

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

**CATEGORICAL EXCLUSION ENVIRONMENTAL REVIEW AND APPROVAL**

**CX Number:** DOI-BLM-OR-B050-2013-0050-CX  
**File Code:** 2800  
**Preparer:** Tara McLain, Realty Specialist  
**Title of Proposed Action:** CenturyTel of Oregon, Inc. Buried Telephone Line-Right of Way Renewal

**Date:** September 4, 2013  
**Serial Number:** OR-34940  
**Applicant:** CenturyLink of Oregon, Inc.

**Description of Proposed Action:** The proposed action is to renew a FLMPA, Title V, right-of-way (ROW) to CenturyTel of Eastern Oregon, Inc. which authorizes the company to construct, operate, maintain, and terminate a buried telephone line providing services to residents off of Silver Creek Road near Riley, Oregon. The existing location of the buried telephone line is on the attached map, Exhibit B. The subject ROW traverses BLM for approximately 2700' in length and 5' in width, for a total ROW area on Federal land of .30 acres.

The underground telephone cable is already constructed so no new construction activities would need to be authorized by this ROW.

Maintenance activities (such as clearing of vegetation, access by vehicle and all-terrain vehicle) would be authorized and could occur as needed year around. Ground breaking activities would only occur if there was a service interruption; however no further authorization would be necessary for these activities to take place. Should ground breaking activities be necessary small crews, consisting of 2-3 people, would use a back hoe in combination with hand digging in close proximity to the underground cable and within the 5' ROW.

The ROW area is within the Three Rivers Resource Management Area. There are valid and existing rights, including powerlines and roads encumbering the lands within the ROW area; however, none of the valid existing rights conflict with the ROW renewal. There are no mining claims, no rights of third parties, or other title factors that would prohibit the grant of the ROW.

The original ROW grant dated January 25, 1983, included NEPA analysis that concluded the ROW met the categorical exclusion (CX) criteria. The existing ROW is wholly within the boundaries of an existing ROW E.12., BLM Categorical Exclusion Reference (516 DM, Chapter 11.9). For further information see Memoranda EAR #OR-020-3-4 in the existing case file dated January 25, 1983.

**Legal Description** (attach Location Map): See attached map, Exhibit A.

Willamette Meridian, T. 22 S., R. 26 E., sec. 19, SE¼SW¼, SW¼SE¼.

**Conformance with Land Use Plan (LUP) (name):** The Three Rivers Management Unit Record of Decision and Resource Management Plan, dated September 1992, states that we will meet public needs for use authorizations such as rights-of-way.(Three Rivers RMP, 2-182, LR 2)

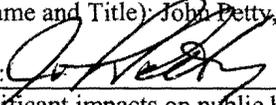
**BLM Categorical Exclusion Reference (516 DM, Chapter 11.9):**

E.9 Renewals and assignments of rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations.

E.12 Grants of Rights-of-Way wholly within the boundaries of other compatibly developed rights-of-way.

**DOI Categorical Exclusion Reference (516 DM 2, Appendix 1):** N/A

**Screening for Exceptions:** The following extraordinary circumstances (516 DM 2, Appendix 2) may apply to individual actions within the categorical exceptions. The indicated specialist recommends the proposed action does *not*:

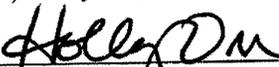
CATEGORICAL EXCLUSION EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION	
<b>2.1</b>	Have significant impacts on public health or safety.
Specialist (Print Name and Title): John Petty, Safety Officer	
Signature and Date:  10/21/13	
Rationale: No significant impacts on public health or safety.	
<b>2.2</b>	Have 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); flood plains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.
<u>Migratory Birds</u>	

