

UNITED STATES DEPARTMENT OF THE INTERIOR
 BUREAU OF LAND MANAGEMENT
 EUGENE DISTRICT

1791A
 CE-03-28
 OR 58487

CATEGORICAL EXCLUSION REVIEW
 Exception Criteria Review Checklist

Proposed Action: Right-of-way grant for use of existing Lane County road

Review the proposed action against each of the ten criteria listed below. If the project meets one or more of the criteria, it is an exception from categorical exclusion and MUST be analyzed in an EA or EIS. To qualify as a Categorical Exclusion the proposed action may not meet any of the criteria. 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.

| <u>Exception Criteria</u> | | <u>Comments</u> |
|--|---|-----------------|
| 1. | Have significant adverse effects on public health or safety | No |
| 2. | Have adverse effects on unique resources (i.e., parks, recreation, refuge lands, wilderness areas, wild or scenic rivers, wetlands, flood plains, etc.) | No |
| 3. | Have highly controversial environmental effects | No |
| 4. | Have highly uncertain environmental effects or involve unique or unknown environmental risks | No |
| 5. | Establish a precedent that could result in significant impacts | No |
| 6. | Be directly related to other actions having cumulatively significant effects | No |
| 7. | Have adverse effects on cultural or historical resources | |
| 8. | Have adverse effects on species listed or proposed as threatened or endangered or have adverse effect on designated critical habitat for these species. | |
| 9. | Require compliance with E.O. 11988 (flood plain management), E.O. 11990 (protection of wetlands), or the Fish & Wildlife Coordination Act | No |
| 10. | Threaten to violate Federal, State, Local or Tribal law or requirements imposed for the protection of the environment | No |
| Mitigation measures needed to qualify as CE: None. | | |
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Reviewed By: Gary Hoppe, Planner
 Above mitigation measures have been adopted and will be implemented.

Date: 8/12/03

Field Manager: Steven Calish

Date: 9/04/03

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
EUGENE DISTRICT OFFICE

DECISION RECORD
CATEGORICAL EXCLUSION REVIEW

Background: Lane County, Oregon, has applied for a right-of-way grant issued pursuant to 43 CFR 2800 over existing county road 1077 (Cook Road), approximately 0.27 miles in length. Under the provisions of R.S. 2477 (repealed by FLPMA in 1976), the County already has a valid right-of-way for the subject road, since the road was constructed prior to the repeal of R.S. 2477. The width of the existing right-of-way is 50 feet. Under R.S. 2477, a right-of-way was authorized by construction of the road without need for any approval from the administering federal agency. Therefore, R.S. 2477 roads are not evidenced by a document recorded in the public records. The issuance of this grant would document in recordable form, the authorization of the entire right-of-way.

Proposed Action: The proposed action is the issuance to Lane County of a perpetual right-of-way grant for the use and maintenance of an existing county road pursuant to the authority of Title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761), subject to the terms and conditions in 43 CFR 2801 and those additional stipulations in the attached Exhibit B. The proposed right-of-way is 50 feet in width and crosses approximately 0.27 miles of public land. The grant should be issued in recordable form. No bonding should be required.

Decision: It is my decision to grant a right-of-way approximately 0.27 miles long and 50 feet in width for the use and maintenance of an existing county road, to Lane County, Oregon, for a perpetual term, across the following public land:

T. 17 S., R. 7 W., W.M.
Sec. 1: SW $\frac{1}{4}$ SW $\frac{1}{4}$

The grant is made under the authority of Title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761) and subject to the terms and conditions in 43 CFR 2801. The grant shall also be subject to the stipulations in the attached Exhibit B. The grant shall be issued in recordable form.

Rationale: The proposed action meets the criteria for the categorical exclusion in departmental manual 516 DM 6, Appendix 5.4E(16)(Acquisition of easements for an existing road or issuance of leases, permits, or right-of-way for the use of existing facilities, improvements, or sites for the same or similar purposes.), and none of the exceptions in 516 DM 2, Appendix 2, apply. Further, the action is in conformance with the "Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents within the Range of the Northern Spotted Owl" (April 1994), and the "Eugene District Record of Decision and Resource Management Plan" (May 1995).

Prepared by: Cheryl Adcock

Environmental Coordinator: Gary Hoppe

Field Manager: Steven Calish