

**Categorical Exclusion Documentation
DOI-BLM-CA-N030-2016-0001-CX**

Case File #: CACA 36162

**Applicant: Michael Peterson TTEE
Agent: Muller Family**

**U.S. Department of the Interior
Bureau of Land Management (BLM)
Arcata Field Office
Arcata, CA**

A. Project Description

The BLM received an application to reassign the right-of-way from Steven Muller to the Michael Peterson TTEE and renew the road right-of-way across BLM land in the Red Mountain area for 20 years. The right-of-way provides ingress and egress to their private property. The right-of-way is approximately 2650 feet long and 20 feet wide and covers approximately 1.2 acres of public land. The applicants are required to maintain the road and follow the stipulations. The stipulations are attached at the end of the CX. This right-of-way was originally authorized on January 1996.

The location of the right-of-way is off Red Mountain Access Road. The right-of-way is specifically described as Mount Diablo Meridian, Township 24 North, Range 16 West, Section 17, East Half of the Northeast Quarter and Lots 5 and 12 (Figure 1).

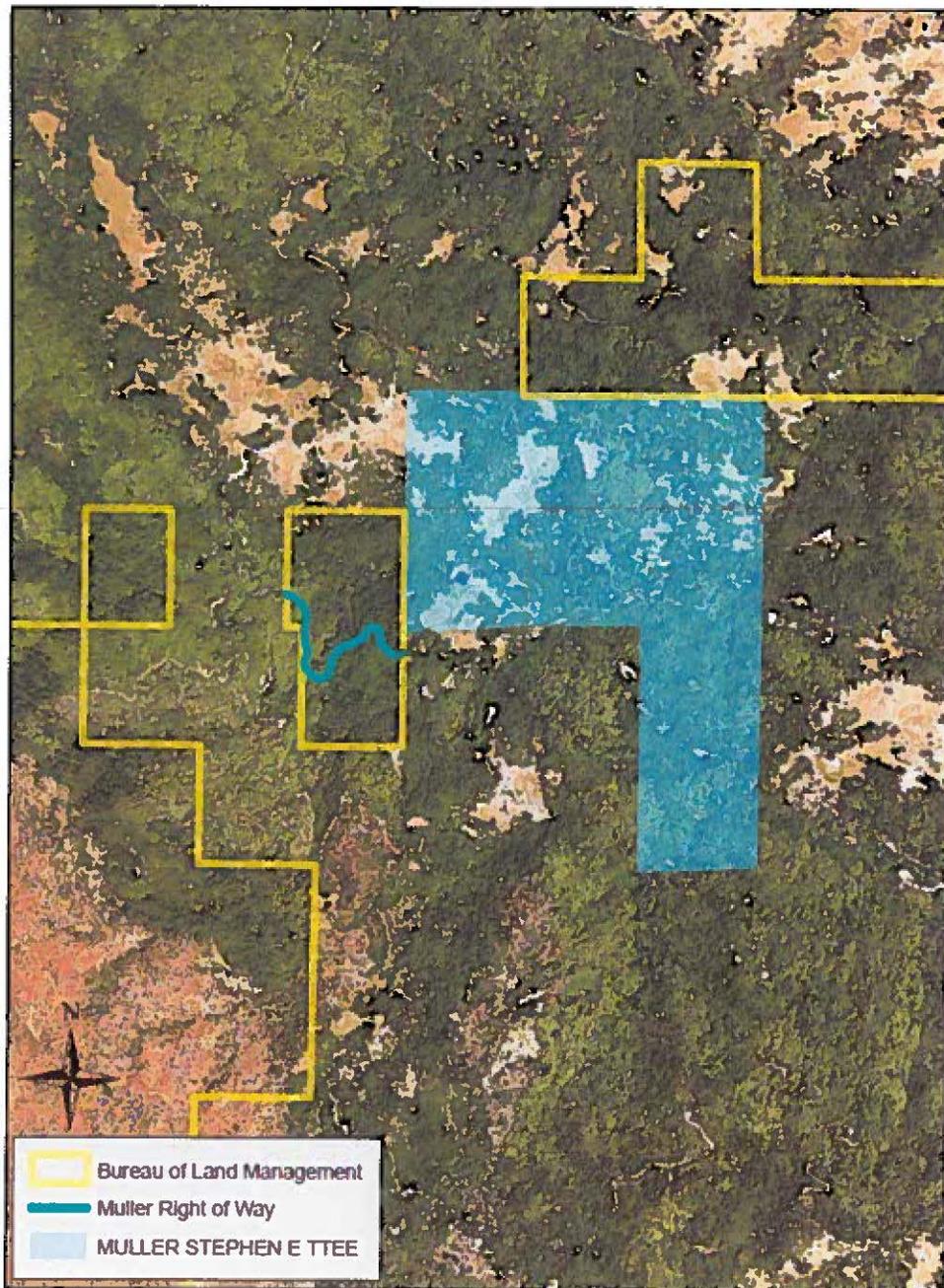
B. Land Use Plan Conformance

The proposed action is subject to the amended Arcata Resource Management Plan (RMP), amended in January 1996.