Specialist (Print Name and Title): Tomas Kamienski, Wildlife Biologist
Signature and Date: <i>T. Kamienski</i> 9/30/13
Rationale: The proposed action is to renew a ROW on an existing underground telephone cable that is already constructed. The actual line is located within a paved road right of way. No actual construction activities are being proposed at this time. Maintenance activities would occur only when needed. Renewing the ROW would have no significant impacts on migratory birds.
<u>Historic and Cultural Resources</u>
Specialist (Print Name and Title): Scott Thomas, District Archaeologist
Signature and Date: <i>Scott Thomas</i> 9/27/13
Rationale: No cultural or historic resources would be affected by renewal of this ROW.
<u>Areas of Critical Environmental Concern/Research Natural Areas</u>
Specialist (Print Name and Title): Caryn Burri, NRS-Botany
Signature and Date: <i>Caryn Burri</i> 10/18/2013
Rationale: There are no ACEC/RNAs within the proposed ROW.
<u>Water Resources/Flood Plains</u>
Specialist (Print Name and Title): Lindsay Davies, Fisheries Biologist
Signature and Date: <i>L. Davies</i> 9/30/2013
Rationale: Proposed activities are outside any floodplain or riparian areas.
<u>Soils, Biological Soil Crust, Prime Farmlands</u>
Specialist (Print Name and Title): Caryn Burri, NRS-Botany
Signature and Date: <i>Caryn Burri</i> 10/18/2013
Rationale: Disturbance to soils and biological soil crusts may occur during non-routine maintenance; however, the disturbance will most likely occur on less than one half acre per work site with visual impacts diminishing as vegetation recovers. There are no prime farmlands within the proposed ROW.
<u>Recreation/ Visual Resources</u>
Specialist (Print Name and Title): John Bethea, Outdoor Recreation Planner
Signature and Date: <i>John P. Bethea</i> 9-26-13
Rationale: The proposed action is to renew a ROW on an existing underground telephone cable that is already constructed. No construction activities would need to be authorized by this ROW. Maintenance activities would be authorized and would occur as needed. The ROW is located along the Silver Creek Road and would have no significant impacts to recreation or VRM.
<u>Wilderness/Wild and Scenic River Resources</u>
Specialist (Print Name and Title): Thomas Wilcox, Wilderness Specialist
Signature and Date: <i>Thomas Wilcox</i> 9/9/2013
Rationale: There is no Wilderness, WSR's, WSA's, citizen proposed WSA's, or lands with wilderness characteristics in the project area. Renewing the ROW would have no effects.
2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2) (E)].
Specialist (Print Name and Title): Holly Orr, Planning and Environmental Coordinator
Signature and Date: <i>Holly Orr</i> 09/24/13
Rationale: There are no highly controversial environmental effects or unresolved conflicts concerning alternative uses of available resources. The ROW is existing facilities on the landscape. The action is to renewal of the ROW, perform routine and continuing maintenance on existing facilities.
2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.
Specialist (Print Name and Title): Holly Orr, Planning and Environmental Coordinator
Signature and Date: <i>Holly Orr</i> 09/24/13
Rationale: There are no known highly uncertain or potentially significant environment effects or unique or unknown environmental risks. The ROW is existing facilities on the landscape. The action is to renewal of the ROW, perform routine and continuing maintenance on existing facilities.
2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.
Specialist (Print Name and Title): Holly Orr, Planning and Environmental Coordinator
Signature and Date: <i>Holly Orr</i> 09/24/13

Rationale: Implementation would not set precedence for future actions or represent a decision in principle about future actions with potentially significant environmental effects. The ROW is existing facilities on the landscape. The action is to renewal of the ROW, perform routine and continuing maintenance on existing facilities.

2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.

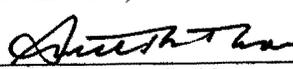
Specialist (Print Name and Title): Holly Orr, Planning and Environmental Coordinator

Signature and Date:  09/24/13

Rationale: Implementation does not have any known direct relationship to other actions with individually insignificant but cumulative significant environmental effects. The ROW is existing facilities on the landscape. The action is to renewal of the ROW, perform routine and continuing maintenance on existing facilities.

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.

Specialist (Print Name and Title): Scott Thomas, District Archaeologist

Signature and Date:  9/27/13

Rationale: No National Register eligible or potentially eligible properties would be affected by this ROW renewal.

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.

Endangered or Threatened and Special Status Species-Fauna

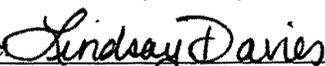
Specialist (Print Name and Title): Tomas Kamienski, Wildlife Biologist

Signature and Date:  9/30/13

Rationale: The proposed action is to renew a ROW on an existing underground telephone cable that is already constructed. The actual line is located within a paved road right of way. No actual construction activities are being proposed at this time. Maintenance activities would occur only when needed. The project is located in greater sage grouse Preliminary General Habitat (PGH) as adopted by the BLM from the low density habitat delineated and classified by the Oregon Department of Fish and Wildlife. The greater sage grouse has been placed, by the U.S. Fish and Wildlife Service, on the list of species that are candidates for protection under the Threatened and Endangered Species Act. There are no active leks in the vicinity of the ROW. Renewing the ROW would have no significant impacts on Endangered or Threatened and Special Status Species.

Endangered or Threatened Species-Aquatic

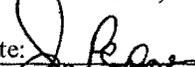
Specialist (Print Name and Title): Lindsay Davies, Fisheries Biologist

Signature and Date:  9/30/2013

Rationale: There are no aquatic T&E species or Critical Habitat present within the watershed.

Endangered or Threatened Species-Flora

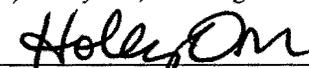
Specialist (Print Name and Title): Caryn Burri, NRS-Botany

Signature and Date:  10/18/2013

Rationale: There are no documented T & E or Special Status plant species or designated critical habitat within the proposed ROW.

2.9 Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.

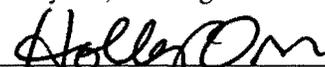
Specialist (Print Name and Title): Holly Orr, Planning and Environmental Coordinator

Signature and Date:  09/24/13

Rationale: Implementation would not violate any known Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment. The ROW is existing facilities on the landscape. The action is to renewal of the ROW, perform routine and continuing maintenance on existing facilities.

2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

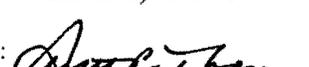
Specialist (Print Name and Title): Holly Orr, Planning and Environmental Coordinator

Signature and Date:  09/24/13

Rationale: Implementation of the proposal would not result in a disproportionately high and adverse effect on low income or minority populations. These populations do not occur in or near the project area.

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).

Specialist (Print Name and Title): Scott Thomas, District Archaeologist

Signature and Date:  9/27/13

Rationale: Access to or integrity of Indian sacred sites (if in the area) would not be affected by renewal of this ROW.

**2.12** Contribute to the introduction, continued existence, or spread of noxious weeds or nonnative 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).

Specialist (Print Name and Title): Lesley Richman, District Weed Coordinator

Signature and Date: Lesley Richman 10/21/2013

Rationale: Noxious weeds are known to be present in or in close proximity to this area. Treatments are on-going. The weeds are not present in sufficient quantity to be considered a significant impact at this time.

**Additional review** (As determined by the Authorized Officer): None

**RMP conformance and CX review confirmation:**

Specialist (Print Name and Title): Holly Orr, Planning and Environmental Coordinator

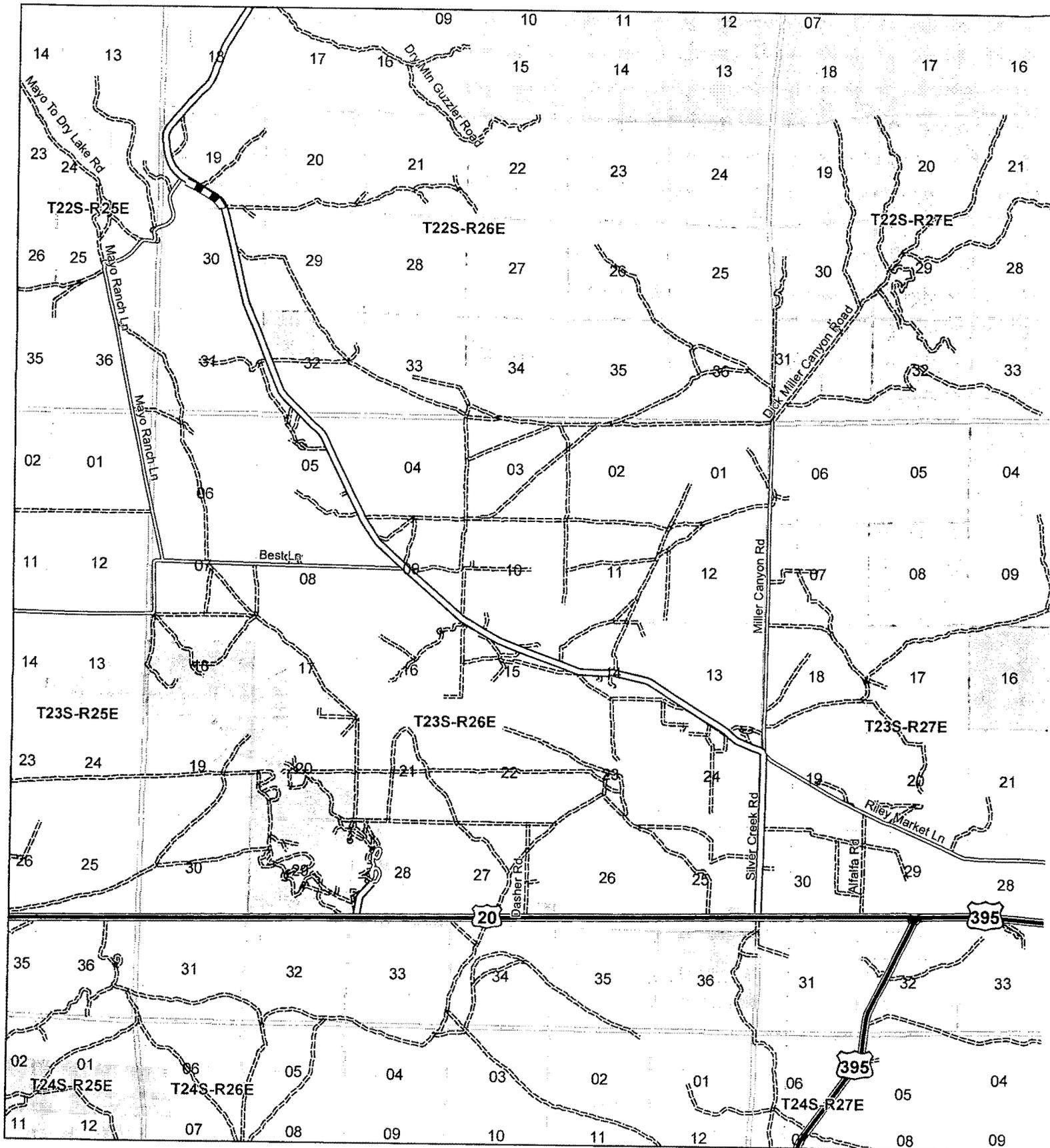
Signature and Date: Holly Orr

**Management Determination:** Based upon review of this proposal, I have determined the Proposed Action is in conformance with the LUP, qualifies as a categorical exclusion and does not require further NEPA analysis.

<sup>acting</sup>  
Authorized Officer (Print Name and Title): Richard Roy, Three Rivers Field Manager

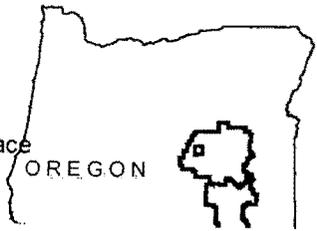
Signature and Date: Richard Roy 10/21/2013

**Note:** A decision letter and Bureau of Land Management Right-of-Way Grant/Temporary Use Permit, Form 2800-14, are the decision documents that will be prepared to authorize the action covered by this Categorical Exclusion following Lands and Realty specific guidance.

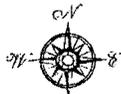


**OR-34940 Centurytel Buried Telephone Line Renewal**  
**Exhibit A** OR-34940 Buried Telephone Cable

- |                     |  |                              |
|---------------------|--|------------------------------|
| BLM                 |  | Highways                     |
| U.S. Forest Service |  | Paved Road                   |
| State               |  | Non-Paved Improved Road      |
| Other Federal       |  | Natural/Unknown Road Surface |
| Private/Unknown     |  |                              |

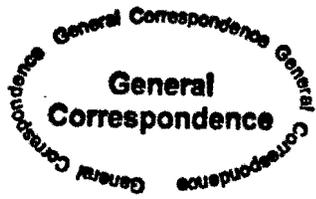


US DEPARTMENT OF THE INTERIOR  
 Bureau of Land Management  
 Burns District, Oregon  
 Note: No warranty is made by the Bureau of Land Management as to the accuracy, reliability or completeness of these data for individual or aggregate use with other data. Original data was compiled from various sources. This information may not meet National Map Accuracy Standards. This product was developed through digital means and may be updated without notification.  
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\*\*Ownership Boundaries are accurate within plus or minus 200 feet\*\*

BURNS BLM ROUTING		
	INT.	DATE
DM		
ASDM		
ADM.		
OPS.		
3RS.	SR	10/21/13
AND.	SR	10/21/13
FIRE		
PEC.		
PRO.		
OTHER		



2800 (ORB060)  
OR-34940

OCT 22 2013

CERTIFIED MAIL -7010 1870 0002 7993 1177  
RETURN RECEIPT REQUESTED

DECISION

Doug Patterson :  
 Attn: Sharon Sharer :  
 CenturyTel of Eastern Oregon :  
 DBA CenturyLink : Right-of-Way Grant  
 8102 Skansie Avenue : Serial No. OR-34940  
 Gig Harbor, Washington 98332 :

Dear Mr. Patterson:

Right-of-Way Grant OR-34940 Issued  
Rental Determined  
Monitoring Fee Determined

Enclosed is a copy of your Right-of-Way (ROW) grant, serial number OR-34940 which allows the use of public land for a buried telephone line. It was approved by the Bureau of Land Management (BLM) on October 21, 2013.

This ROW grant is exempt from rental in accordance with 43 CFR 2806.14(d).

We have determined that no monitoring fee will be required for this ROW.

This Decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this Decision. The appellant has the burden of showing that the Decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulation 43 CFR 2801.10 or 43 CFR 2881.10 for a stay (suspension) of the effectiveness of this Decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below.

Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this Decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal 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 immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

If you have any questions, please contact Tara McLain, Realty Specialist, at (541) 573-4462.

Sincerely,



Richard Roy

Three Rivers Resource Area Field Manager

*acting*

Enclosures

TMCLAIN:md 10/18/13:LANDSAND