

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

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**Categorical Exclusion DOI-BLM-MT-C020-2016-0089-CX**

**FLPMA Road ROW MTM-107704  
Assignment Arbuckle Ranch Inc. to Cross W. Livestock**

**Location:** Prime Meridian, Montana, Carter County

T. 7 S., R. 60 E.,

sec. 22, S1/2NE1/4;

sec. 23, S1/2N1/2;

sec. 24, SW1/4NW1/4, N1/2SW1/4, SE1/4SW1/4, S1/2SE1/4;

sec. 25, NE1/4N1/4.

T. 7 S., R. 61 E.,

sec. 30, lot 1.

The ROW area described consists of 17.77 acres.

U.S. Department of the Interior  
Bureau of Land Management  
Miles City Field Office  
111 Garryowen Road  
Miles City, MT 59301  
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UNITED STATES DEPARTMENT OF INTERIOR  
BUREAU OF LAND MANAGEMENT  
*Miles City Field Office*  
*111 Garryowen Road*  
*Miles City, Montana 59301*

**CATEGORICAL EXCLUSION REVIEW AND APPROVAL**

**A. Background**

BLM Office: Miles City Field Office

Serial No.: MTM-107704

NEPA Number: DOI-BLM-MT-C020-2016-0089-CX

Project Lead: Jacalynn C. Parks, Realty Specialist MCFO

Proposed Action Title/Type: FLPMA Road ROW MTM-107704 Assignment  
Arbuckle Ranch Inc. to Cross W. Livestock

Location of Proposed Action (include county):

Prime Meridian, Montana, Carter County

T. 7 S., R. 60 E.,

sec. 22, S1/2NE1/4;

sec. 23, S1/2N1/2;

sec. 24, SW1/4NW1/4, N1/2SW1/4, SE1/4SW1/4, S1/2SE1/4;

sec. 25, NE1/4N1/4.

T. 7 S., R. 61 E.,

sec. 30, lot 1.

The ROW area described consists of 17.77 acres.

Description of Proposed Action:

This is a road right-of-way that was issued to Arbuckle Ranch,

Inc. and it is now being assigned to Cross W. Livestock.

**B. Land Use Plan Conformance**

Land Use Plan Name: BLM 2015 Miles City Field Office ARMP

Date Approved/Amended: Approved Sept. 21, 2015

This proposed action is in conformance with the Bureau of Land Management (BLM) 2015, Miles City Field Office (MCFO) Approved Resource Management Plan (ARMP). On page 3-8 of the ARMP, it states; “Major ROWs are allowed on 445,170 surface acres (16%) and Minor ROWs are allowed on 1,809,798 surface acres (66%).” On page 2-7, in Table 2-5, Summary of Allocation Decisions by Greater Sage-Grouse (GRSG) Habitat Management Areas, “Minor ROWs are allowed with design features in RHMA and GHMA.” The proposed action has been reviewed for conformance with this plan and its terms and conditions as required by 43 CFR 1610.5-3.

**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. (9)** as follows:

*Renewals and assignments of leases, permits or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations.*

This 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, Appendix C, apply.

<b>Extraordinary Circumstances</b>		
<b>The project would:</b>		
1. Have significant impacts on public health or safety.		
<b>Yes</b>	<b>No</b> <b>X</b>	<b>Rationale:</b> <i>The project would not have significant impacts on public health and safety as it is for the assignment of an existing road right-of-way from Arbuckle Ranch, Inc. to Cross W. Livestock. JCP 4/26/2016</i>
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.		
<b>Yes</b>	<b>No</b> <b>X</b>	<b>Rationale:</b> <i>Impacts would not be significant as the proposed action is to assign an existing road right-of-way under Title V FLPMA. JCP 4/26/2016</i>
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].		
<b>Yes</b>	<b>No</b> <b>X</b>	<b>Rationale:</b> <i>No controversial environmental effects or unresolved conflicts. JCP 4/26/2016</i>
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		
<b>Yes</b>	<b>No</b> <b>X</b>	<b>Rationale:</b> <i>No highly uncertain and potentially significant environmental effects or unique or unknown environmental risks. JCP 4/26/2016</i>
5. Establish a precedent for future action or represent a decision in principal about future actions		

