

Categorical Exclusion Determination and Decision Record For Telava Wireless, Inc. R/W Application, OR 65924

DOI-BLM-OR-M050-2009-0036-CX

Description of Proposed Action

The proposed action is to re-authorize an existing facility at the Flounce Rock Communication Site to Telava Wireless, Inc. for a twenty year term. The site is located on public land in Section 5, T. 33 S., R. 2 E., Willamette Meridian, Jackson County, Oregon. The facility includes the existing building and tower inside a fenced area at the site.

Note: The facility was first authorized to Pinnacle Towers in 1985 under case file OR 37827 and later assigned to Corban Communications, Inc. Corban then went into bankruptcy. During the extended time of the bankruptcy proceedings, the original authorization expired.

Following the outcome of the bankruptcy, Telava filed an application with this office for an assignment of the facility from Corban to Telava. BLM notified Telava in writing on February 25, 2009, that we would treat their application as new authorization (since the old case expired) using a new OR number and utilizing the “new” Communication Site Lease form to approve their request.

Plan Conformance Review

The Bureau of Land Management did not scope this proposal and the public was not involved in its development. This proposal is consistent with policy directed by the following:

- *Final Supplemental Environmental Impact Statement and Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl* (Northwest Forest Plan FSEIS, 1994 and ROD, 1994);
- *Final-Medford District Proposed Resource Management Plan/Environmental Impact Statement and Record of Decision* (EIS, 1994 and RMP/ROD, 1995);
- *Record of Decision To Remove the Survey and Manage Mitigation Measure Standards and Guidelines from the Bureau of Land Management Resource Management Plans Within the Range of the Northern Spotted Owl* (USDI 2007);
- *Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States Programmatic EIS and ROD* (USDI 2007), and
- *Medford District Integrated Weed Management Plan Environmental Assessment* (1998) and tiered to the *Final-Northwest Area Noxious Weed Control Program Environmental Impact Statement* (EIS, 1985).

The proposed action is 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, Federal Land Policy and Management Act of 1976, Endangered Species Act of 1973, Clean Water Act of 1987, Safe Drinking Water Act of 1974 (as amended 1986 and 1996), Clean Air Act of 1990 (as amended), and Archaeological Resources Protection Act of 1979.

This proposal is consistent with management direction in the Medford District Resource Management Plan that directs the BLM to:

- “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.” (1995 ROD/RMP, p. 82).

Categorical Exclusion Determination

This proposed action qualifies as a categorical exclusion as provided in United States Department of the Interior Departmental Manual 516 DM 11, Appendix 11.5 E (9), Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorization(s).

None of the exceptions to categorical exclusions apply.

Project Design Features

None, this is an authorization of an existing facility.

Categorical Exclusion Determination

This proposed action qualifies as a categorical exclusion as provided in United States Department of the Interior Departmental Manual 516 DM 11.9 E(9) which allows for “Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorization.”

Before any action described in the list of categorical exclusions may be used, the “extraordinary circumstances,” included in the Code of Federal Regulations (CFR) at 43 CFR 46.205(c) must be reviewed for applicability. After review, the BLM determined no extraordinary circumstances exist that would cause the proposed action to have a significant environmental effect. The action will not require additional analysis.

Contact Person

For additional information concerning this project, contact Joe Hoppe, Project Leader, at (541) 618-2310.

NEPA Categorical Exclusion Review

Proposed Action:

To issue a "new" authorization to Televa Wireless, Inc. under case file OR 65924 for the prior existing facility authorized under case file OR 37827.

The Code of Federal Regulations at 43 CFR 46.205(c) provides for a review of the following criteria for categorical exclusion to determine if exceptions apply to the proposed action based on actions which may:

1. *Have significant impacts on public health or safety.*

Yes No

Initial JW Remarks:

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

Initial JW Remarks:

3. *Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].*

Yes No

Initial JW Remarks:

4. *Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.*

Yes No

Initial JW Remarks:

5. *Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.*

Yes No

Initial JW Remarks:

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

Yes No

Initial JS Remarks:

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

Initial AB Remarks:

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.

Plants Yes No Initial mw Remarks:

Animals Yes No Initial DR Remarks:

Fish Yes No Initial SZ Remarks:

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

Yes No

Initial JW Remarks:

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

Yes No

Initial JW Remarks:

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

Initial JW Remarks:

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).

Yes No

Initial mw Remarks: The facility and vicinity receive on-going weed treatments, but source is from public vehicular traffic to the site. BLM is treating

Decision

Based on the attached NEPA (National Environmental Policy Act) Categorical Exclusion Review, I have determined the proposed action involves no significant impact to the human environment and no further environmental analysis is required. It is my decision to approve a “new” authorization to Televa Wireless, Inc. under case file OR 65924 for the prior existing facility authorized under case file OR 37827. Upon completion of the new authorization to Televa, the old case file will be officially closed.

Decision Rationale

The proposed action has been reviewed by Butte Falls Resource Area staff and appropriate Project Design Features, as specified above, will be incorporated into the proposal. Based on the attached NEPA (National Environmental Policy Act) Categorical Exclusion Review, I have determined the proposed action involves no significant impact to the human environment and no further environmental analysis is required.



8/12/09

Jon K. Raby
Field Manager
Butte Falls Resource Area

Administrative Review or Appeal Opportunities

Notice of the forest management decision to be made on the action described in this categorical exclusion will be posted on the Medford District internet website. The action is subject to protest under 43 CFR 4.450-2. A decision in response to a protest is subject to appeal to the Interior Board of Land Appeals under 43 CFR part 4.

Categorical Exclusion Reviewers:

Name	Title	Date	Initials
Jean Williams	NEPA Coordinator	8/12/09	JW
Marcia Wineteer	Botanist	8/7/09	mw
Dave Roelofs	Wildlife Biologist	8/10/09	DR
Steve Liebhardt	Fisheries Biologist	8/11/09	SL
Shawn Simpson	Hydrologist	8/12/09	SS
Ken Van Etten	Soil Scientist	8/12/09	KV
Al Mason	Fire/Fuels Specialist	8/10/09	APM
Lisa Brennan	Archaeologist	8/10/09	LB
Randy Bryan	Engineer	8/16/09	RB
Trish Lindaman	Outdoor Recreation Planner	8/6/09	TL

