

Categorical Exclusion Documentation

A. Background

BLM Office: Prineville District Office, Bureau of Land Management

NEPA Log #: DOI - BLM - ORWA – P000 - 2016 - 0048 - CX

Serial/Case File #: OR-61230

Proposed Action Title: 1. Amendment of access road right-of-way to include additional segments authorized under previous grants, and 2. Assignment of right-of-way to the new owner of record.

Location: The subject lands and rights-of-way are located upstream from Clarno, above the Clarno County Road. Segments of the existing ranch roads are within and adjacent to the boundary of the John Day Wild and Scenic River corridor. The affected public lands are located in T. 8 S., R. 19 E., Section 23, 24, 25; and T. 8 S., R. 20 E., Section 19, 28, 29, 31 and 32. See attached map, Exhibit A.

Description of the Proposed Action: The current owner of the Brad Wales/Wales Legacy Ranch, LLC is requesting legal access along the existing roads to provide connectivity to his ranch property. The public land records show that legal access along the existing roads through this ranch had been authorized to the property owners and assigned to subsequent owners by the BLM since 1995.

The Wheeler County deed records show the following deed transactions affecting the John Day Ranch, LLC property:

1. The John Day Ranch, LLC was sold to Labelheavy, LLC on January 13, 2011
2. Labelheavy, LLC sold to River View Farm & Ranch, LLC on February 23, 2012
3. River View Farm & Ranch, LLC sold to GM Ranch, LLC on July 30, 2012
4. GM Ranch, LLC sold to the Wales Legacy Ranch, LLC on April 8, 2015

The following summary provides an overview of the right-of-way authorizations and assignments of the property referred to as the John Day Ranch LLC.

1. Right-of-way OR-51297

This right-of-way was granted to Billy Cross on January 23, 1995 for a term of 30 years. The grant provides legal access and authorizes maintenance of a road right-of-way that is 20 feet wide and 4,800 feet in length, comprising 2.2 acres. The road exists in two segments as indicated on the attached map, OR-51297. This right-of-way was assigned to Robert Keys/John Day Ranch, LLC on May 25, 1999, following the purchase of the ranch by Mr. Keys. The

administrative record does not explain why the two road segments contained in OR-51297 were subsequently authorized to the same entity under OR-58271 without closing the original file.

2. Right-of-way OR-55097 (Case Closed 2009)

On June 1, 1999 the Bureau of Land Management issued a road right-of-way serialized OR-55097 to Mr. Phil Sari who owned a small parcel in Section 31, T. 8 S., R. 20 E. Mr. Sari relinquished the right-of-way in 2009 after selling the property to Keys River View Ranch, LLC. This case was closed without an assignment to Keys. This route was 20 feet wide and extended 9,240 feet in length, comprising 4.25 acres. See attached map, OR-55097. This route is a component of the road connectivity network needed by the Wales Legacy Ranch and should be included in their authorization.

3. Right-of-way OR-58271

The case record shows that this right-of-way was granted to Phil Sari on March 5, 2003 and assigned to Robert Keys/John Day Ranch, LLC on June 17, 2005, following the purchase of the Sari property by Mr. Keys. The grant authorized the holder to operate, maintain and terminate an access road network through public lands to access his ranch property. This right-of-way is 20 feet wide, 15,840 feet in length and contains 7.25 acres. See attached map, OR-58271.

4. Right-of-way OR-61230

Currently, right-of-way OR-61230 is held by GM Ranch LLC and must be assigned to the current owner, Brad Wales/Wales Legacy Ranch, LLC. On January 19, 2016 the Wales Legacy Ranch, LLC submitted an application for right-of-way that included a signed assignment consent form from Gordon Morrison/GM Ranch, LLC to Brad Wales/Wales Legacy Ranch, LLC.

At the present time, right-of-way OR-61230 affects the following described public lands: T. 8 S., R. 19 E., Section 23, NE $\frac{1}{4}$ SW $\frac{1}{4}$; This right-of-way provides only a segment of the overall access needed by the applicant and extends 3,790 feet in length, is 25 feet wide and contains 2.2 acres. See attached map, Exhibit A. The rental payment for this segment was paid by Wales and is current.

The Wales Legacy Ranch, LLC has requested legal access along the existing roads included in the right-of-way grants described above. Their proposal includes four additional segments of existing spur roads that total about 1.8 miles in length. All roads, including these four additional segments are shown in the Route Density Analysis conducted for the John Day Basin RMP. All roads are shown to exist in the RMP and are within the density parameters for this area.

5. Recommendations:

1. It is recommended that right-of-way case serialized OR-51297 be closed. The administrative record shows that the two road segments contained in OR-51297 were assigned to Robert Keys/John Day Ranch, LLC in 1999, following his purchase of the ranch. Information found at the website for the Oregon Secretary of State, Corporation Division, shows that the John Day Ranch, LLC was subject to Administrative Dissolution

on March 15, 2013. This right-of-way is no longer necessary and should be closed. Rental payments are current.

2. It is recommended that right-of-way OR-58271 be terminated since the ranch was sold to Brad Wales/Wales Legacy Ranch LLC and the John Day Ranch, LLC is no longer a registered legal entity.

3. It is recommended that the existing ranch roads contained in OR-55097, OR-51297 and OR-58271 and the four additional segments, be incorporated into OR-61230 by amendment and authorized to the Wales Legacy Ranch, LLC, as the recorded owner of the property. Upon consolidation under OR-61230, the Holder would be subject to the same terms and conditions as the original grant. These routes would total 29,950 feet in length. A right-of-way width of 25 feet would comprise a total of 17.2 acres.

On March 9, 2016, the Wales Legacy Ranch submitted a rental payment for OR-61230 in the amount of \$669.90 for the 10 year period ending December 2025. (An assignment is pending.) A new rental calculation will be necessary following the amendment of OR-61230 with the addition of the proposed spur roads and the roads contained in OR-58271

Information contained in the BLM data base billing system shows that rental payments for rights-of-way OR-51297 and OR-58271 are current.

The Categorical Exclusion (CX) assumes that resource values and management of the resources would not change and therefore there would not be adverse effects to the resources present as a result of the proposed action, which is deemed administrative in nature.

B. Land Use Plan Conformance

Land Use Plan (LUP) Name: John Day Basin Resource Management Plan (RMP), approved April 2015.

The Wales Legacy Ranch, LLC has requested legal access along the existing roads included in previous right-of-way grants. Their proposal includes four additional segments of existing spur roads that total about 1.8 miles in length. See map attached as Exhibit A. All roads, including these four additional segments are shown in the Route Density Analysis conducted for the John Day Basin RMP. All roads are shown to exist in the RMP and are within the density parameters for this area.

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

The proposed action qualifies as a Categorical Exclusion in accordance with Department of Interior Manual 516 DM 11.9, Actions Eligible for a Categorical Exclusion (CX), Effective Date August 14, 2007:

E. Realty:

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

(13) Amendments to existing rights-of-way, such as the upgrading of existing facilities, which entail no additional disturbances outside the right-of-way boundary.

(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 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 43 CFR 46.215 applies. See attached CX Extraordinary Circumstances Documentation checklist.

D. Signature

I considered the proposal to grant legal access to the Brad Wales/Wales Legacy Ranch, LLC. This action authorizes the use of existing ranch roads that were included in previous right-of-way grants and four additional spur road segments, as shown on the attached Exhibit A. These routes shall be incorporated into OR-61230 by amendment of that grant. Upon consolidation under OR-61230, these routes would total 29,950 feet in length. A right-of-way width of 25 feet comprises a total of 17.2 acres.

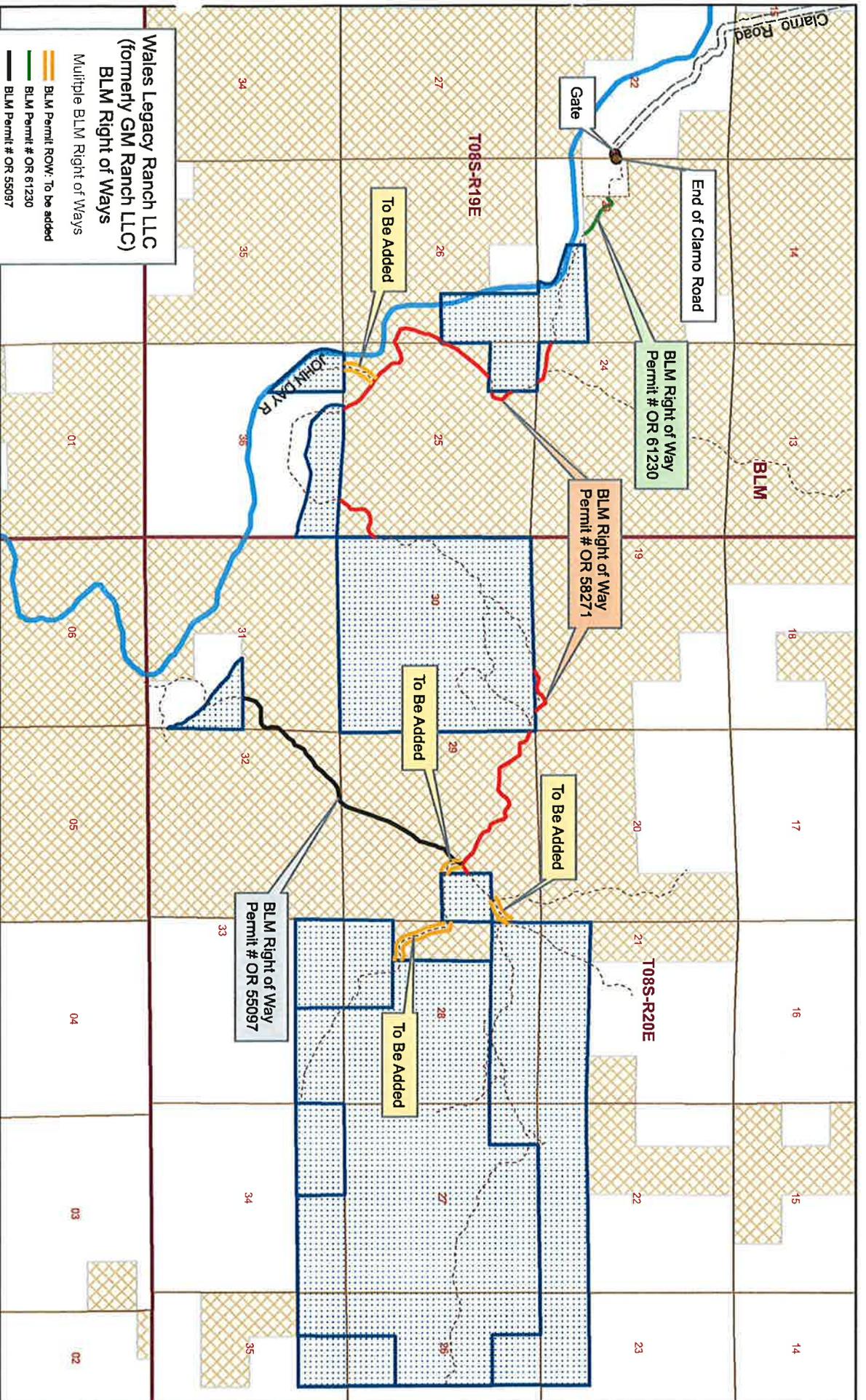
Authorizing official:	<u></u>	<u>6-7-16</u>
	Homer "Chip" Faver	Date
	Field Manger, Central Oregon Resource Area	

E. Contact Person

For additional information concerning this review, contact: Philip Paterno, contract realty specialist, Prineville District Office, 3050 NE Third Street, Prineville, OR 97754, telephone (541) 416.6734, ppaterno@blm.gov.

CX EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION		YES	NO
The proposed categorical exclusion action will:			
2.1	Have significant impacts on public health or safety.		XX
Rationale: The authorization is an administrative action			
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.		XX
Rationale: No additional surface disturbance is involved with this action.			
2.3	Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].		XX
Rationale: Resource values and management of the resources would not change and therefore there would not be adverse effects to the resources present as result of the proposed action, which is deemed administrative in nature.			
2.4	Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		XX
Rationale: This administrative action does not affect the environment or involve unique or unknown environmental risks.			
2.5	Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		XX
Rationale: This is a routine administrative action.			
2.6	Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		XX
Rationale: This administrative action does not present significant environmental effects.			
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.		XX
Rationale: This administrative action does not affect any properties listed or eligible for listing on the National Register of Historic Places as determined by either the bureau or office.			
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.		XX
Rationale: This administrative action would have no impacts on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.			
2.9	Violate a federal law, or a state, local, or tribal law or requirement imposed for the protection of the environment.		XX
Rationale: this administrative action would not violate a federal law, or a state, local, or tribal law or requirement imposed for the protection of the environment.			
2.10	Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		XX
Rationale: This administrative action would not have a disproportionately high and adverse effect on low income or minority populations.			

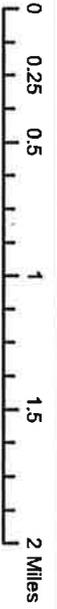
2.11 Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).		XX
Rationale: N/A		
2.12 Contribute to the introduction, continued existence, or spread 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).		XX
Rationale: Stipulations in the existing grant outline weed management requirements over the entire length of the right-of-way.		



Wales Legacy Ranch LLC
(formerly GM Ranch LLC)
BLM Right of Ways

Multiple BLM Right of Ways

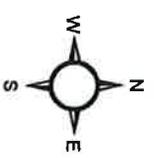
- BLM Permit ROW: To be added
- BLM Permit # OR 61230
- BLM Permit # OR 55097
- BLM Permit # OR 58271
- GM Ranch
- Federal



Note: This information is prepared for reference purposes only and should not be used, and is not intended for, survey or engineering purposes. The data is the interpretation of Kilpatrick Designs and does not represent any legal opinion.

WALEES LEGACY RANCH LLC
(formerly GM RANCH LLC) located in
WHEELER COUNTY, OREGON

Date: 5/1/02016



Kilpatrick
LAND USE CONSULTING
RESIDENTIAL DESIGN

DESIGNS

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