RECORD OF PLAN CONFORMANCE AND
CATEGORICAL EXCLUSION (CX) DOCUMENTATION for
CATEGORICAL EXCLUSIONS NOT ESTABLISHED BY STATUTE
Bureau of Land Management (BLM)

BLM Office: Lakeview District, Klamath Falls Resource Area
Lease or Serial #: OROR 36562
Proposed Action Title/Type: K-Love Radio Communication Site Renewal
NEPA Log #: DOI-BLM-OR-L040-2014-009-CX
Project Location: Hamaker Mountain, GATR Building (see attached map)

A. Background

Description of Proposed Action:
K-Love Radio, A.K.A. Education Media Foundation, has requested a renewal of their existing Communications Site Right of Way. They are located in the GATR building and are in compliance with the terms of their grant. No change is requested in this action. It is primarily administrative in nature.

Purpose and Need for the Project:
The purpose of the proposed action is to continue to meet the need to provide non-profit media dissemination to the public. Rights-of-ways and other land uses are recognized as major uses of the public lands and are authorized pursuant to sections 302 and 501 of FLPMA.

Section 503 of the FLPMA and the management direction contained in the RMP encourages utilization of rights-of-way in-common to minimize environmental impacts and the proliferation of separate rights-of-ways (p. 66).

B. Land Use Plan Conformance

Land Use Plan Name: Klamath Falls Resource Area Resource Management Plan
Date Approved/Amended: June 1995

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s): (Refer to page 66) "Continue to make BLM-administered lands available for needed rights-of-way where consistent with local comprehensive plans, Oregon statewide planning goals and rules, and the exclusion and avoidance areas identified in this Resource Management Plan.

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 2, Appendix 1, 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.**

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, Appendix 2 apply. The following documentation describes whether or not the extraordinary circumstances apply to the project:

CX Extraordinary Circumstances Documentation		
Will the proposed categorical exclusion action:	**YES**	**NO**
2.1 Have significant impacts on public health or safety.		X
Rationale: Consulted with field/district office health and safety specialist and no significant impacts were identified.		
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.		X
Rationale: The project area was reviewed on the ground and resource specialists were consulted and no unique features are present.		
2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].		X
Rationale: No highly controversial environmental effects or unresolved conflicts concerning alternative uses of available resources were identified by resource specialist during project analysis. [NEPA Section 102(2)(E)].		
2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
Rationale: No highly uncertain and potentially significant environmental effects or unique or unknown environmental risks were identified by resource specialist during project analysis.		
2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
Rationale: BLM resource specialists have determined that this will not establish a precedent for future action, or represent a decision in principle about future actions with potentially significant environmental effects, because this is a minor and routine action.		
2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
Rationale: No direct relationships to other actions with individually insignificant but cumulatively significant environmental effects were identified by resource specialists during project analysis.		
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.		X
Rationale: This is an existing right-of-way and has been previously inventoried, monitored for soil tests, and found to be comprised of deep fill material. Additionally, existing facilities have previously disturbed the ROW.		
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.		X
Rationale: BLM resource specialists have determined that there will be no 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.		
2.9 Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		X
Rationale: Does 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).		X
Rationale: Review of the project area location shows no disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		
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).		X
Rationale: Does not 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).		
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).		X
Rationale: Refer to Exhibit A (attached) ROW project design features (PDFs) and best management practices (BMPs).		

The proposed action would not meet any of the above extraordinary circumstances, or fail to comply with Executive Order 13212 (Actions to Expedite Energy-Related Projects) – to avoid direct or indirect adverse impact on energy development, production, supply, and/or distribution, or impact RMP exclusion and avoidance areas.

Surveys and Consultation

Surveys and/or consultation are not needed for special status plants and animals, for cultural resources, and other resources as necessary (appropriate fields are Initialed and Dated by responsible resource specialist):

Surveys	Are Completed	Will Be Completed	Are Not Needed
SS* Animals			SGH 02/28/14
SS* Plants			JB 2/26/14
Cultural Resources			SAH 2/27/2014
Lands/ROWs			DB 2/21/2014
Cadastral			
Consultation	**Is Completed**	**Will Be Completed**	**Is Not Needed**
SS* Animal Consultation			SGH 02/28/14
Botanical Consultation			JB 2/26/14
Cultural Consultation			SAH 2/27/2014
*(SS = Special Status)			

Contact Person

For additional information concerning this Categorical Exclusion review, contact: Debora Boudreau, Realty Specialist, Klamath Falls Resource Area, 2795 Anderson Avenue, Building 25, Klamath Falls, Oregon 97603-7891 or telephone: 541-883-6916. dboudreau@blm.gov

Determination for K-LOVE Communications Site Renewal OR 36562
DOI-BLM-OR-L040-2014-009-CX

Rationale

The proposed action has been reviewed by the Klamath Falls Resource Area staff and appropriate Project Design Features, as specified, will be incorporated into the proposal. The Proposed Action would not create adverse environmental effects, meet any of the above extraordinary circumstances, or fail to comply with Executive Order 13212 (Actions to Expedite Energy-Related Projects) – to avoid direct or indirect adverse impact on energy development, production, supply, and/or distribution.

Based on this Categorical Exclusion review, I have determined the proposed action involves no significant impact to the human environment and no further environmental analysis is required.

Authorizing Official: ___*/s/ Donald J. Holmstrom*_____ Date: _*3/5/2014*_____
(Signature)

Name: Donald J. Holmstrom
Title: Field Manager, Klamath Falls Resource Area

EXHIBIT A
Project Design Features (PDFs) and Best Management Practices (BMPs)

1. To the extent practicable, comply with all existing and subsequently enacted, issued, or amended Federal laws and regulations and state laws and regulations applicable to the authorized use.

2. Rebuild and repair roads, fences, and established trails destroyed or damaged by the project and or use by ROW holder.

3. Build and maintain suitable crossings for existing roads and significant trails that intersect the project.

4. Do everything reasonable to prevent and suppress wildfires on or in the immediate vicinity of the right-of-way area.

5. Not discriminate against any employee or applicant for employment during any phase of the project because of race, creed, color, sex, or national origin. You must also require subcontractors to not discriminate.

6. Pay monitoring fees and rent described in 43 CFR Sec. 2805.16 of this subpart and subpart 2806 of this part.

7. If BLM requires, you must obtain, and/or certify that you have obtained, a surety bond or other acceptable security to cover any losses, damages, or injury to human health, the environment, and property in connection with your use and occupancy of the right-of-way, including terminating the grant, and to secure all obligations imposed by the grant and applicable laws and regulations. If you plan to use hazardous materials in the operation of your grant, you must provide a bond that covers liability for damages or injuries resulting from releases or discharges of hazardous materials. BLM may require a bond, an increase or decrease in the value of an existing bond, or other acceptable security at any time during the term of the grant.

8. Assume full liability if third parties are injured or damages occur to property on or near the right-of-way (see 43 CFR Sec. 2807.12 of this part).

9. Comply with project-specific terms, conditions, and stipulations.

10. Restore, re-vegetate, and curtail erosion or conduct any other rehabilitation measure BLM determines necessary.

11. Ensure that activities in connection with the grant comply with air and water quality standards or related facility citing standards contained in applicable Federal or state law or regulations.

12. Control or prevent damage to Scenic, aesthetic, cultural, and environmental values, including fish and wildlife habitat; Public and private property; and Public health and safety;

13. Ensure that you construct, operate, maintain, and terminate the facilities on the lands in the right-of-way in a manner consistent with the grant.

14. Notify the Authorized officer of any maintenance or repairs prior to taking any action on the rights-of-way.

15. When the state standards are more stringent than Federal standards, comply with state standards for public health and safety, environmental protection, and citing, constructing, operating, and maintaining any facilities and improvements on the right-of-way.

16. Grant BLM an equivalent authorization for an access road across your land if BLM determines the reciprocal authorization is needed in the public interest, and the authorization BLM issues to you is also for road access.

17. Immediately notify all Federal, state, tribal and local agencies of any release or discharge of hazardous material reportable to such entity under applicable law. You must also notify BLM at the same time, and send BLM a copy of any written notification you prepared.

18. Not dispose of or store hazardous material on your right-of-way, except as provided by the terms, conditions, and stipulations of your grant.

19. Certify your compliance with all requirements of the Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C. 11001 et seq., when you receive, assign, renew, amend, or terminate your grant.

20. Control and remove any release or discharge of hazardous material on or near the right-of-way arising in connection with your use and occupancy of the right-of-way, whether or not the release or discharge is authorized under the grant. You must also remediate and restore lands and resources affected by the release or discharge to BLM's satisfaction and to the satisfaction of any other Federal, state, tribal, or local agency having jurisdiction over the land, resource, or hazardous material.

21. Comply with all liability and indemnification provisions and stipulations in the grant.

22. As BLM directs, provide diagrams or maps showing the location of any constructed facility.

23. Comply with all other stipulations that BLM may require.

24. Conditions of Approval to Protect Cultural Values

If subsurface cultural resources are unearthed during operations, activity in the vicinity of the cultural resource will cease and a BLM representative notified immediately. Pursuant to 43 C.F.R. 10.4 the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, the project leader/operator/permittee/etc. must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures that are made by the authorized officer (BLM).

The project leader/operator/permittee/etc. is responsible for informing all persons associated with this project that they will be subject to prosecution for knowingly disturbing Native American Indian shrines, historic and prehistoric archaeology sites, or for collecting artifacts of any kind, including historic items and/or arrowheads from Federal lands pursuant to the 1906 American Antiquities Act (P.L. 59-209; 34 Stat. 225; 16 U.S.C. 432, 433), the

Archaeological Resources Protection Act of 1979 (P.L. 96-95; 93 Stat. 721; 16 U.S.C. 470ee as amended), and/or other federal laws.

25. Wildlife

For bald eagles and golden eagles nest sites follow the Fish and Wildlife Service bald eagle management guidelines and implement seasonal restriction from Jan 1- August 31 for nesting eagles. These guidelines can be found at the following web site:
http://www.fws.gov/pacific/eagle/NationalBaldEagleManagementGuidelines.pdf
For all other raptor nests use the latest information to determine the critical nesting period and implement seasonal restrictions from human caused disturbance that may result in nest failure or abandonment.

26. The Lessee or Right-of-Way (ROW) Holder shall post the lease or ROW Serial Number on all structures authorized by the lease or grant where practical.

27. Weed Mitigation Measures

All vehicles and equipment will be cleaned off prior to operating on BLM lands. Removal of all dirt, grease, and plant parts that may carry noxious weed seeds or vegetative parts is required and may be accomplished with a pressure hose.

High concentrations of noxious weeds in the immediate area of mechanical operations shall be mowed to ground level prior to the start of project activities.

All equipment and vehicles operating off of main roads shall be cleaned off prior to leaving the job site when the job site includes noxious weed populations. Removal of all dirt, grease, and plant parts that may carry noxious weed seeds or vegetative parts is required and may be accomplished with a pressure hose.

28. During the closure period (winter and spring), user will only use the road when it is frozen or dry and will not use the road wet conditions. If the road is damaged by holder, holder will be required to pay for road maintenance and/or make adequate repairs to road surface and drainage features. This is necessary to keep roads in satisfactory condition, prevent excessive erosion, and to protect the road from winter and spring road use damage. Except in emergency situations, grantor may suspend the use of roads during periods when the forests are closed by lawful authority. Grantor may also suspend the use of such roads when, due to weather conditions, unrestricted use would cause excessive damage to the roads.

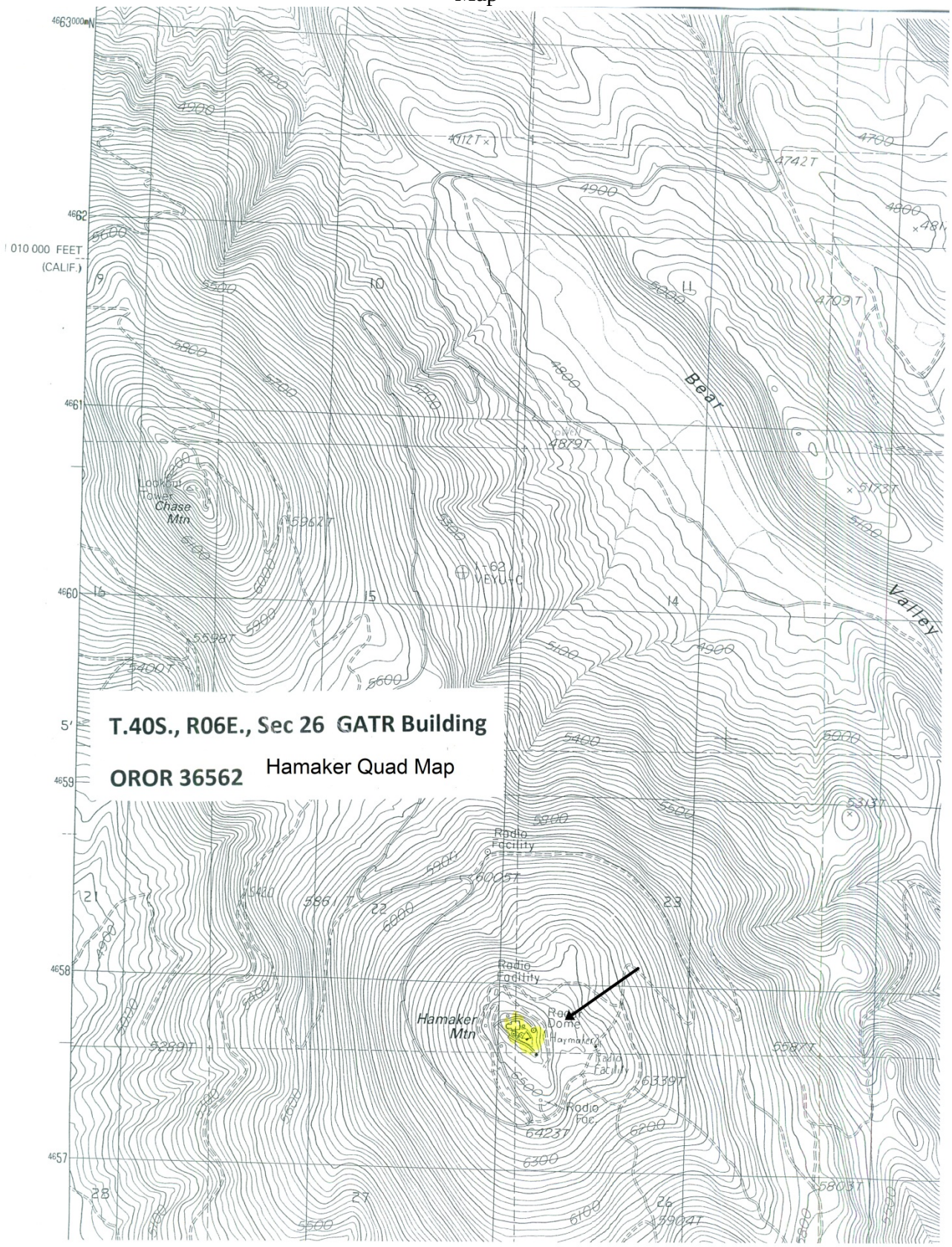
29. You are required to contact the Authorized Officer in the event of a name change or address change.

30. You are required to contact the Authorized Officer in writing 180 days prior to the expiration of this grant for renewal or relinquishment procedures.

31. Right-of-Way area shall be free of debris and vegetation will be kept clear of the building within a 30 foot radius

32. RS 4767.625 requires that every person conducting an operation inside or within one-eighth mile of forest protection district that uses fire in any form or power driven machinery (50 cubic inch displacement engine or larger) shall first obtain a Permit to Operate Power Driven Machinery from the Klamath Lake District Oregon Department of Forestry. Operators must also comply with current fire restrictions based on current industrial fire precaution levels identified by Oregon Department of Forestry.

Map


T.40S., R06E., Sec 26 GATR Building
OROR 36562
Hamaker Quad Map
Hamaker Mtn
Radio Facility
Bear
Valley
Lookout Tower
Chase Mtn
010 000 FEET (CALIF.)