

**UNITED STATES DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
STATE OF OREGON
PRINEVILLE DISTRICT
CENTRAL OREGON RESOURCE AREA
3050 N.E. 3rd Street
Prineville, Oregon 97754**

Categorical Exclusion Documentation

A. Background

BLM Office: Prineville District Office

NEPA Log #: DOI - BLM - OR – P040 - 2013 - 0034 - CX

Project Case File #: OR-24421, OR-35146

Proposed Action Title: Renewal of two rights-of-way for buried telephone cable

Location:

OR-35146 – West of John Day River, Wasco County

OR-24421 – East of John Day River, Wheeler County

In the vicinity of Clarno, Oregon

Description of the Proposed Action – OR-24421:

On May 4, 1983 the Bureau of Land Management granted a nonexclusive right-of-way to Trans-Cascade Telephone Company pursuant to Title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 176). The grant was issued for a term of 30 years, subject to renewal. On July 18, 2013, Trans-Cascade Telephone Company, currently Cascade Utilities, d.b.a Reliance Connects, filed an application for renewal of the right-of-way grant. A Category 4 - Processing Fee payment in the amount of \$1,108 was received by the BLM on August 5, 2013.

The grant provides for a buried, copper telephone cable located in the shoulder of the Wheeler County, Clarno 29 road. The co-location was approved by a permit issued by the Wheeler County Court. The cable is located approximately 12 feet from the centerline of the road. The right-of-way is 10 feet wide and extends 4,709 feet in length through the following described public land:

T. 8 S., R. 19 E., W.M.,
Section 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Section 10, NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Section 15, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Section 23, NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Comprising 1.1 acres

The underlying Federal land affecting a segment of this right-of-way has been identified for conveyance in a pending land exchange. Title I, Subtitle J, of Public Law 111-11, the Omnibus Public Land Management Act of 2009 (the Act) provided for a series of land exchanges and the designation of the Spring Basin Wilderness Area in Wheeler County. This right-of-way segment is adjacent to the wilderness area and situated just upstream from Clarno along the east bank of the John Day River.

Those Federal lands in T. 8 S., R. 19 E., W.M., Section 3, Lots 2, 3, 8 and 9, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$; comprising 222.21 acres will be conveyed by exchange, subject to valid and existing rights, to the Confederated Tribes of the Warm Springs Reservation of Oregon (CTWSRO). That segment of the right-of-way extending 1,500 feet through Section 3 in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, and the NE $\frac{1}{4}$ SW $\frac{1}{4}$; is included in the pending land exchange.

On January 11, 2011, the BLM provided a letter to Trans-Cascade Telephone Company in accordance with the provisions of 43 CFR 2807.15 (b). When public land is identified for conveyance and encumbered by a right-of-way, BLM can provide the Holder with options for future grant administration, the BLM may:

1. Transfer the land "Subject to" the grant. This would transfer the responsibilities of future administrative of the right-of-way segment to the new owner and requires that a new agreement be negotiated prior to expiration of the term.
2. Transfer the land and reserve administration of the grant to the United States.
3. Reserve the underlying lands encumbered by the right-of-way to the United States and retain administration of the grant.
4. The Holder requests the grant be amended with a perpetual term along that segment affected by the proposed conveyance.

The Holder prefers that the transfer of Federal land be made "Subject to" the grant. This would transfer the responsibilities of future administrative of the right-of-way segment to the new owner and require that a new agreement be negotiated prior to expiration of the term. The CTWSRO concurs and prefers all rights-of-way affected by the exchange be conveyed "Subject to" the grant.

Description of the Proposed Action – OR-35146:

On February 8, 1983, the Bureau of Land Management granted a nonexclusive right-of-way to Trans-Cascade Telephone Company, pursuant to Title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 176). The grant was issued for a term of 30 years, subject to renewal. On July 18, 2013, Trans-Cascade Telephone Company, currently Cascade Utilities, d.b.a Reliance Connects, filed an application for renewal of the right-of-way grant. A Category 4 - Processing Fee payment in the amount of \$1,108 was received by the BLM on August 5, 2013.

The grant provides for 50 pairs of buried telephone cable with a telephone electronic carrier repeater, housing 25 carrier systems. The cable is located in the shoulder of the Wasco County road to Muddy Creek Ranch and is buried at a depth of 30 inches. The co-location was approved

by a permit issued by the Wasco County Court. The right-of-way is 10 feet wide and extends 1,320 feet in length through the following described public land:

T. 8 S., R. 18 E., W.M.,
Section 34
SE¼SE¼;
Comprising 0.3 acres

The name of the Holder is currently Cascade Utilities, d.b.a Reliance Connects. They have applied to renew two existing rights-of-way for buried telephone cable that are both co-located within county road rights-of-way. No surface disturbing activities have occurred since the lines were installed about thirty years ago. The applicant states that the improvements are needed to continue to provide communication services to the area.

Subsequent to issuance of the original grant, the case file notes that Trans-Cascade Telephone Company (Cascade Utilities, d.b.a Reliance Connects) is recognized in the State of Oregon as a financing borrower from the Rural Electrification Administration or its successor Agencies, the Rural Utilities Service or one of USDA's Rural Development Utilities Programs. Therefore, Cascade Utilities, d.b.a Reliance Connects is exempted from rental payment as specified in Section (B) (7) of the original right-of-way grant.

These rights are eligible for renewal in accordance Section B.8 of the Terms and Conditions of each original grant. The renewal would be subject to the regulations that are currently in effect and contained in 43 CFR 2805.

B. Land Use Plan Conformance

Land Use Plan Name: Two Rivers Resource Management Plan, Record of Decision.

Date approved (ROD): June 1986. The proposed action is in conformance with the above plan, even though it is not specifically provided for, because it is clearly consistent with the following land use plan decisions, objectives, terms, or conditions: *page 32, Utility and Transportation Corridors – Applicants will be encouraged to locate new facilities (including communication sites) adjacent to existing facilities to the extent possible. . . . All rights of way applications will be reviewed using the criteria of following existing corridors wherever practical and avoiding proliferation of separate rights of way Public lands will continue to be available for local rights of way, including multiple use and single use utility/transportation corridors following existing routes, communication sites, and roads.*

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 11.9, E. Realty,

(9) Renewal and assignments of leases, permits or rights-of-way where no additional rights are conveyed beyond those granted by the original authorization.

(12) Grants of right-of-way wholly within the boundaries of other compatibly developed rights-of-way. [From 516 DM, Chapter 11 dated 5/8/08].

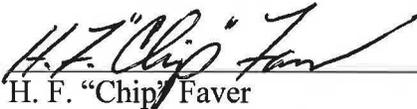
These categorical exclusions are appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed and none of the extraordinary circumstances described in 516 DM 2 apply. See attached CX Extraordinary Circumstances Documentation checklist.

D. Signature

I considered the proposal and have determined that the renewal of the existing rights-of-way would have no potential for significant impacts.

Authorizing official:

Date



H. F. "Chip" Faver
Field Manager, Central Oregon Resource Area

8613

E. Contact Person

For additional information concerning this review, contact: Philip Paterno, Contract Realty Specialist, Prineville Field Office, 3050 NE 3rd Street, Prineville, OR 97754, telephone (541) 416-6734.

CX EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION		YES	NO
The proposed categorical exclusion action will:			
2.1	Have significant impacts on public health or safety.		X
Rationale: This proposed action would not have significant impacts on public health or safety. It would have a beneficial impact by continuing communication services within the area of the project.			
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 proposed action would not have an effect 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. The proposed action does not include any actions for Wilderness Study Areas or for lands being managed for wilderness character.			
2.3	Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].		X
Rationale: There would be no highly controversial environmental effects or unresolved conflicts concerning alternative uses of available resources.			
2.4	Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
Rationale: There would be effects on the human environment that are considered to be highly uncertain or involve unique or unknown risks.			
2.5	Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
Rationale: The proposed action would not establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration.			
2.6	Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
Rationale: Significant cumulative effects are not anticipated.			
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: The proposed action would not adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places, nor will it cause loss or destruction of significant scientific, cultural, or historical resources.			
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: The proposed action would not affect endangered or threatened species or their habitat.		
2.9 Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		X
Rationale: The proposed action would not violate any 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: The proposed action would not have a disproportionately high and adverse effect on low income or minority populations.		
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: The proposed action would 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.		
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: The proposed action would not 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.		