with potentially significant environmental effects.		
<b>Yes</b>	<b>No</b> <b>X</b>	<b>Rationale:</b> <i>This action is not connected to another action that would require further environmental analysis nor will it set a precedent for future actions that would normally require environmental analysis. JCP 4/26/2016</i>
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		
<b>Yes</b>	<b>No</b> <b>X</b>	<b>Rationale:</b> <i>This action does not have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. JCP 4/26/2016</i>
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.		
<b>Yes</b>	<b>No</b> <b>X</b>	<b>Rationale:</b> <i>The road was inventoried for cultural resources in May and July 2014. The road crosses or is near three historic sites. The first is a historic corral which may date from the 1930's. The proposed road upgrades would not impact the site. The second resource is the Cottonwood Ditch (24CT806). This site has been formally determined not eligible for listing on the National Register. The third site is the North/South Butte Water spreader system. The system is over 50 years old and is therefore a historic site. The site is not eligible for listing on the National Register of Historic Places. The National Register Status of the sites would not be affected by reassigning the ROW. BLM has determined there would be effect to historic properties from the proposed action (See BLM Cultural Resource Report MT-020-16-102). Unanticipated discoveries of cultural materials during maintenance would be addressed through the application of the cultural/paleontological stipulation attached to the ROW grant.</i>  <i>A review of geological information for the areas shows the proposed road is in the Pierre Shale Formation. The Pierre Shale Formation has a Potential Fossil Yield Classification (PFYC) rating of 3a in the Miles City Field Office and is not expected to yield scientifically important vertebrate fossils or invertebrate fossils in this location.</i> <b>DM 05/11/2016</b>
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.		
<b>Yes</b>	<b>No</b> <b>X</b>	<b>Rationale:</b> <i>No listed species/designated critical habitat occur in project area. 5/13/16 KU</i>
9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		
<b>Yes</b>	<b>No</b> <b>X</b>	<b>Rationale:</b> <i>No laws are being violated by this action. JCP 4/26/2016</i> KU 5/13/16
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		
<b>Yes</b>	<b>No</b> <b>X</b>	<b>Rationale:</b> <i>Does not have a disproportionately high and adverse effect on low income or minority populations. JCP 4/26/2016</i>
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).		

<b>Yes</b>	<b>No</b> <b>X</b>	<b>Rationale:</b> <i>The proposed action is to reassign an existing ROW. Reassigning the ROW does not limit access or use of Federal lands. Much of the surrounding land has been impacted by range improvements (i.e., North/South Butte Water Spreader System). The Ethnographic Overview of Southeast Montana does not list any areas of concern to tribes along the road. DM 05/11/20216</i>
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).		
<b>Yes</b>	<b>No</b> <b>X</b>	<b>Rationale:</b> <i>The proposed action will not contribute to the introduction or spread of noxious weeds as existing roads are being authorized under Title V FLPMA. Further, under the authorizations, the applicant is responsible for weed control within the authorized area. JCP 4/26/2016</i>

