

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

CATEGORICAL EXCLUSION REVIEW

OFFICE: Eugene District Bureau of Land Management

TRACKING NUMBER: DOI-BLM-ORWA-E060-2016-0005-CX

CASEFILE/PROJECT NUMBER: 2812/OR 68625

PROJECT NAME: Reciprocal Right-of-Way Agreement 1028 OR-68625

LOCATION/LEGAL DESCRIPTION:

T. 20 S., R. 2 W., Will. Mer., Section 28: W $\frac{1}{2}$ SW $\frac{1}{4}$
T. 20 S., R. 2 W., Will. Mer., Section 29: N $\frac{1}{2}$ SE $\frac{1}{4}$ & N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$
T. 20 S., R. 2 W., Will. Mer., Section 32: NE $\frac{1}{4}$ NE $\frac{1}{4}$
T. 20 S., R. 2 W., Will. Mer., Section 33: NW $\frac{1}{4}$ NW $\frac{1}{4}$
Lane County, Oregon

APPLICANT (if any): Canfield-Turner Park Foundation

A. Description of Proposed Action and any applicable mitigation measures

The Bureau of Land Management (BLM) and the Canfield-Turner Park Foundation wish to acquire new legal access rights needed for the management of the corresponding lands.

The proposed action is to enter into Right-of-Way and Road Use Agreement E-1028 and O&C Logging Road Right-of-Way Permit E-1028, a reciprocal right-of-way. This action would accomplish the following:

1. Acquire perpetual access for the BLM over lands currently owned by the Canfield-Turner Park Foundation located in T. 20 S., R. 2 W., section 29.
2. Grant new perpetual access rights to the Canfield-Turner Park Foundation over BLM controlled roads 20-2-29.1 and 20-2-32 (located in T. 20 S., R. 2 W., sections 28, 29, 32, and 33).

No ground-disturbing activities, such as road construction, are planned under this proposed action. If in the future ground-disturbing activities associated with this agreement are proposed, those actions would be analyzed as appropriate under a separate NEPA process.

B. Land Use Plan (LUP) Conformance

LUP Name: Eugene District Record of Decision and Resource Management Plan (RMP), as amended. Date Approved: June 1995.

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions:

Continue to make BLM administered lands available for needed rights-of-way where consistent with local comprehensive plans, Oregon Statewide planning goals and rules, and the exclusion and avoidance areas identified in this RMP. (p. 95)

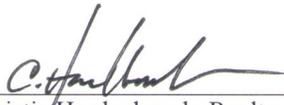
C. Compliance with NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 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".

This categorical exclusion is appropriate in this situation because the proposed action is in accordance with 516 DM 11.9(E) and there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Eugene District has reviewed the proposed action, and none of the extraordinary circumstances described in 516 DM2 apply.

D.

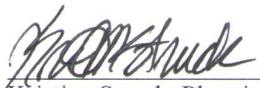
Signature of Project Lead:



Christie Hardenbrook, Realty Specialist

Date: 2/21/2016

Signature of NEPA Coordinator:



Kristine Struck, Planning & Environmental Coordinator

Date: 2/18/2016

Signature of the Responsible Official:



William O'Sullivan, Upper Willamette Field Manager

Date: 2/24/16

Contact Person

For additional information concerning this Categorical Exclusion review, contact: Christie Hardenbrook, Eugene Realty Specialist, (541) 683-6110.

EXTRAORDINARY CIRCUMSTANCES CHECKLIST

DOI-BLM-ORWA-E060-2016-0005-CX

Review the proposed action against each of the 12 “extraordinary circumstances” listed below. Any action that is normally categorically excluded must be subjected to sufficient environmental review to determine whether it meets any of the extraordinary circumstances, in which case, further analysis and environmental documents must be prepared for the action. If the criterion does not apply, indicate "Not Applicable." Any mitigation measures (such as contract stipulations or terms and conditions on permits) necessary to ensure that the proposed action qualifies as a categorical exclusion should be identified at the bottom of the page.

