

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-OR-E060-2016-0014-CX

CASEFILE/PROJECT NUMBER: 2810/OR 68745

PROJECT NAME: Right-of-Way Grant OR 68745

LOCATION/LEGAL DESCRIPTION: T. 16S., R.1W., Section 5, Lots 5&6, SE $\frac{1}{4}$ SW $\frac{1}{4}$

APPLICANT (if any): Eric Jason Franklin

A. Description of Proposed Action and any applicable mitigation measures

On May 24th, 2016, Jason Franklin, a private landowner, submitted an application for written ingress/egress access to his property, for non-commercial purposes, located in T. 16S., R 1W., Section 5, tax lot 1400. Access to the Franklin property is over BLM road 16-1-5.3, Bunker Hill road (consisting of easements RE-E-294 (ORE 14462) and RE-E-295 (ORE 14159)).

In response to the right-of-way application, the proposed action is to issue Jason Franklin a perpetual right-of-way grant (OR 68745), in recordable form, authorizing legal access to his property, subject to standard conditions required for rights-of-way granted under the authority of the Federal Land Management and Policy Act. The grant would authorize the use of BLM road 16-1-5.3 Bunker Hill road. No new road construction or road improvement would be authorized within the proposed grant.

The right-of-way grant would be issued in accordance with the authority found in Title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761) and with the regulations found in 43 CFR 2800. The grant would be subject to terms and conditions found in 43 CFR 2801 and additional conditions found in the attached Exhibit B.

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 applicable LUP because it is specifically provided for in the following LUP decisions:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9(E)(12), "Grants of rights-of-way wholly within the boundaries of other compatibly developed rights-of-way".

This categorical exclusion is appropriate in this situation because the proposed action is in accordance with 516 DM 11.9(E)(12) 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.

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)(12), "Grants of right-of-way wholly within the boundaries of other compatibly developed rights-of-way".

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 apply.

D. Signature

Signature of Project Lead:



Tracy Maahs, Realty Specialist

Date: 6-9-16

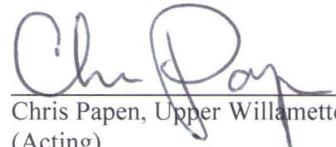
Signature of NEPA Coordinator:



Matthew Buss

Date: 6/9/16

Signature of the Responsible Official:



Chris Papen, Upper Willamette Field Manager
(Acting)

Date: 6-9-16

Contact Person

For additional information concerning this Categorical Exclusion review, contact: Tracy Maahs, Eugene Realty Specialist, (541) 683-6376.

EXTRAORDINARY CIRCUMSTANCES CHECKLIST

DOI-BLM-OR-E060-2016-0014-CX

Right-of-Way Grant OR 68745

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 modifies the trail to enhance public safety. During construction activities the trail may be closed to the public. Signage alerting the public to the work and hazards involved would be placed at strategic locations.</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. Although, recreation would be impacted for a short period of time, overall, there would be an improvement to the trail.</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 that 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 are no eligible or listed properties within the proposed treatment 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> Project activities 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>		X
<p>9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment. <u>Rationale:</u> The proposed action conforms to the direction given for the management of public lands in the Eugene District ROD/RMP, which complies with all applicable Federal, State, local and tribal laws.</p>		X
<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

Extraordinary Circumstances	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). <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.		X
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.		X

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DECISION RECORD
DOI-BLM-OR-E060-2016-0014-CX
Right-of-Way Grant OR 68745

Decision

It is my decision to implement this action as described in the categorical exclusion documentation DOI-BLM-OR-E060-2016-0014-CX.

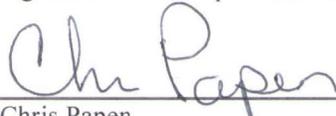
Decision Rationale

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.

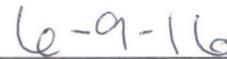
Administrative Remedies

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:



Chris Papen
Upper Willamette Field Manager (Acting)
Eugene District Office



Date: