

Categorical Exclusion Documentation

A. Background

BLM Office: Prineville Field Office

NEPA Log #: DOI - BLM - OR – P060 - 2015- 0026 - CX

Project/Lease/Serial/Case File #s: OR 46666

Proposed Action Title: Proposed Assignment of road right-of-way (ROW) OR 46666 to heir, Ms. Ellen Keith.

Location:

The subject ROW is within BLM land described as:

Willamette Meridian, Oregon

T. 16 S., R. 12 E., sec. 09, E1/2SW.

The ROW OR 46666 proposed for assignment is approximately 0.3 miles long, 20 feet wide and contains 0.8 acres more or less. The ROW route is shown on Exhibit B to the ROW which was granted June 25, 1991.

Description of the Proposed Action: The BLM proposes assigning ROW OR 46666 to the Applicant (Ms. Ellen A. Keith) following the recent death of the original ROW holder, her brother Mr. David Schroeder. As noted above, the ROW was granted to Mr. Schroeder on June 25, 1991; the ROW has a term of 30 years that will expire on June 24, 2021. An Environmental Assessment dated May 8, 1991 (the “Environmental Assessment”) was completed prior to the BLM’s granting of the original ROW, with a “finding of no significant impacts.” No additional rights would be conveyed and no new disturbances would occur as a result of the assignment of the ROW.

B. Land Use Plan Conformance

Land Use Plan Name: The Upper Deschutes Record of Decision and Resource Management Plan (the “ROD/RMP”). Date approved: September 2005.

The proposed action is in conformance with the above ROD/RMP. See ROD/RMP Page 135 which provides, “Transportation and Utilities Objective TU-1: Provide new or modified rights-of-way for transportation/utility corridors and communication/energy sites to meet expected demands and minimize environmental impacts”. In addition, Guideline 1 on such page states, “BLM administered lands will continue to be available for rights-of-way, including multiple use and single use utility/transportation corridors, following existing routes and roads”.

C. Compliance with NEPA

The assignment of the ROW under the proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 Departmental Manual (DM) 516 11.9, E. Realty, subpart "(9) Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations."

The above noted 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 apply. See attached CX Extraordinary Circumstances Documentation checklist.

D. Signature

I have considered this proposed action to assign the ROW OR 46666 and have found that this action has no significant affect either individually or cumulatively on the human environment.

Authorizing official:



Jeff Kitchens
Field Manager, Deschutes Resource Area

8/10/15
Date

Contact Person

For additional information concerning this review, contact Michael Kroll, Realty Specialist, Prineville Field Office, 3050 NE 3rd Street, Prineville, OR 97754, telephone (541) 416-6752, or email mkroll@blm.gov.

CX EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION	YES	NO
The proposed categorical exclusion action will:		
2.1 Have significant impacts on public health or safety.		X
<p>Rationale: The proposed action, the assignment of ROW OR 46666, and the roadway covered by such ROW, are referred to herein as the “Project”. The Project would give the Applicant continued legal access over, and the right to maintain, the roadway covered by the ROW. An Environmental Assessment was conducted when the ROW was originally granted; no new disturbances would occur as a result of the assignment of the ROW. Accordingly, the Project is not expected to have significant impacts on public health or safety.</p>		
2.2 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.		X
<p>Rationale:</p> <p>An Environmental Assessment was conducted when the ROW was originally granted. As noted in such Environmental Assessment, the BLM administered lands that would be affected by the Project were the subject of a Cultural Resource Report (No. 5691W9) that determined that: “Due to the nature of the proposed use, no cultural resources will be impacted. There will be no grading or excavation of the ground surface.” No new disturbances would occur as a result of the assignment of the ROW. Accordingly, the Project would not have any significant impact on historic or cultural resources.</p> <p>The Project would not be located in any designated park, recreation or refuge lands; therefore the proposed action would not have a significant impact on any such lands. The Project would not conflict with current recreational uses of the BLM lands that are within and surrounding the Project area.</p> <p>There are no Wilderness Study Areas or lands with wilderness character within or affected by the proposed Project area. The Project would not be located within an area designated as a Federal Wilderness Area or as a Wild and Scenic River and therefore the Project would not affect any such natural resources and unique geographic characteristics.</p> <p>The Project would not be located on or in the vicinity of any national natural landmarks, national monuments, sole or principal drinking water aquifers, or prime farmlands, wetlands (Executive Order 11990), or floodplains (Executive Order 11988), therefore the Project would have no significant impact on any such ecologically significant or critical areas. An Environmental Assessment was conducted when the ROW was originally granted. No new disturbances would occur as a result of the assignment of the ROW. Accordingly, the Project is not expected to have any negative affect on migratory birds.</p>		
2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section		X

