

United States Department of the Interior Bureau of Land Management

Categorical Exclusion Not Established By Statute

DOI-BLM-UT-Y010-2016-0203-CX

June 2016

Renewal of Right-of-Way UTU-57098

Location:

SLM, T. 20 S., R. 21 E., sec. 9, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$.

Applicant/Address: **SEP-Cisco Dome II, LLC**
531 E 770 N
Orem, Utah 84097

Bureau of Land Management
Moab Field Office
82 East Dogwood
Moab, Utah 84532
435-259-2100
FAX 435-259-2158



CATEGORICAL EXCLUSION DOCUMENTATION FORMAT WHEN USING CATEGORICAL EXCLUSIONS NOT ESTABLISHED BY STATUTE

A. Background

BLM Office: Moab Field Office Lease/Serial/Case File No: UTU-57098

Proposed Action Title/Type: Renewal of Right-of-Way Grant

Location of Proposed Action:

SLM, T. 20 S., R. 21 E., sec. 9, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$.

Description of Proposed Action:

On October 15, 1985, under the authority of Title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761), Right-of-Way (ROW) UTU-57098 was issued to J.C. Thompson for an access road to wells. On November 19, 1985, a partial assignment of the ROW was granted to Grand County and was re-serialized as UTU-58704. On October 3, 1995, the ROW was assigned to Pease Oil & Gas Company. On June 6, 1998, the ROW was assigned to Burkhalter Engineering, Inc. On March 22, 2001, the ROW was assigned to Jelco Energy, Inc. On July 16, 2003, the ROW was assigned to ABS Energy, LLC. On December 9, 2004, the ROW was assigned to Elk Production, LLC. On February 7, 2012, the ROW was assigned to New Cisco Production, LLC due to a name change. On February 7, 2012, the ROW was assigned to SEP-Cisco Dome, LLC. On February 12, 2014, the ROW was assigned to SEP-Cisco Dome II, LLC.

Right-of-Way UTU-57098 expired on October 14, 2015. On October 6, 2015, Larry Williams, on behalf of SEP-Cisco Dome II, LLC, requested renewal of Right-of-Way UTU-57098. Under the authority that it was granted, the right-of-way may be renewed if it continues to serve the purpose for which it was granted.

B. Land Use Plan Conformance

Land Use Plan Name: Moab Field Office RMP, Approved October 2008

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):

Page 65 of the Moab Field Office RMP reads as follows: "Meet public needs for use authorizations such as rights-of-way, alternative energy sources, and permits while minimizing adverse impacts to resource values."

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, Appendix 5.4E(9) which states..."Renewals and assignments of leases, permits or rights-of-way where no additional rights are conveyed beyond those granted by the original authorization."

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 Part 46.215 applies.

D: Signature

Authorizing Official:  Date: 6/27/2016
Becky Deolittle, Acting Field Manager

Contact Person

For additional information concerning this CX review, contact

Judie Chrobak-Cox
Moab Field Office
82 E. Dogwood
Moab, Utah 84532
435-259-2100

The following BLM Specialists have reviewed the proposed action and have determined that none of the 12 exceptions below apply to this project:

Name	Title	Critical Element(s)
Ann Marie Aubry	Hydrologist	Air Quality, Floodplains ,Water Quality (drinking or ground), Wetlands/Riparian Zones,
Doug Rowles	NRS	Wastes (hazardous or solid)
Jordan Davis	Range Mgmt./Weed Spec.	Invasive Species/Noxious Weeds
David Williams	Range Mgmt. Specialist	Threatened, Endangered, or Candidate Plant Species
Pam Riddle	Wildlife Biologist	Threatened, Endangered, or Candidate Animal Species, Migratory Birds
Katie Stevens	Recreation Planner	Wild & Scenic Rivers, Wilderness
Bill Stevens	Recreation Planner	Areas of Critical Environmental Concern, Environmental Justice
Don Montoya	Archaeologist	Cultural Resources, Native American Religious Concerns
Judie Chrobak-Cox	Lead Visitor Services Information Assistant	Lead Preparer

Lead Preparer: *J. Chrobak-Cox*

Date: 6-29-16

Exceptions to Categorical Exclusion Documentation

The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215) apply. The project would:

Extraordinary Circumstances		
1. Have significant impacts on public health or safety.		
Yes	No <input checked="" type="checkbox"/>	Rationale: Renewing the right-of-way is not likely to result in significant impacts to public health or safety.
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 <input checked="" type="checkbox"/>	Rationale: The renewal of the right-of-way should not have significant impacts on any of the above ecological significant or critical areas.
3. Have highly controversial environmental effects or involve unresolved conflicts		

Extraordinary Circumstances		
concerning alternative uses of available resources [NEPA section 102 (2) (E)].		
Yes	No <input checked="" type="checkbox"/>	Rationale: Renewing the right-of-way would not have highly controversial environmental effects or involve unresolved conflicts.
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		
Yes	No <input checked="" type="checkbox"/>	Rationale: Renewal of the right-of-way would not have highly uncertain environmental effects or unknown environmental risks.
5. Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.		
Yes	No <input checked="" type="checkbox"/>	Rationale: The proposed renewal would not set a precedent for future action with potentially significant environmental effects.
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		
Yes	No <input checked="" type="checkbox"/>	Rationale: Renewing the right-of-way would not result in cumulatively significant environmental effects.
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.		
Yes	No <input checked="" type="checkbox"/>	Rationale: The nature of the proposed action is such that no impact can be expected on significant cultural resources. The holder would be required to contact the Authorized Officer (AO) prior to any new surface disturbing activities.
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.		
Yes	No <input checked="" type="checkbox"/>	Rationale: The renewal would not have impacts of this kind.
9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		
Yes	No <input checked="" type="checkbox"/>	Rationale: No Federal, state, local or tribal laws would be broken.
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		
Yes	No <input checked="" type="checkbox"/>	Rationale: Renewal of the right-of-way would not have an adverse effect on low income or minority populations.

Extraordinary Circumstances

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 X	Rationale: There are no known Indian ceremonial or sacred sites within the area.
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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 X	Rationale: Renewal of the right-of-way should not result in introduction or spread of noxious weeds.
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Attachment:
Categorical Exclusion Review Record

**Categorical Exclusion Review Record
 DOI-BLM-UT-Y010-2016-0203-CX
 Renewal of ROW UTU-57098
 SEP-Cisco Dome II, LLC**

The following elements are not present in the Moab Field Office and have been removed from the checklist:
 Farmlands (Prime or Unique), Wild Horses and Burros.

Resource	Yes/No*	Assigned Specialist Signature	Date
Air Quality	No	<i>Ann Arby</i>	6-29-16
Floodplains	No	<i>Ann Arby</i>	6-29-16
Water Quality (drinking or ground)	No	<i>Ann Arby</i>	6-29-16
Wetlands / Riparian Zones	No	<i>Ann Arby</i>	6-29-16
Areas of Critical Environmental Concern	No	<i>K Stevens</i>	6-29-16
Wild and Scenic Rivers	No	<i>K Stevens</i>	6/29/16
Wilderness	No	<i>K Stevens</i>	6/29/16
Native American Religious Concerns	No	<i>D Montoya</i>	6/29/16
Cultural Resources	No	<i>D Montoya</i>	6/29/16
Environmental Justice	No	<i>K Stevens</i>	6-29-16
Wastes (hazardous or solid)	No	<i>D. Pule</i>	6/29/16
Threatened, Endangered, or Candidate Animal Species	No	<i>D. Pule</i>	6/29/16
Migratory Birds	No	<i>D. Pule</i>	6/29/16
Threatened, Endangered, or Candidate Plant Species	No	<i>D. Pule</i>	6/29/16
Invasive Species/Noxious Weeds	No	<i>John Davis</i>	6/29/16
Other:	No		

*Extraordinary Circumstances apply.

Environmental Coordinator *K Stevens* Date: 6/29/16

Approval and Decision

I have reviewed this plan conformance and NEPA compliance record and have determined that the proposed project is in conformance with the Moab Field Office RMP, approved October 2008, and that no further environmental analysis is required.

It is my decision to renew right-of-way UTU-57098 under the authority of Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U. S. C. 1761), for an additional 30 years.

Rationale:

The renewal is subject to the terms and conditions of the original grant which continue to apply and the additional stipulations:

1. The holder shall contact the Authorized Officer (AO) prior to any new surface disturbing activities;
2. The holder will consult with the AO for planning acceptable weed control measures on all noxious weed infestations within the limits of the right-of-way. Prior to use of pesticides the holder will obtain from the AO a Pesticide Use Proposal.

The decision to allow the proposed action does not result in any undue and unnecessary environmental degradation.

This decision shall take effect immediately upon the date it is signed by the Authorized Officer and shall remain in effect while any appeal is pending unless the Interior Board of Land Appeals issues a stay (43 CFR 2801.10). Any appeal of this decision must follow the procedures set forth in 43 CFR, part 4. Within 30 days of the decision, a notice of appeal must be filed in the office of the Authorized Officer at 82 East Dogwood, Moab, Utah 84532. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal and shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of irreparable harm to the appellant or resources if the stay is not granted, and
4. Whether the public interest favors granting the stay.

If a petition for stay is submitted with the notice of appeal, a copy of the notice of appeal and petition for stay must be served on each party named in the decision from which the appeal is taken, and with the IBLA at the same time it is filed with the Authorized Officer. A copy of the notice of appeal, any statement of reasons and all pertinent documents must be served on each adverse party named in the decision from which the appeal is

taken and on the Office of the Regional Solicitor, U.S. Department of the Interior, 6201 Federal Building, 125 South State Street, Salt Lake City, Utah 84138-1180, not later than 15 days after filing the document with the Authorized Officer and/or IBLA.

Becky Doolittle, Acting Field Manager: Becky Doolittle Date: 6/29/2014