**D: Signatures**

/s/ **Kathy Bockness**  
Environmental Coordinator

Date: **5/17/2016**

/s/ **Christopher Morris**  
Supervisory Land Use Specialist

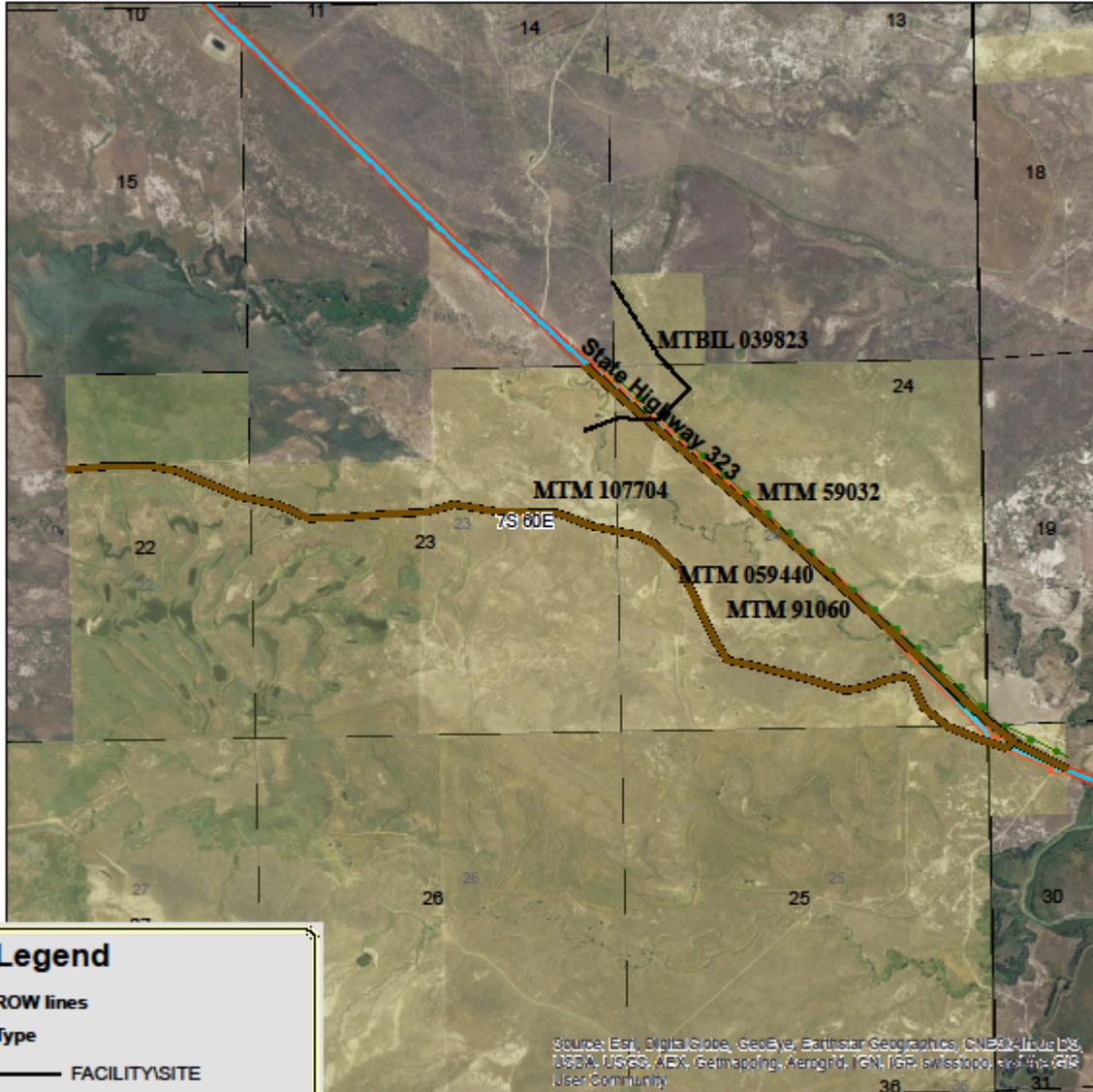
Date: **5/17/2016**



UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
MILES CITY FIELD OFFICE



# Assignment MTM 107704 Road ROW-FLPMA Arbuckle Ranch-to Cross W. Livestock 17.77 acres



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, IGR, swisstopo, and the GIS User Community

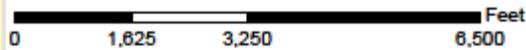
**Legend**

ROW lines

Type

- FACILITY/SITE
- FIBER OPTIC/TELEPHONE
- ROAD
- NSDI PLSS Reference Grid
- NSDI\_Township\_MT
- NSDI\_Sections\_MT

Projected Coordinate System: NAD 1983 Albers  
Geographic Coordinate System: GCS North American 1983  
Datum: D North American 1983



Date: 4/29/2016

Created by Jacalynn C. Parks



**Decision Record for Categorical Exclusion**  
**DOI-BLM-MT-C020-2016-0089-CX**  
**FLPMA Road ROW MTM-107704 Assignment**  
**Arbuckle Ranch Inc. to Cross W. Livestock**

**Decision:**

I have made the decision to assign the road right-of-way (ROW) from Arbuckle Ranch Inc. to Cross W. Livestock. The ROW is located on the following public lands:

Prime Meridian, Montana, Carter County

T. 7 S., R. 60 E.,

sec. 22, S1/2NE1/4;

sec. 23, S1/2N1/2;

sec. 24, SW1/4NW1/4, N1/2SW1/4, SE1/4SW1/4, S1/2SE1/4;

sec. 25, NE1/4N1/4.

T. 7 S., R. 61 E.,

sec. 30, lot 1.

The ROW area described contains 17.77 acres.

The road ROW will be assigned pursuant to Title V of the Federal Land Policy and Management (FLPMA) Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761) for the construction, operation, maintenance, and termination of the road ROW. The ROW will be subject to the terms and conditions in 43 CFR 2800, the terms and conditions, and stipulations specified below, and mitigations set forth in the application and plan of development. Cross W. Livestock is subject to cost recovery and rental, but rental was paid through December 31, 2036. It will expire on December 31, 2036. The road will be used on a year around basis to access ranch headquarters. The ROW will be monitored for use and before future renewal or termination.

The standard stipulations for cultural and/or paleontological resource protection and toxic substances will be made a part of the ROW grant, as would the standard stipulations that all activities associated with the ROW will be conducted within the authorized limits of the grant. The applicant will be responsible for weed control on disturbed areas within the limits of the ROW. There will be no construction or routine maintenance when the soils are too wet. The ROW holder will use the appropriate seedmix if reclamation is necessary. The ROW will be subject to mitigations set forth in the application and plan of development. The holder shall coordinate with the parties holding authorized rights on the adjacent and affected lands.

**Rationale for Decision:**

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with **516 DM 11.9 E. (9)**.

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