

DECISION RECORD & CATEGORICAL EXCLUSION REVIEW

(DOI-BLM-OR-M060-2015-0006-CX)

Project Name: Table Mountain Buried Powerline Addition (OR 067664)

BLM Office: Ashland Resource Area, Medford District **Contact:** Tanya Dent (541) 618-2477

Location: T. 39 S., R. 3 E., Sec 8 and 9, Willamette Meriden, Jackson County, OR.

DESCRIPTION & LOCATION OF THE PROPOSED ACTION:

Oregon Department of Transportation (ODOT) is proposing to amend their current lease to construct a buried power line. The buried line would run from a PacifiCorp power pole, located on private property, along BLM Roads 39-3E-3 and 39-3E-8.03 to the communication facilities located on Table Mountain. The line would be installed to a minimum of 36" depth (where they are trenching thru rock the minimum will be 24 inches) with pull box vaults (4 ft. x4 ft. in size) and transformer vaults. The buried line would be within the road prism, but some of the vaults may be outside of the prism. To avoid the presence of culverts, trenching would occur deep enough to run the line under the culverts.

ODOT proposes to allow their contractor the liberty to decide whether to directionally drill under other culverts/cross drains or remove/replace culverts. ODOT has agreed that if flowing water is present at the time of construction activities, that directionally drilling would be required; culverts/cross drains would only be replaced if there is no water present (M. Polanco, email dated 10/16/14). This stipulation would be incorporated into the permit granted to ODOT.

The Permittee agrees to comply with the following environmental and safety stipulations as required Project Design Features:

- Vehicles and equipment will be cleaned of all mud, debris, and vegetative material prior to entry onto BLM-administered lands to minimize the introduction and spread of noxious weeds. Vehicles will be high-pressure power washed, particularly the undercarriage, to prevent the spread of noxious weeds and nonnative plants. All wastewater will be properly contained and solid matter filtered and disposed of to prevent spreading of noxious weeds and nonnative plants.
- Restrict construction activities to dry periods. Suspend activities during precipitation events or when precipitation is imminent.
- All disturbed surfaces and other areas of loose fill shall be seeded with an approved seed mix and mulched with weed free materials as work progresses. Consider using native mulch such as pine needles.
- Any temporary stockpile areas of loose soil or other materials shall have perimeter control such as straw wattles or silt fence around the down slope perimeter when precipitation is occurring or is imminent.

- Where installation crosses channels, as necessary, clean water shall be conveyed around the site and construction related turbid water contained below the site and pumped and discharged so that the water is infiltrated into the soil.
- If applicable, following installation the disturbed surface above the culvert inlet should match the existing channel grade.
- Where channel disturbance occurs, as determined by the authorized officer in consultation with an aquatic specialist, additional measures may be necessary such as rock armoring, riparian planting, installation of geotextile or other erosion control fabric.
- All disturbed surfaces outside the travelway (road surface), including disturbance within the existing ditch and the cut/fillslope and other areas of loose fill, shall be restored to the original configuration and seeded with an approved seed mix and mulched with weed free materials as work progresses. Consider using native mulch such as pine needles.
- No equipment used for construction or subsequent maintenance/access shall be permitted off of the existing road prism (top of cutslope to bottom of fill).
- If, during project implementation, the contractor/workers encounters or becomes aware of any objects or sites of cultural value on federal lands, such as historical or pre-historical ruins, graves, grave markers, or artifacts, the contractor shall immediately suspend all operations in the vicinity of the cultural value and notify the Contracting Officer's Representative (COR). The project may be redesigned to protect the cultural resource values present, or evaluation and mitigation procedures would be implemented based on recommendations from the resource area archaeologist and concurrence by the Ashland Field Manager and State Historic Preservation Office.

PLAN CONFORMANCE

The proposed action is in compliance with the *1995 Medford District Record of Decision and Resource Management Plan (ROD/RMP)* which states to “continue to make BLM-administered lands available for needed rights-of-way” (p. 82). 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 project is 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*, as incorporated into the Medford District RMP. This project utilizes the December 2003 Survey and Manage species list. This list incorporates species changes and removals made as a result of the 2001, 2002, and 2003 Annual Species Reviews (ASRs) with the exception of the red tree vole.

The proposed action is consistent with BLM Manual 6840 (USDI 2008), the purpose of which is to provide policy and guidance for the conservation of BLM special status species and the

ecosystems upon which they depend on BLM-administered lands. BLM special status species include those species listed or proposed for listing under the Endangered Species Act (ESA), as well as those designated as Bureau sensitive by the State Director(s). The objectives of the BLM special status policy are:

To conserve and/or recover ESA-listed species and the ecosystems on which they depend so that ESA protections are no longer needed for these species; and to initiate proactive conservation measures that reduces or eliminates threats to Bureau sensitive species to minimize the likelihood of and need for listing of these species under the ESA (USDI 2008: section 0.02).

This decision 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 National Environmental Policy Act of 1969 (NEPA), 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 of 1990, the National Historic Preservation Act of 1966 as amended, and the Archaeological Resources Protection Act of 1979.

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:

<u>Yes</u>	<u>No</u>	<u>Categorical Exclusion Exception</u>
-------------------	------------------	---

- | | | |
|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1. Have significant adverse effects on public health or safety. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 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. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 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. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 4. Have highly uncertain and potentially significant environmental effects or unique or unknown environmental risks. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 6. Have a direct relationship to other actions with individually insignificant, but significant cumulative environmental effects. (40 CFR 1508.7 and 1508.25(a)). |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 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 (13) which allows for *“Amendments to existing rights-of-way, such as upgrading of existing facilities, which entail no additional disturbances outside the right-of-way boundary.”*

DOCUMENT PREPARATION AND REVIEW

Allison Hass	Clerk	8/27/14
Prepared by	Title	Date
Stephanie Kelleher	Environmental Coordinator	11/13/14
Reviewed & Edited by	Title	Date

DECISION

I have determined that the proposed action qualifies as a categorical exclusion under 516 DM 11.9, E (13) 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 (OR 067664) as described above in the Proposed Action above.



John Gerritsma,
Field Manager, Ashland Resource Area

11/13/14

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).