The proposed action has been determined to be in conformance with this plan as required by regulation 43 CFR 1610.5-3(a). The proposed action is consistent with the land use decisions and resource management goals and objectives of the plan that states, " Rights-of-way proposals will be evaluated on a case-by-case basis. Rights-of-way determinations cannot be made at this planning level with any degree of credibility. Federal tracts do not control Rights-of-way such as highways or utility corridors. Proposals will be addressed on a site-specific basis" (page 2-7).

Figure 1. Vicinity map of the Peterson's Right-of-Way off of Red Mountain Access Road.

Muller Right-of-Way renewal



C. Compliance with the National Environmental Policy Act

The action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with Department of the Interior, Departmental Manual 516 DM 11.9. The action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with BLM NEPA Handbook H-1790 Appendix 4, E (Realty)-9 (Bureau of Land Management 2008): "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 for this action 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 2 apply (see attached review of extraordinary circumstances).

D. Scoping

The Peterson TTEE right-of-way renewal was scoped at the Arcata Field Office NEPA meeting on December 2, 2015. No concerns were brought forward from the staff.

A letter was sent to the Bear River Tribe Laytonville Rancheria on May 10, 2016. Thirty days after the tribal letters were sent, a note to the file was written to document that the BLM did not receive any further information the tribes.

E. References

U.S. Department of the Interior, Bureau of Land Management. 1996. *Arcata Planning Area Resource Management Plan Amendment and Environmental Assessment Decision Record*. Decision Record, Environmental Assessment. Arcata, CA.

F. Signature

Molly Brown
Arcata Field Manager

Date

G. Contact

For more information, contact Clara Sander-McDonald, Realty Specialist at (707)825-2348.

Review of Extraordinary Circumstances

The Department of the Interior Manual 516 2.3A (3) requires review of the following "extraordinary circumstances" (516 DM 2 Appendix 2) to determine if an otherwise categorically excluded action would require additional environmental analysis/documentation.

- 1) *Have significant impacts on public health or safety.*
Yes No
- 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
- 3) *Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].*
Yes No
- 4) *Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.*
Yes No
- 5) *Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.*
Yes No
- 6) *Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.*
Yes No
- 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.*
Yes No
- 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.*
Yes No
- 9) *Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.*
Yes No
- 10) *Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).*
Yes No

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

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

Reviewers:

David Fuller
Planning and Environmental Coordinator

Date

Chris Heppe
Assistant Field Manager

Date

Decision Record for a Categorically Excluded Action

DOI-BLM-CA-N030-2016-0001-CX

Decision and Rationale

It is the decision of the BLM Arcata Field Office to reauthorize a road right-of-way for ingress and egress in the red Mountain area for 2650 feet. The selected alternative best meets the purpose and need for the project which is to respond to a right-of-way application and the need is for the project is to provide the Peterson TTEE with a road right-of-way authorization for ingress and egress to their private property. This project is not expected to adversely impact elements of the human environment due to design features and operations criteria. This decision is consistent with the amended Arcata Resource Management Plan (RMP), approved January 1996 and other relevant laws, regulations and policies guiding management of the project area. This project is not expected to adversely impact elements of the human environment due to design features and operations criteria. This categorical exclusion is appropriate for this action because there are no extraordinary circumstances potentially having effects that may significantly affect the environment.

Administrative Remedies

Administrative remedies may be available to those who believe they will be adversely affected by this decision. Appeals may be made to the Office of Hearings and Appeals, Office of the Secretary, U.S. Department of Interior, Board of Land Appeals (Board) in strict compliance with the regulations in 43 CFR Part 4. Notices of appeal must be filed in this office within 30 days after publication of this decision. If a notice of appeal does not include a statement of reasons, such statement must be filed with this office and the Board within 30 days after the notice of appeal is filed. The notice of appeal and any statement of reasons, written arguments, or briefs must also be served upon the Regional Solicitor, Pacific Southwest Region, U.S. Department of Interior, 2800 Cottage Way, E-1712, Sacramento, CA 95825.

