor would it represent a decision in principal for future actions with potentially significant environmental effects.
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		
Yes	No <input checked="" type="checkbox"/>	Rationale: The proposed authorization was reviewed by BLM specialists and it was determined that there would be no additive or cumulative impacts.
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.		
Yes	No <input checked="" type="checkbox"/>	Rationale: The BLM Archaeologist reviewed this project and determined there would be no adverse effects on properties listed or eligible for listing in the National Register of Historic Places.
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.		
Yes	No <input checked="" type="checkbox"/>	Rationale: The BLM biologist reviewed and determined that Threatened or Endangered species and their habitat would not be impacted due to the high concentration of existing disturbance and timing restrictions.
9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		
Yes	No <input checked="" type="checkbox"/>	Rationale: The proposal is in conformance with appropriate Federal and State statutes, and county ordinances.

Extraordinary Circumstances

10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

Yes	No <input checked="" type="checkbox"/>	Rationale: The proposed project does not adversely affect any minority or low income population in a disproportionate way.
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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).

Yes	No <input checked="" type="checkbox"/>	Rationale: The proposed action would not have a significant individual or cumulative effect on the quality of the human environment, nor, are there any "extraordinary actions" within the proposed project area, which may 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 pursuant to Executive Order 13007 (DOI, 516 DM 1-5, NEPA Revised Implementing Procedures, Chapter 2; Appendix 2, sec. 2.11).
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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).

Yes	No <input checked="" type="checkbox"/>	Rationale: There are no known noxious weeds or non-native species in the proposed project area.
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**United States Department of the Interior
Bureau of Land Management**

**Decision Record
Categorical Exclusion
DOI-BLM-UT-G010-2014-0163-CX**

June 2014

**Driveway to private property
UTU-90599**

Location: *Salt Lake Meridian,
T. 6 S., R. 21 E.,
sec. 11, SE¹/₄SE¹/₄.*

Applicant/Address: *Jasen & Tonya Morgan
690 West 250 North
Vernal, Utah 84078*

U.S. Department of the Interior
Bureau of Land Management
Green River District
Vernal Field Office
170 S. 500 East
Vernal Utah 84078
Phone: 435-781-4400
Fax: 435-781-4410



DECISION RECORD
Categorical Exclusion
DOI-BLM-UT-G010-2014-0163-CX
Driveway to private property

Decision:

It is my decision to authorize a right-of-way (ROW) under Title V of the Federal Land Policy and Management Act, for a 135-foot long and 30-foot wide driveway to private property for the Morgan family. This ROW grant will be authorized in for a term of 30 years ending on December 31, 2043.

Rationale:

The proposed action described in CX, DOI-BLM-UT-G010-2014-0163-CX, generally does not require the preparation of an environmental assessment (EA) or environmental impact statement (EIS), as it has been found not to individually or cumulatively have a significant effect on the human environment. The applicable Categorical Exclusion, effective May 27, 2004, is referenced in 516 DM 11.5 E (17). This reference states an EA may not be required for, "*Grant of a short rights-of-way for utility service or terminal access roads to an individual residence, outbuilding, or water well.*"

Based on a review of the project described in CX, DOI-BLM-UT-G010-2014-0163-CX and field office staff recommendations attached, I have determined that the project is in conformance with the land use plan and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed.

Protest/Appeal Language:

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.


Authorized Officer

JUN 12 2014
Date

Attachments:

Map

Photos of Route Location

May 20, 2014

Jasen & Tonya Morgan - Driveway to Private Property

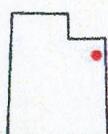
R 21E

T 6S



Legend

- Proposed Morgan Driveway - 135' x 30'
- Class 1-B Gravel
- - - Class D Unmaintained
- - - Private



1 inch = 500 feet

No warranty is made by the BLM for use of the data for purposes not intended by the BLM.

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BLM

