

# CATEGORICAL EXCLUSION/DECISION RECORD

DOI-BLM-OR-M060-2012-0003-CX

**Project Name:** China Gulch Telephone Line Right-Of-Way Renewal OR 24285 (Qwest)

**BLM Office:** Ashland Resource Area, Medford District. **Contact:** Leslie Voelkel (541) 618-2217

## **DESCRIPTION OF THE PROPOSED ACTION:**

The Ashland Resource Area of the Medford District Bureau of Land Management (BLM) proposes to authorize the renewal of Right-of-Way grant OR 24285 to Qwest for maintenance, use, repair and termination/removal of an existing underground telephone line. This line was originally authorized in 1980 and provides service to the local area along China Gulch Road, northwest of Ruch, Oregon. The right-of-way is 10 feet wide, 1,376 feet long and contains approximately 0.32 acres. If approved, this authorization will be issued pursuant to Title V of the Federal Land Management Policy Act (FLPMA) of October 21, 1976 (90 Stat. 2776: 43 USC 1761 for a term of thirty (30) years. This project is located in the SW ¼ SE ¼ of Section 21 in Township 38 South, Range 3 West, Willamette Meridian, Jackson County, Oregon (Figure 1). In addition to the standard terms and conditions listed in the right-of-way grant, the following project design features (PDFs) are required conditions of this project;

- The Holder will notify the Ashland Resource Area Engineer at 541-618-2370 when they are going to be in the Ashland Resource Area performing routine facility inspection and maintenance.
- The Holder shall not use dirt roads as access routes for non-emergency work from November 1 to April 30; the Holder may contact BLM during this time period to request a waiver based on site-specific resource and weather conditions.
- The Holder shall perform adequate maintenance necessary to provide effective drainage on roads and trails, used exclusively by the Holder for the purpose of maintaining and/or accessing the ROW, to minimize road erosion and sedimentation to surface water.

## **PLAN CONFORMANCE**

The proposed action is in compliance with the *2008 Medford District Record of Decision and Resource Management Plan (RMP)* which states to “Provide needed rights-of-way, permits, leases, and easements over BLM-administered lands in a manner that is consistent with federal and state laws” (RMP, p.49). This proposed action is also in compliance with the 1995 Medford District Resource Management Plan, which 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).

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.

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).

**CATEGORICAL EXCLUSION REVIEW**

This proposed action qualifies as a categorical exclusion under 516 DM 11.9 E (9 &16). The proposed action has been reviewed to determine if any of the exceptions described in 516 DM 2, Appendix 2 apply. The proposed action will:

- | <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 (9), which allows for the *renewal and assignments of...rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations*”

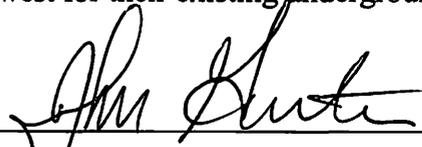
**DOCUMENT PREPARATION AND REVIEW**

<u>Leslie Voelkel</u>	<u>Realty Specialist</u>	<u>10-26-11</u>
Prepared by	Title	Date

<u>Stephanie Kelleher</u>	<u>Ecosystem Planner/Env. Coordinator</u>	<u>10-31-11</u>
Reviewed and Edited by	Title	Date

**DECISION**

It is my decision to implement the proposed action, as described in the above documentation for the NEPA Categorical Exclusion Review. I authorize the renewal of right-of-way grant OR 24285 to Qwest for their existing underground telephone line.

  
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 John Gerritsma  
 Field Manager; Ashland Resource Area

10/31/11  
 \_\_\_\_\_  
 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).

Figure 1. Right-of-Way OR 24285