Molly Brown
Arcata Field Manager

Date

Appendix 1- Stipulations

Notification

1. Holder may designate a representative who shall have the authority to act upon and to implement instructions from the Authorized Officer. Holder's representative(s) shall be available for communication with the Authorized Officer when construction or other surface disturbing activities are underway.

Holder's Representative _____ Telephone Number _____

Notice to Proceed

Holder shall not initiate any repair work or surface disturbing activities on the right-of-way without the prior written authorization of the Authorized Officer. Such authorization shall be in the form of a written Notice to Proceed issued by the Authorized Officer. Any notice to proceed shall authorize construction or use only as therein expressly stated and only for the particular location(s) or use therein described. Failure to comply with this stipulation will result in the forfeiture of the \$5,000 bond.

1. Holder will notify the BLM 5 days prior to any maintenance or ground disturbing activities. The BLM contact person is Clara Sander, Realty Specialist, at (707) 825-2348.

General

1. Holder shall permit free and unrestricted public access to and upon the right-of-way for all lawful purposes except for those specific areas designated as restricted by the Authorized Officer to protect the public, wildlife, livestock, or facilities constructed within the right-of-way

Standard Cultural

Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by Holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the Authorized Officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by a qualified archaeologist to determine appropriate actions to prevent the loss of significant cultural or scientific values. Holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the Authorized Officer after consulting with Holder.

Any new surface disturbing activities, including maintenance, will require notification to the BLM, and may require a BLM approved cultural resource survey prior to the issuance of a notice to proceed for the activity. A cultural monitor may be required, at the discretion of BLM, during the surface disturbing activities.

Weed Abatement

In order to comply with Executive Order 13112, all vehicles, and heavy equipment (paying special attention to the body and undercarriage) shall be inspected for any attached invasive, nonnative weed seeds or other plant parts capable of reproduction or spread, and be removed before entering BLM roadways or land.

Vegetation Removal

1. Hazard Tree cutting is not permitted without prior authorization from BLM Authorized Officer. Permission for cutting hazard trees will be done on a case-by-case basis. If a hazard tree cutting is permitted, it cannot be moved from the site unless absolutely necessary to enable safe road use. If a hazard tree is moved, it shall only be moved to the extent necessary to enable safe road use and no further.
2. Brush Disposal must be conducted in a manner so as to cause no harm to riparian resources. Brush may not be piled within, or burned within, Riparian Reserves.
3. Holder shall request approval by the Authorized Officer prior to any clearing of vegetation. Clearing

shall be accomplished without mixing topsoil or subsoil with vegetation. Cleared vegetative materials shall be disposed of by lopping and scattering the material or as otherwise directed by the Authorized Officer. Should vegetation clearing require the cutting of merchantable trees, Holder shall purchase a vegetative material permit from the Bureau for the cutting and removal of the trees.

Dust Abatement

1. Holder shall furnish and apply water or use other means satisfactory to the Authorized Officer for dust control, sufficient to prevent surface fines from being lost.
2. Holder shall provide dust abatement during construction and use, if necessary.
 - a. If lignin sulfonate is used, the application rate shall be 0.5 gallons per square yard.
 - b. If magnesium chloride shall be applied as per the manufacturers guidelines.

End-of-Season or End-of-Term

1. Holder shall perform preventative road maintenance as needed. This may include, but shall not be limited to, slide repair, cross-ditching, blading to remove ruts or other surface irregularities which would interfere with normal runoff of water, the construction of waterbars, rolling dips and the cleaning of ditches and culverts.
2. Holder should ensure that all drainage features of the road are functional prior to the wet season (October 15) and inform BLM of any deficiencies. This would include inspection of all culvert inlets, functionality of rolling dips, outsloped segments and ditches. Holder would repair any deficiencies noted if such repairs can be accomplished using hand tools, minor blading or limited excavation work. With the exception of hand work, all repairs would require BLM authorization. Holder would notify BLM of any corrective measures taken.
3. The Bureau's Authorized Officer shall be notified five (5) days prior to the removal of road maintenance equipment for the annual and final road inspections. Should Holder's road maintenance equipment not be available at the site for additional required work, it will be Holder's responsibility to return the necessary equipment to the site at Holder's expense. Call Clara Sander, Realty Specialist, at (707) 825-2348 for the inspection.
4. Holder shall rehabilitate the road encroachment to its natural condition prior to termination of the grant.
5. Prior to termination of the right-of-way, Holder shall contact the Authorized Officer to arrange a pre-termination conference. This conference will be held to review the termination provisions of the grant.