Extraordinary Circumstances	YES	NO
<p>1. Have significant impacts on public health or safety. <u>Rationale:</u> The proposed activity would not have significant impacts on public health or safety. The proposed action is administrative in nature and would apply to existing roads.</p>		X
<p>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. <u>Rationale:</u> There are no natural resources or unique geographic characteristics that would be significantly impacted by this action. The proposed action is administrative in nature and would apply to existing roads.</p>		X
<p>3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]. <u>Rationale:</u> There are no predicted environmental effects from the proposed action which are considered to be highly controversial nor are there unresolved conflicts concerning alternative uses.</p>		X
<p>4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. <u>Rationale:</u> The proposed operations are not unique or unusual. The BLM has considerable experience implementing similar actions without highly controversial, highly uncertain, or unique or unknown risks.</p>		X
<p>5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects. <u>Rationale:</u> The BLM has conducted similar actions since its inception. There is no evidence that this action will have potentially significant environmental effects and it would not establish a precedent or decision for future actions with potentially significant environmental effects.</p>		X
<p>6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. <u>Rationale:</u> Based upon review of the project, and given current conditions on the grounds, the Eugene District did not find any resource issues of concern that would be affected by this action.</p>		X
<p>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. <u>Rationale:</u> There would be no effect to such properties as are no eligible or listed properties within the proposed treatment project areas.</p>		X
<p>8. Have significant impacts on species listed, or proposed to be listed, as an Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species. <u>Rationale:</u> The proposed action would have no significant impacts to species listed or proposed to be listed as an Endangered or Threatened Species, nor have significant impacts on designated Critical Habitat for these species.</p> <p>The northern spotted owl is the only ESA-listed species to potentially use the project area. Disturbance to spotted owls will be insignificant because of noise location, intensity and duration would not exceed typical conditions for the area. Any spotted owl using the project area would be habituated to such disturbance levels. The project area is not within designated Critical Habitat for any Threatened or Endangered Species.</p>		X
<p>9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.</p>		X

Extraordinary Circumstances	YES	NO
<p><u>Rationale:</u> The proposed action conforms to the direction given for the management of public lands in the Eugene District ROD/RMP (1995), which complies with all applicable Federal, State, local and tribal laws.</p>		
<p>10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 2898). <u>Rationale:</u> There would be no adverse effect on low income minority populations.</p>		X
<p>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). <u>Rationale:</u> The project would have no significant impact on access to and ceremonial use of Indian sacred sites or significantly adversely affect the physical integrity of such sites because there are no known sites in the vicinity. The proposed agreement would not interfere with any existing access rights to the areas.</p>		X
<p>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). <u>Rationale:</u> The proposed action does not result in measurable changes to the current baseline of the risk, or actual introduction, continued existence, or spread of noxious weeds or non-native invasive species in or from the project area. The proposed action does not introduce any vector for spread or introduction beyond such vectors already found.</p>		X

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DECISION RECORD

DOI-BLM-ORWA-E060-2016-0005-CX
Reciprocal Right-of-Way Agreement E-1028 OR 68625

Decision

It is my decision to implement this action as described in the categorical exclusion documentation DOI-BLM-ORWA-E060-2016-0005-CX.

Decision Rationale

The proposed action has been reviewed by BLM staff. The Proposed Action is in conformance with the 1995 Eugene District Record of Decision and Resource Management Plan (as amended). Based on the Categorical Exclusion Review, I have determined that the proposed action involves no significant impact to the human environment and no further analysis is required.

Administrative Remedies

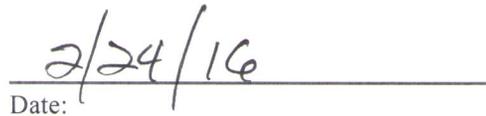
Notice of this decision will be posted on the District internet website. The action is subject to appeal to the Interior Board of Land Appeals under 43 CFR Part 4. The decision is effective upon signing by the authorized officer and shall remain in effect pending an appeal (43 CFR Part 2801.10).

Any person adversely affected by this decision may appeal it to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4. If an appeal is taken, a notice of appeal must be filed in this office within 30 days of this decision for transmittal to the Board. If a notice of appeal does not include a statement of reasons, such statement must be filed with this office and with the Board within 30 days after the notice of appeal was filed. A copy of a notice of appeal and any statement of reasons, written arguments, or briefs, must also be served upon the Regional Solicitor, Pacific Northwest Region, U.S. Department of the Interior, 805 SW Broadway, Suite 600, Portland, OR 97205.

Signature of the Responsible Official:



William O'Sullivan
Upper Willamette Field Manager
Eugene District Office



Date: