

# DECISION RECORD & CATEGORICAL EXCLUSION REVIEW

(DOI-BLM-OR-M060-2013-017-CX)

**Project Name:** Right-of-Way for Table Mountain Roads #39-3E-3.00 segments A, B, C, and E and road 39-3E-8.03 segment A for ingress and egress to the land owner's private property (OR 60150FD).

**BLM Office:** Ashland Resource Area, Medford District. **Contact:** Juanita Wright (541) 618 2345

## DESCRIPTION & LOCATION OF THE PROPOSED ACTION:

The proposed action is to issue a right-of-way for ingress and egress to private property in T.39S., R.3E., Section 8. The right-of-way would be on existing BLM roads 39-3E-3.0 and 39-3E-8.03 over BLM property in T.39S., R.3E., Section 3, 8, 9. In exchange for the proposed grant of access by BLM, the private property land owner is willing to grant BLM an exclusive road easement over the private property on road #39-3E-3.00 and a nonexclusive easement over the private property on road #39-3E-8.03. As the right-of-way is for existing roads no project design features are proposed. The BLM will continue to provide maintenance on the roads and the land owner understands that road #39-3E-3.00 is used as a snowmobile route during the winter so no snow plowing would be allowed during the time of year when the snowmobile routes are active.

In March of 2013, BLM issued a right-of-way grant to the Oregon Department of Transportation for installation and operation of an underground electrical line to serve a proposed Table Mountain Communication Site to be constructed by ODOT. The access over the land owner requesting this grant is important to gain complete access to the proposed ODOT communication site (See DOI-BLM-OR-M060-2013-004-CX).

## PLAN CONFORMANCE

The proposed action is in compliance with the 1995 Medford District Record of Decision and Resource Management Plan (RMP) which states to "continue to make BLM-administered lands available for needed rights-of-way." The 1995 Medford District Resource Management Plan incorporated the Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl and the Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl (Northwest Forest Plan) (USDA and USDI 1994). The 1995 Medford District Resource Management Plan was later amended by the 2001 *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines*.

This proposed action is also consistent with the 2001 Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (2001 ROD), as modified by the 2011 Settlement Agreement. This project is not a habitat disturbing activity, as defined in page 22 of the Standards and Guidelines of the 2001 Record of Decision and Standards and Guidelines, for any Survey and Manage species. Because the project is not

habitat disturbing, the Survey and Manage provisions, including pre-disturbance surveys, are not required (Standards and Guidelines, p. 7, 21-22).

The proposed action is also in conformance with the direction given for the management of public lands in the Medford District by the Oregon and California Lands Act of 1937 (O&C Act), Federal Land Policy and Management Act of 1976 (FLPMA), the Endangered Species Act (ESA) of 1973, the Clean Water Act of 1987, Safe Drinking Water Act of 1974 (as amended 1986 and 1996), Clean Air Act, the Archaeological Resources Protection Act of 1979, and the National Historic Preservation Act of 1966 as Amended (NHPA). The site was reviewed for archaeological resources and a verbal notice to proceed was received from State Historic Preservation Officer (SHPO) on July 2, 2012 (see file).

### **CATEGORICAL EXCLUSION REVIEW**

Department of the Interior Regulations (43 CFR § 46.205(c)) require that any action that is normally categorically excluded must be evaluated to determine whether it meets any of the extraordinary circumstances listed in 43 CFR § 46.215. An action would meet one of the extraordinary circumstances if the action may:

<b><u>Yes</u></b>	<b><u>No</u></b>	<b><u>Categorical Exclusion Exception</u></b>
( )	(X)	1. Have significant adverse effects on public health or safety.
( )	(X)	2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resource; 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)	3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)] not already decided in an approved land use plan.
( )	(X)	4. Have highly uncertain and potentially significant environmental effects or unique or unknown environmental risks.
( )	(X)	5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.
( )	(X)	6. Have a direct relationship to other actions with individually insignificant, but significant cumulative environmental effects. (40 CFR 1508.7 and 1508.25(a)).
( )	(X)	7. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places.
( )	(X)	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)	9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.
( )	(X)	10. Have disproportionate significant adverse impacts on low income or minority populations (Executive Order 12898).
( )	(X)	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)	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).

**COMPLIANCE WITH NEPA**

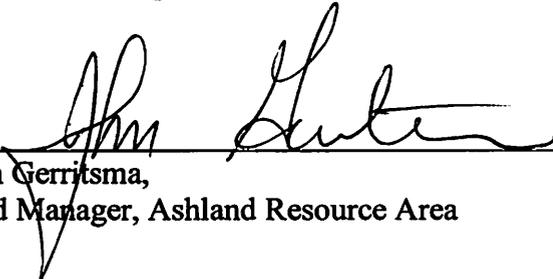
In accordance with 43 CFR §§ 46.205(c) and 46.215, the proposed action has been reviewed against the twelve criteria above and I have determined that none of the extraordinary circumstances described in 43 CFR § 46.205(c) apply to this project. The project qualifies as a categorical exclusion under 516 DM 11.9, E (16) which allows for the *“Acquisition of easements for an existing road or issuance of leases, permits, or rights-of-way for the use of existing facilities, improvements, or sites for the same or similar purposes.”*

**DOCUMENT PREPARATION AND REVIEW**

Ted Hass	Assistant Field Manager	9-18-2013
Name	Title	Date

**DECISION**

I have determined that the proposed action qualifies as a categorical exclusion under 516 DM 11.9, E (16) and involves no significant impact to the human environment and that no further environmental analysis is required. It is my decision to authorize the issuance of the requested right-of-way grant as described above in the Proposed Action above.

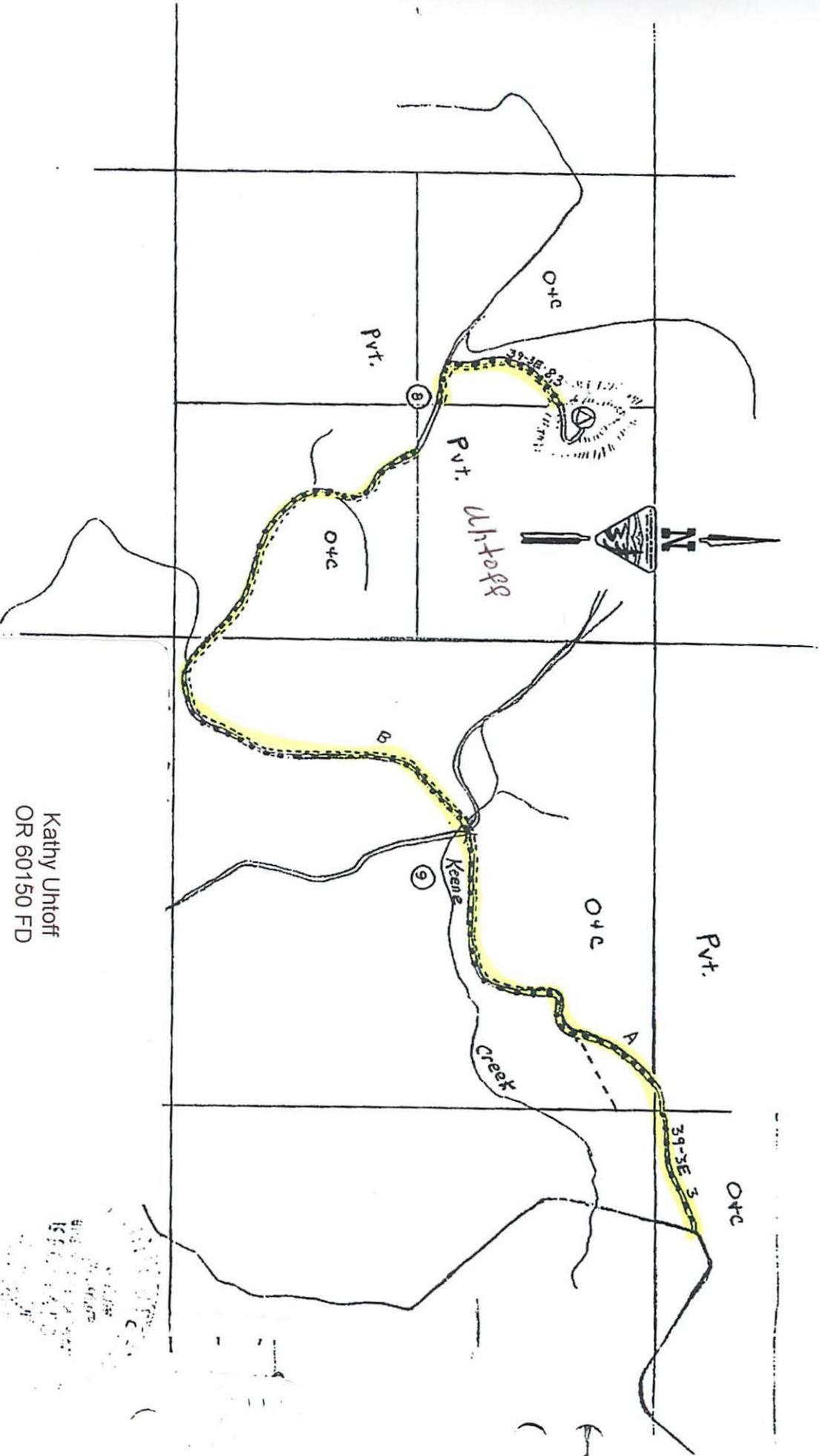
	9/18/13
John Gerritsma, Field Manager, Ashland Resource Area	Date

**ADMINISTRATIVE REMEDIES**

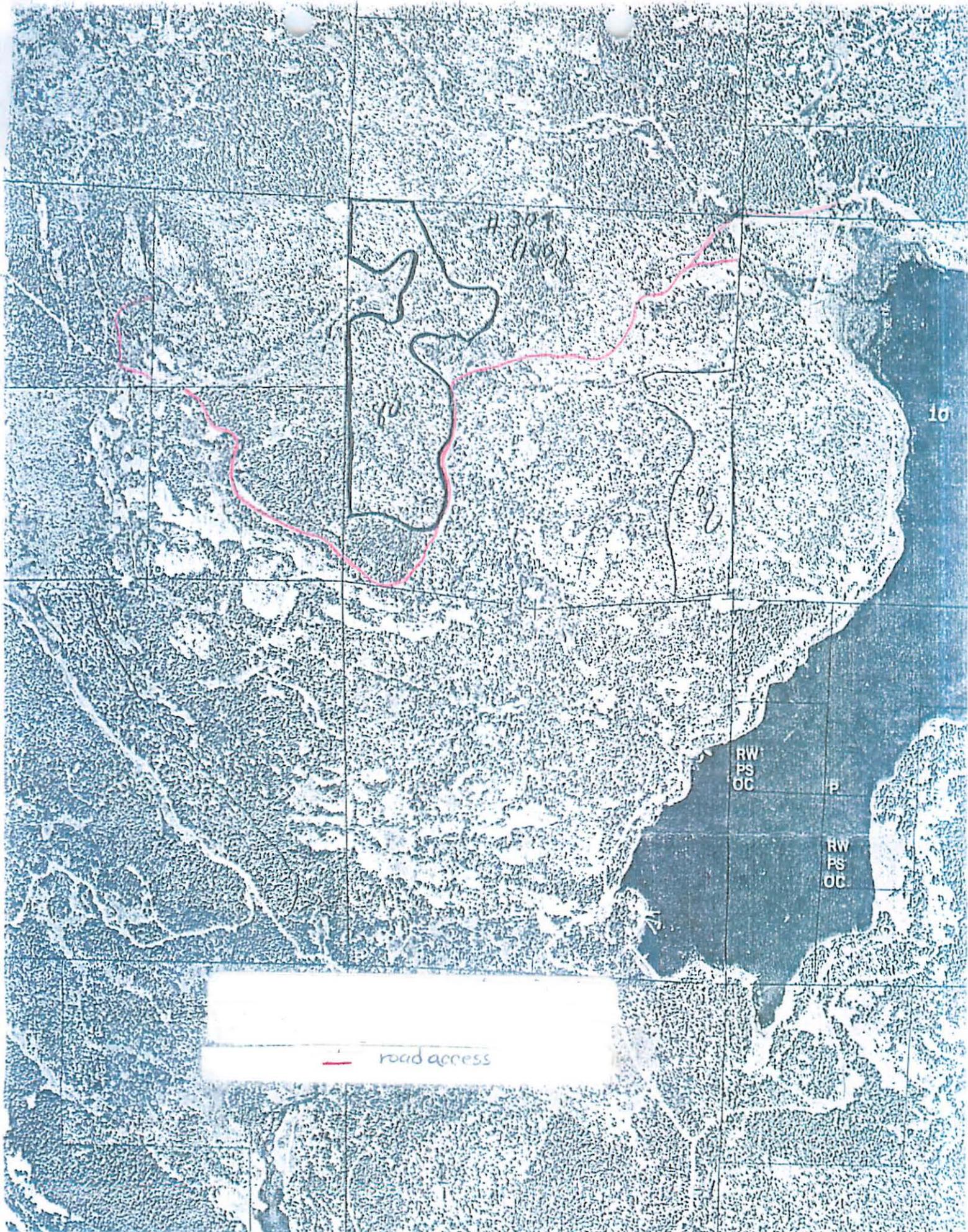
Notice of this decision will be posted on the District internet website. In accordance with 43 CFR 2801.10, this decision is in effect immediately and will remain in effect pending any appeal to the Interior Board of Land Appeals under 43 CFR Part 4, unless a stay is granted under 43 CFR § 4.21(b).

T. 39 S. R. 3 E.

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Kathy Uhtoff  
OR 60150 FD  
Exhibit A



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(1/80)

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RW  
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— road access

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