

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
BURNS DISTRICT OFFICE

CATEGORICAL EXCLUSION ENVIRONMENTAL REVIEW AND APPROVAL

A. Background

The applicant has requested a Right-of-Way over a road that is not in our inventoried road system. A site visit confirms the two-track is located on the ground and was probably created sometime in the past 1-3 years by clearing vegetation. The applicant purchased the property in July of this year, vegetation on the ground show that the clearing was not completed this growing season.

Categorical Exclusion (CX) Number: DOI-BLM-ORWA-B060-2016-0005-CX

Date: October 9, 2015

Case File/Serial Number or Name: OROR-68527

Preparer/Title: Tara McLain, Realty Specialist

Applicant: [REDACTED]

Title of Proposed Action: Breck Road Right-of-Way

Description of Proposed Action and Project Design Elements (if applicable):

The proposed action is to grant a right-of-way (ROW) to a private citizen under the authority of Title V, Federal Land Policy and Management Act, and the regulations at 43 CFR 2800 to authorize a road to a private parcel of land. The ROW would be for an existing two-track, approximately 2350 feet. The grant would provide the applicant with the right to construct, operate, maintain, and terminate the ROW totaling .53 acres.

Access entirely through the adjacent private parcel was not feasible due to the large sand dunes surrounding the private parcel. Because this trail already exists on the ground, the applicant believes it makes more sense to develop the existing trail rather than constructing a new one.

The applicant proposes to remove the brush from within the 10' width of the two-track and to lightly grade the road with a tractor. The intended result is to merely smooth out the bumps and ensure the applicant has enough space to get his recreational vehicle to his parcel. No additional material will be hauled in. Access would be year round unless weather and moisture didn't allow for passage across the ROW. Any ground disturbance outside of the roadbed would be reseeded with a BLM-approved seed mix. All earthmoving equipment would be washed down to remove mud and vegetative debris prior to use on the road. The applicant would apply BLM approved herbicides if weeds become apparent after road maintenance is complete.

Road work will take place this winter, weather dependent, upon issuance of the ROW and will take 1 day to complete. Applicant has received verbal permission from nearby landowners, and landowners have confirmed he has permission to cross their private.

The road use will be year round as weather allows. Vehicles using the road will primarily be personal vehicles and recreational vehicles.

The ROW area is within the Andrews/Steens Resource Area. There are no valid and existing rights encumbering the lands surrounding the ROW area for road access. There are no mining claims or rights of third parties or other title factors that would prohibit the grant of this ROW. It is located northeast of Fields, Oregon and is in the Tule Springs grazing allotment #6018. The proposed right-of-way would not affect authorized livestock grazing within the allotment.

Legal Description (attach location map):

See Attached Map

Willamette Meridian, Oregon

T. 36 S., R. 35 E., sec. 18, N $\frac{1}{2}$ NW $\frac{1}{4}$.

B. Conformance with Land Use Plan (LUP)

LUP Name and Date Approved/Amended:

The proposed action is in conformance with the Andrews Management Unit, Resource Management Plan (RMP) and Record of Decision (ROD), dated August 2005, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s):

Lands and Realty, Objective 2, RMP 59-60: Meet public, private, and Federal agency needs for realty-related land use authorizations and land withdrawals including those authorizations necessary for wind, solar, biomass, and other forms of renewable energy development.

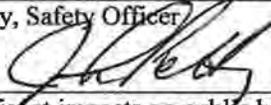
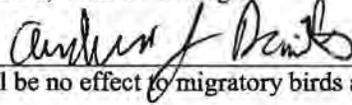
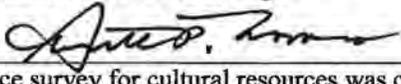
The proposed action is in conformance with the ROD and Approved Resource Management Plan Amendments (RMPA) for the Great Basin Region, including the Greater Sage-Grouse Sub-regions of Idaho and Southwestern Montana, Nevada and Northeastern California, Oregon and Utah, dated September 2015, because this area is not located in a sagebrush focal area (SFA), in a priority area of conservation (PAC), or in a priority habitat management area (PHMA) for sage-grouse; conforms with lek buffer distance and timing; and the road exists on the ground currently so there will be no effect as a result of this action.

C. Compliance with the National Environmental Policy Act (of 1969) (NEPA)

BLM CX Reference (516 DM 11.9):

- E. (16) Acquisition of easements for an existing road or issuance of leases, permits, or rights-of-way for the use of existing facilities, improvements, or sites for the same or similar purposes.
- E. (17) Grant of a short right-of-way for utility service or terminal access roads to an individual residence, outbuilding, or water well.

Screening for Exceptions: The following extraordinary circumstances (516 DM 2, Appendix 2) may apply to individual actions within the categorical exceptions. The indicated specialist recommends the proposed action does *not*:

CATEGORICAL EXCLUSION EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION	
2.1	Have significant impacts on public health or safety.
Specialist:	John Petty, Safety Officer
Signature and Date:	 12/1/15
Rationale:	No significant impacts on public health or safety because the roads and ways are open to the public and can be travelled under the definition of casual use at any time.
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); flood plains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.
<u>Migratory Birds</u>	
Specialist:	Andy Daniels, Wildlife Biologist
Signature and Date:	 11-30-15
Rationale:	There will be no effect to migratory birds as there will be no new disturbance as the road already exists on the ground.
<u>Historic and Cultural Resources</u>	
Specialist:	Scott Thomas, District Archaeologist
Signature and Date:	 11-16-15
Rationale:	A clearance survey for cultural resources was completed in October 2015. No historic or cultural materials were found in the proposed ROW. Therefore, historic and cultural resources would not be affected by this project.
<u>Areas of Critical Environmental Concern (ACEC)/Research Natural Areas (RNA)</u>	
Specialist:	Caryn Burri, Natural Resource Specialist (NRS) - Botanist
Signature and Date:	 11/16/15
Rationale:	There are no ACECs/RNAs within the proposed ROW.
<u>Water Resources/Flood Plains</u>	
Specialist:	Jarod Lemos, NRS - Riparian Specialist
Signature and Date:	 11/16/15
Rationale:	Geographic information system (GIS) data layers indicate a spring-fed, intermittent channel is being intersected by the proposed ROW; however, flow patterns were non-existent. Therefore, the proposed action will have no effect on the water resources/flood plain resources.
<u>Soils, Biological Soil Crust (BSC), Prime Farmlands</u>	
Specialist:	Caryn Burri, NRS - Botanist
Signature and Date:	 11/16/15
Rationale:	Soils and BSCs were disturbed prior to the proposed ROW. There will be no further disturbance associated with the issuance of the proposed ROW.

Recreation/Visual Resources

Specialist: Mandy DeCroo, Outdoor Recreation Planner

Signature and Date:

Mandy DeCroo 11/17/15

Rationale: The proposed ROW is in a Visual Resource Management (VRM) Class II area where the objective is to retain the existing character of the landscape. A road already exists on the ground so the level of change to the landscape would be low and any changes would repeat the basic elements found in the natural features of the landscape. The impact to recreation would be limited to initial disturbance only.

Wilderness/Wild and Scenic River (WSR) Resources

Specialist: Tom Wilcox, Wilderness Specialist

Signature and Date:

Tom Wilcox 11/30/2015

Rationale: There are no Wilderness Study Areas (WSA), Wilderness, WSRs, or Lands with Wilderness Characteristics in the project area.

2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources (NEPA Section 102(2) (E)).

Specialist: Emily Erwin, Planning and Environmental Coordinator

Signature and Date:

Emily Erwin 11/30/2015

Rationale: There are no known highly controversial environmental effects or unresolved conflicts concerning alternative uses of available resources. The road is an existing two-track road approximately 2,350 feet in length. Use would be year-round, weather permitting, and primarily by personal vehicles and recreational vehicles for the purpose of access to a private residence.

2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

Specialist: Emily Erwin, Planning and Environmental Coordinator

Signature and Date:

Emily Erwin 11/30/2015

Rationale: There are no known uncertain or potentially significant environmental effects or unique or unknown environmental risks. The road is an existing two-track road approximately 2,350 feet in length. Use would be year-round, weather permitting, and primarily by personal vehicles and recreational vehicles for the purpose of access to a private residence.

2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

Specialist: Emily Erwin, Planning and Environmental Coordinator

Signature and Date:

Emily Erwin 11/30/2015

Rationale: Implementation of the proposal would not set precedence for future actions or represent a decision in principle about future actions with potentially significant environmental effects. The road is an existing two-track road approximately 2,350 feet in length. Use would be year-round, weather permitting, and primarily by personal vehicles and recreational vehicles for the purpose of access to a private residence.

2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.

Specialist: Emily Erwin, Planning and Environmental Coordinator

Signature and Date:

Emily Erwin 11/30/2015

Rationale: There are no known individually insignificant but cumulatively significant environmental effects. The road is an existing two-track road approximately 2,350 feet in length. Use would be year-round, weather permitting, and primarily by personal vehicles and recreational vehicles for the purpose of access to a private residence.

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.

Specialist: Scott Thomas, District Archaeologist

Signature and Date:

Scott Thomas 11-16-15

Rationale: A clearance survey for cultural resources was complete in October 2015. No properties eligible for nomination to the National Register (NR) were found in the proposed ROW. Therefore, NR eligible properties would not be affected by this project.

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.

Endangered or Threatened Species - Fauna

Specialist: Andy Daniels, Wildlife Biologist

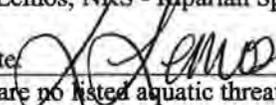
Signature and Date:

Andy Daniels 11-30-15

Rationale: There are no listed species that are known to occur in the area of the already existing road.

Endangered or Threatened Species - Aquatic

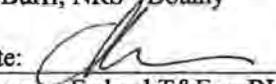
Specialist: Jarod Lemos, NRS - Riparian Specialist

Signature and Date:  11/16/15

Rationale: There are no listed aquatic threatened and endangered (T&E) species that are known to occur in the area. The proposed action will have no effect on this resource.

Endangered or Threatened Species - Flora

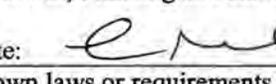
Specialist: Caryn Burri, NRS - Botany

Signature and Date:  11/16/15

Rationale: There are no Federal T&E or BLM Special Status plant species, nor designated critical habitat within the proposed ROW.

2.9 Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.

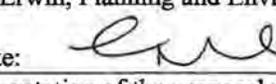
Specialist: Emily Erwin, Planning and Environmental Coordinator

Signature and Date:  11/30/2015

Rationale: No known laws or requirements for protection of the environment would be violated. The road is an existing two-track road approximately 2,350 feet in length. Use would be year-round, weather permitting, and primarily by personal vehicles and recreational vehicles for the purpose of access to a private residence.

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

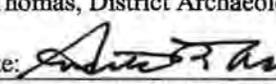
Specialist: Emily Erwin, Planning and Environmental Coordinator

Signature and Date:  11/30/2015

Rationale: Implementation of the proposal would not result in a disproportionately adverse effect on minority or economically disadvantaged populations as such populations do not occur in or near the project area.

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).

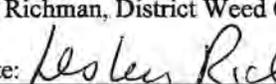
Specialist: Scott Thomas, District Archaeologist

Signature and Date:  11-16-15

Rationale: Access to or physical integrity of Indian sacred sites would not be affected by the proposed ROW because none are known to occur in the project vicinity.

2.12 Contribute to the introduction, continued existence, or spread of noxious weeds or nonnative 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).

Specialist: Lesley Richman, District Weed Coordinator

Signature and Date:  12/1/2015

Rationale: This area is not known to be particularly weedy. The project design features should adequately address reducing the likelihood of new weed introductions and treatment should any crop up in the future.

D. Signatures

Additional review (As determined by the authorized officer):

Specialist: Stacy Fenton, Geographic Information Specialist

Signature: Stacy Fenton Date: 12/7/15

RMP conformance and CX review confirmation:

Specialist: Emily Erwin, Planning and Environmental Coordinator

Signature: Emily Erwin Date: 12/7/15

Management Determination: Based upon review of this proposal, I have determined the proposed action is in conformance with the LUP, qualifies as a CX, and does not require further NEPA analysis.

Authorized Officer: Rhonda Karges, Andrews/Steens Resource Area Manager

Signature: Rhonda Karges Date: 12/9/15

E. Contact Person

For additional information concerning this CX review, contact the Planning and Environmental Coordinator, BLM, Burns District Office, 28910 Highway 20 West, Hines, Oregon 97738, (541) 541-4400.

Note: The signed conclusion on this worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this CX is subject to protest or appeal under 43 CFR 4 and the program-specific regulations.

Authority:

Rights-of-way

Authority for rights-of-way decisions is found under 43 CFR 2801.10: How do I appeal a BLM decision issued under the regulations in this part?, "(a) You may appeal a BLM decision issued under the regulations in this part in accordance with part 4 of this title. (b) All BLM decisions under this part remain in effect pending appeal unless the Secretary of the Interior rules otherwise, or as noted in this part." The effective date is the date of the authorized officer's signature.

Decision: It is my decision to implement the proposed action with PDEs (if applicable) as described above.

Appeal Procedure:

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with regulations contained in 43 CFR 4 and Form 1842-1. If an appeal is filed, your notice of appeal should be filed with Rhonda Karges, Field Manager, Andrews/Steens Resource Area, Burns District Office, 28910 Highway 20 West, Hines, Oregon 97738, within 30 days following receipt of the final decision. The appellant has the burden of showing the decision appealed is in error.

A copy of the appeal, statement of reasons, and all other supporting documents should also be sent to the Regional Solicitor, Pacific Northwest Region, U.S. Department of the Interior, 805 SW Broadway, Suite 600, Portland, Oregon 97205. If the notice of appeal did not include a statement of reasons for the appeal, it must be sent to the IBLA, Office of Hearings and Appeals, 801 North Quincy Street, Arlington, Virginia 22203. It is suggested appeals be sent certified mail, return receipt requested.

Standards for obtaining a stay—except as otherwise provided by law or other pertinent regulation, a petition for a stay of decision pending appeal shall show sufficient justification based on the following standards (43 CFR 4.21(b)):

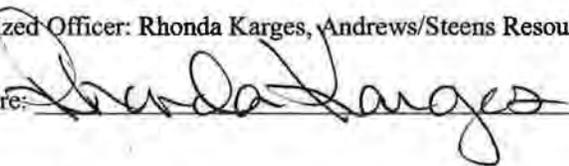
- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

As noted above, the petition for stay must be filed in the office of the authorized officer.

A notice of appeal and/or request for stay electronically transmitted (e.g., email, facsimile, or social media) will not be accepted. A notice of appeal and/or request for stay must be on paper.

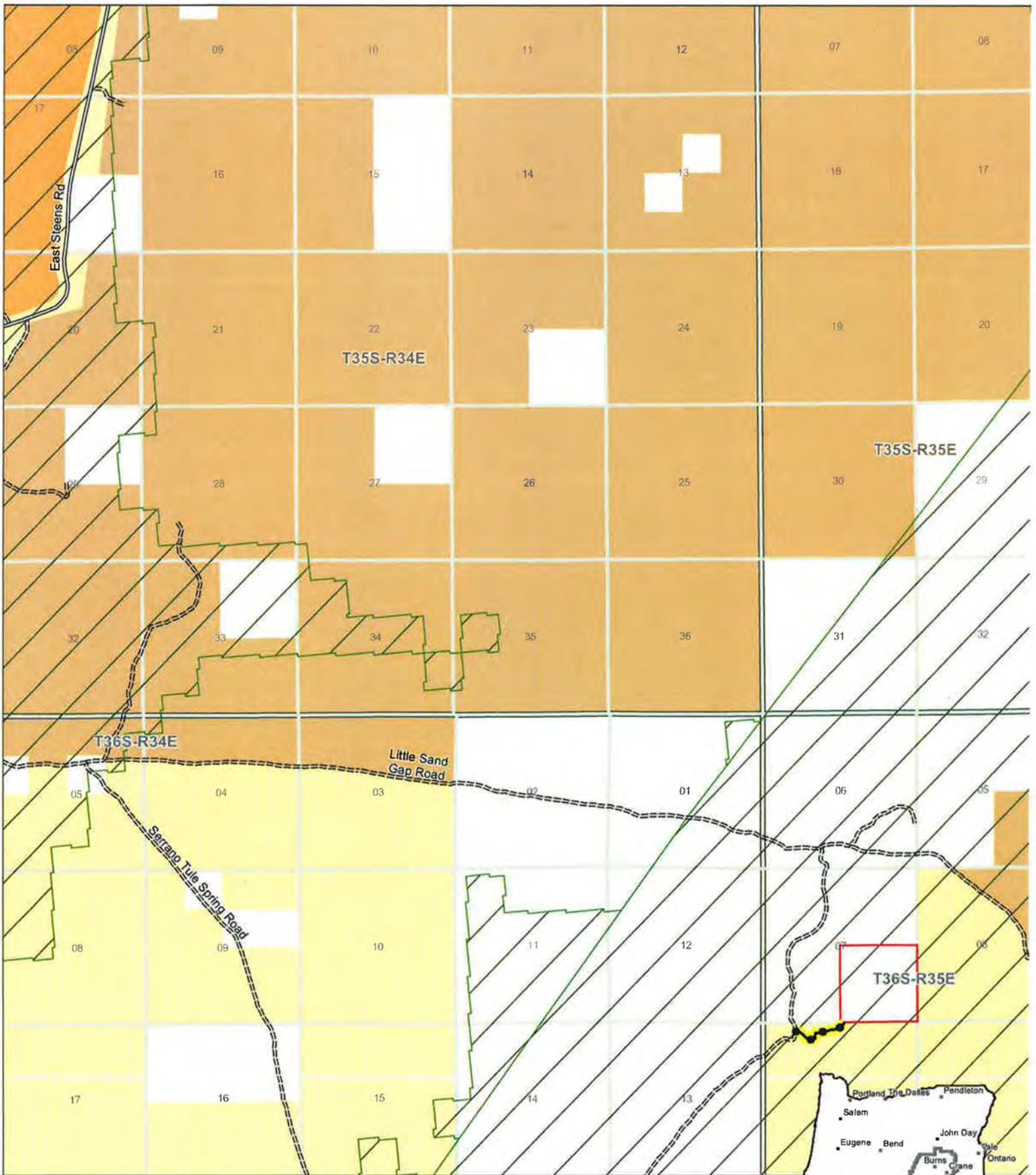
Authorized Officer: Rhonda Karges, Andrews/Steens Resource Area Field Manager

Signature: _____



Date: _____

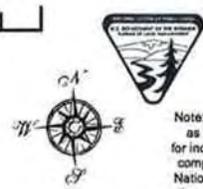
12/9/15



OR-68527 Breck ROW
Exhibit B, Right-of-Way 8' from Centerline

0 0.35 0.7 1.4 Miles

- BLM
- Private/Unknown
- BLM WSA
- Steens Mtn Wilderness
- General Habitat Management Area (GHMA)
- Non-Paved Improved Road
- Natural/Unknown Road Surface



US DEPARTMENT OF THE INTERIOR
 Bureau of Land Management
 Burns District, Oregon

Note: 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 was compiled from various sources. This information may not meet National Map Accuracy Standards. This product was developed through digital means and may be updated without notification. workarea\mclain\OR-68527.mxd, 12/01/2015