102(2)(E)]		
Rationale: The ROW grant proposed for assignment is for an existing road that is in travelable condition and has been in use for over 20 years by the owners of the private property that the road provides access to. The proposed action would not have highly controversial effects or involve unresolved conflicts with available resources.		
2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
Rationale: An Environmental Assessment was conducted when the ROW was originally granted; no new disturbances would occur as a result of the assignment of the ROW. There are no predicted effects from the Project that would be considered potentially significant environmental effects or that would be considered to be highly uncertain or involve unique or unknown environmental risks. The BLM has successfully implemented numerous similar road ROW grant and grant assignment actions within the Prineville District without incurring any of the aforementioned effects on the environment.		
2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
Rationale: Rights-of-way for access roads have been authorized for many years throughout the BLM. There is no evidence that this action will have potentially significant environmental effects. This management activity does not commit the BLM to pursuing any further actions, and would not establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		
2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
Rationale: The short road involved in the Project is an access roadway to a piece of private property and the road receives only light to moderate traffic. There are no other known activities in the Project area that have an impact on or that are impacted by the Project, accordingly significant cumulative effects are not predicted to occur with respect to this proposal.		
2.7 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.		X
Rationale: The Project is not in the vicinity of, and therefore it would not adversely affect or have a significant impact upon, any districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places, nor would it cause loss or destruction of significant scientific, cultural, or historical resources. An Environmental Assessment was conducted when the ROW was originally granted; no new disturbances would occur as a result of the assignment of the ROW.		
2.8 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.		X
Rationale: There are no Endangered or Threatened species within the Project area that might reasonably be expected to be negatively impacted by the Project. An Environmental Assessment was conducted when the ROW was originally granted, and such Environmental Assessment noted that "No special status plants were observed and this action will have no effect on such plants." Based on a current review of the Project area, our District botanist concluded that no special status plants are likely to be identified within the Project area. The BLM lands in the vicinity of the Project are known to contain an historic golden eagle's nest site that is not currently active. As a condition to the granting of the assignment of the ROW, a stipulation will		

<p>be added to the ROW providing for potential future restrictions on certain activities on public lands in the vicinity of the ROW during certain periods of the year. The purpose of such restrictions is to avoid disturbing any nesting eagles on public lands during times that are important to their breeding success.</p> <p>Based on the foregoing information, the proposed Project would not 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.</p>		
2.9	Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.	X
<p>Rationale: The assignment of the existing linear road right-of-way under the Project would be in accordance with the provisions of the Federal Land Policy and Management Act of 1976, as amended. The right-of-way that would be assigned under the Project is substantially similar in form and substance to numerous other linear road rights-of-way granted by the BLM and the Prineville District in particular; and such right-of-way is designed to conform to all Federal, State, local and tribal laws and requirements including those relating to the protection of the environment. Accordingly, the Project would not violate any Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.</p>		
2.10	Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).	X
<p>Rationale: The assignment of the ROW as proposed under the Project is for the purpose of allowing continued legal road access to a parcel of rural private property. The Project is not expected to have any noticeable effect on low income or minority populations.</p>		
2.11	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).	X
<p>Rationale: The Project would not make any changes to the access and use of Federal lands; the Project simply would approve the assignment of an existing right-of-way and thereby grant the ROW holder continued legal access to its private property and the right to maintain the ROW road in useable condition. Accordingly, the proposed action would not 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.</p>		
2.12	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).	X
<p>Rationale: The ROW proposed for assignment is for an existing road that has been used by the Applicant's predecessor for over 20 years under the existing ROW. An Environmental Assessment was conducted when the ROW was originally granted; no new disturbances would occur as a result of the assignment of the ROW. Accordingly, the Project is not expected to 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).</p>		