

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
ROSEBURG DISTRICT

CANYON MOUNTAIN FIBER OPTIC DECISION RECORD

BLM Office: Roseburg District
South River Field Office
777 NW Garden Valley Blvd
Roseburg, Oregon 97471

CX#: DOI-BLM-OR-R050-2015-0004-CX

Location of Proposed Action: lots 4-6, 8 and 9, section 3, T. 31 S., R. 5 W., Willamette Meridian

Decision: Based upon the attached Categorical Exclusion (DOI-BLM-OR-R050-2015-0004-CX), I have determined that the proposed action to issue a rights-of-way grant and authorize installation and termination of a fiber optic telecommunication cable involves no significant impacts to the human environment and no further environmental analysis is required.

It is my decision to issue a Federal Land Policy and Management Act (FLPMA) rights-of-way grant (OR 68227) for a period of 30 years and authorize the installation, use, and termination of a fiber optic cable at the location described above, and access to the site via BLM Road 30-5-31.0. The action is consistent with land use plans and regulatory objectives for rights-of-way found in 43 CFR Part 2800.

Right of Appeal: This is a realty decision to issue rights-of-way grant OR 68227 and authorize proposed activities under 43 CFR 2800 and 2801, and is subject to appeal. The decision is effective immediately upon signing by the authorized officer and shall remain in effect pending an appeal.

Pursuant to 43 CFR § 4.410, this decision may be appealed to the U.S. Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals (Board) by those who have a "legally cognizable interest" to which there is a substantial likelihood that the action authorized in this decision would cause injury, and who have established themselves as a "party to the case."

Appeals of this decision must be filed within 30 days after the decision is signed by the authorizing officer, Steven Lydick, in the South River Field Office, Roseburg, Oregon. In filing an appeal, there must be strict compliance with the regulations contained in 43 CFR Part 4.4. Only signed hard copies of a notice of appeal that are delivered to the Roseburg District Office, 777 NW Garden Valley Blvd., Roseburg, Oregon by close of business (4:30 PM Pacific Time Zone) on December 19, 2014 will be accepted. Faxed or emailed appeals will not be considered.



Steven Lydick
Field Manager
South River Field Office

11/17/14
Date

U.S. Department of the Interior
Bureau of Land Management
Roseburg District

NEPA Categorical Exclusion

Project Title: Canyon Mountain Fiber Optic Cable
Douglas Service dba Douglas Fast Net Fiber Optic Cable
Canyonville to Canyon Mountain (OR 68227)

NEPA Document: CX# DOI-BLM-OR-R050-2015-0004-CX

BLM OFFICE: South River Field Office
777 NW Garden Valley Blvd.
Roseburg, OR 97471

Location of Proposed Action: lots 4-6, 8 and 9, section 3, T. 31 S., R. 5 W., Willamette Meridian

Description of Proposed Action: The BLM seeks to issue a right-of-way grant to Douglas Services, Inc. dba Douglas Fast Net and authorize installation, use and termination of approximately 3,770 feet of new fiber optic line (aerial and buried) to provide enhanced telecommunication service to the nearby rural communities per the attached Plan of Development. The proposal includes attaching approximately 3,485 feet of fiber optic line onto existing Pacific Power and Light power poles (OR 26181) extending from Canyonville to Canyon Mountain Communication Site. Three of the poles would require minor modification with the installation of an anchor and 1 or 2 guide wire(s) to support the additional weight and stresses of the cable. Within the communication site, the fiber optic line would be extended to the southwest by attaching the cable to existing power poles along the BLM Road 30-5-31.0 for approximately 85 feet. The line would terminate at a buried vault (3 feet by 3 feet by 3 feet) near the existing Douglas County Communication Tower. Another portion of the line would extend underground (2 feet wide by 3 feet deep) approximately 200 feet to the east, within the existing road prism of BLM Road 30-5-31.0. Two buried vaults (3 feet by 3 feet by 3 feet) would be installed at the beginning and ending locations along the buried cable route. Heavy equipment use would be prohibited from March 1 through July 15, both dates inclusive but may be waived as described below. Access to the communication site would be via the BLM 30-5-31.0 road. Temporary access to power poles would be via an unnamed BLM road (see attached maps for locations). The term of the ROW grant would be for thirty years.

Cultural Resources: The Canyon Mountain Communications Site was first developed as an Air Navigation Site to provide a beacon for early aviators in the 1920s. Part of the air navigation structure is still in use as a communication tower owned by the BLM. In 2000, the BLM and the State Historic Preservation Office (SHPO) concurred that the site is not eligible for listing in the National Register of Historic Places (NRHP). A pedestrian survey (CRS No. 028814) of the Canyon Mountain area did not identify any other cultural or prehistoric resources. Proposed activities are unlikely to have any effect on cultural resources.

Wildlife

Threatened, Endangered and Proposed Species

Northern Spotted Owl (*Strix occidentalis caurina*): The project site is not located within any 100-acre known owl activity center, designated northern spotted owl critical habitat, or within the 1.3 mile radius Klamath Province home range of any known northern spotted owl pairs. The existing power poles to be used are located within unsurveyed suitable northern spotted owl habitat but no habitat would be removed or modified. The location of buried line would require the use of heavy equipment and is located within 35 yards of suitable habitat. To avoid potential disturbance during the nesting period, use of heavy equipment to bury the cable would be prohibited March 1 through July 15, both dates inclusive. This seasonal restriction may be waved until March 1 of the following year if current calendar year surveys indicate: 1) spotted owls are not present, 2) spotted owls are present, but not attempting to nest, or 3) spotted owls are present, but a nesting attempt has failed.

Marbled Murrelet (*Brachyramphus marmoratus*): The proposed project area is outside the management zones for the marbled murrelet.

Fisher (*Pekania pennant*): Fisher is a proposed threatened species under the Endangered Species Act (USDI-FWS 2014)¹. The project area is not in an area that is likely to be currently occupied by fishers. There is no, or only a low potential for adverse effects to the species or its habitat as a result of the proposed actions.

Bureau Sensitive Species

No bureau sensitive species habitat will be modified or removed. All ground disturbing activities will occur within the existing road prism which is not considered habitat for any of the Bureau Sensitive Species in the Roseburg District².

Survey and Manage Species

Mollusks: The proposed project area has not been evaluated for Siskiyou Sideband (*Monadenia chaceana*) or Crater Lake Tightcoil (*pristiloma arcticum*) suitable habitat. All ground disturbing activities would be limited to the existing road prism which is not considered suitable mollusk habitat. No impacts to mollusk species are anticipated.

Great Grey Owl (*Strix nebulosa*): The proposed project area is within unsurveyed suitable great grey owl habitat, but no habitat modification or tree removal would occur. To avoid disturbance, use of heavy equipment would be prohibited from March 1 through July 15, both date inclusive. The project would not affect great grey owls.

¹ USDI-FWS. 2014. Endangered and threatened wildlife and plants; threatened species status for west coast distinct population segment of fisher. Federal Register Vol. 79, No. 194. Pp. 60419-60443.

Red Tree Vole (*Arborimus longicaudus*): The red tree vole depends upon the canopy of conifer stands for nesting, forage, moisture, cover and travel. The forest stand adjacent to the communication site was surveyed for red tree vole occupancy in 1999 and 2000. Two trees with potential nests were identified. In addition, resin ducts and conifer clippings characteristic of red tree vole foraging were located. Based on these findings, the stand is considered to be occupied. Proposed activities, including burying fiber optic cable, within the communication site would not affect red tree vole habitat as no trees would be removed.

B. Land Use Plan Conformance

This proposed action is subject to and in conformance with the *Roseburg District Record of Decision and Resource Management Plan* approved on June 1995. The ROD/RMP specifically states, “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 in this RMP.” (ROD/RMP, p. 69).

C. Compliance with NEPA

The proposed action has been identified as a categorical exclusion under Bureau of Land Management Categorical Exclusions 516 DM 11.9, (E) (17): Grants of short rights-of-way for utility service or terminal access roads to an individual residence, outbuilding, or water well.

This proposed action is categorically excluded from further analysis or documentation under the National Environmental Policy Act (NEPA) because there are no extraordinary circumstances potentially having effects that may significantly affect the environment as documented in the following table. The proposed action has been reviewed in the following table, and none of the extraordinary circumstances described in 516 DM 2 apply.

D. Categorical Exclusions - Extraordinary Circumstances Documentation

THE PROPOSED CATEGORICAL EXCLUSION ACTION WILL:	YES	NO
2.1 Have significant impacts on public health or safety.		X
Rationale: The right-of-way is located in a remote rural area, and the proposed action would not have an impact on public health or safety.		
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: Proposed activities would not have significant impacts on the aforementioned resources as they are not present on or proximate to the right-of-way or activity areas, or have been determined to be insignificant through consultation with the SHPO.		
2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].		X
Rationale: The issuance of this right-of-way grant would not have any demonstrable environmental effects. Other similar right-of-ways in this area have been in place for more than ten years and issuance of this new grant does not involve any unresolved conflicts over alternative resource uses and is not considered controversial. Based on interdisciplinary review, proposed activities, such as burying 300 feet of fiber optic cable within the road prism, would not have controversial environmental effects.		
2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
Rationale: The effects of issuing similar right-of-way grants in this area have not been demonstrated to have highly uncertain or potentially significant effects, or involve unique or unknown risks, and none are expected with this proposal. Based on interdisciplinary review, proposed activities such as burying 300 feet of fiber optic cable would not have uncertain or potentially significant environmental effects or involve 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: No precedence is being established by issuing a right-of-way grant or implementing proposed actions such as burying 300 feet of fiber optic cable. Issuing right-of-way grants is a customary and routine procedure, and as noted above, similar right-of-ways in this area have been in place in excess of ten years. All future requests would be independently reviewed and evaluated, and would be authorized under separate decisions that would consider the site-specific circumstances.		
2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
Rationale: The issuance of this right-of-way grant is not tied to any other federal actions, and as such, is not related to other actions with cumulatively significant environmental effects.		
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: No significant historic properties are documented in the project area based on pedestrian survey (CRS No. 028814) of the Canyon Mountain ridge and a formal determination of non-eligibility concerning a 1920s aircraft beacon structure located on Canyon Mountain. The remaining portions of the project area are exempt from normal survey requirements having low probability for cultural resources (steeply sloped and densely vegetated) and/or being the location of proposed non-ground disturbing activities. This project is unlikely to impact any undocumented cultural resources. The BLM has met its Section 106 responsibilities under Appendices A and E of the 1998 Oregon Protocol. If any objects of cultural value (e.g. historic or prehistoric ruins, graves, fossils, or artifacts) are found during the implementation of the proposed action, operations would be suspended until the site has been evaluated to determine the appropriate mitigation action.		

2.8 Have significant impacts on species listed, or proposed to be listed, as an Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.		X
<p>Rationale: Issuing a grant for the right-of-way and implementing proposed activities would not affect nesting, roosting, and foraging opportunities for northern spotted owls as no suitable habitat would be modified or removed. The proposed actions would occur July 16 through February 28, both dates inclusive, which is outside of the northern spotted owl nesting season so that potential disruption is avoided.</p> <p>The project location is entirely outside of Riparian Reserves or the stream environment. The proposed actions would have no effect on stream bank stability, streamside shading or stream temperature. There would be no degradation and erosion of stream banks so that there is no likelihood of sedimentation occurring. No effects to Oregon Coast coho salmon, critical habitat for coho salmon, or Essential Fish Habitat for coho and Oregon Coast Chinook salmon are expected because the project is entirely outside of Riparian Reserves and stream environments.</p> <p>The project would occur at a time of year when Kincaid's lupine is dormant and ground disturbance would be limited to an existing road prism (BLM Road 30-5-31.0). Proposed activities would have no effect on Kinkaid's lupine.</p>		
2.9 Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		X
<p>Rationale: The proposed action is in conformance with the direction given for the management of public lands in the Roseburg District ROD/RMP, which complies with all applicable laws, such as the Federal Land Policy Management Act, Endangered Species Act, Historic Preservation Act, Clean Water Act and others.</p>		
2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 2898).		X
<p>Rationale: Implementing proposed actions would not have a disproportionately high or adverse effect on low income or minority populations.</p>		
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
<p>Rationale: There are no identified sacred, ceremonial or religious Indian sites in the Resource Area.</p>		
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
<p>Rationale: The right-of-way grant would include a stipulation requiring the Holder to be responsible for weed control within the limits of the designated right-of-way area. Any equipment to be used in excavation would be steam-cleaned or power-washed prior to on-site operations to reduce or effectively eliminate the possibility of introducing materials that may be contaminated by weed seeds or propagules.</p>		

E. Signature:



 Steven D. Lydick
 Field Manager
 South River Field Office

11/17/14

 Date

F. Contact Person & Reviewers:

For additional information concerning this Categorical Review, contact:

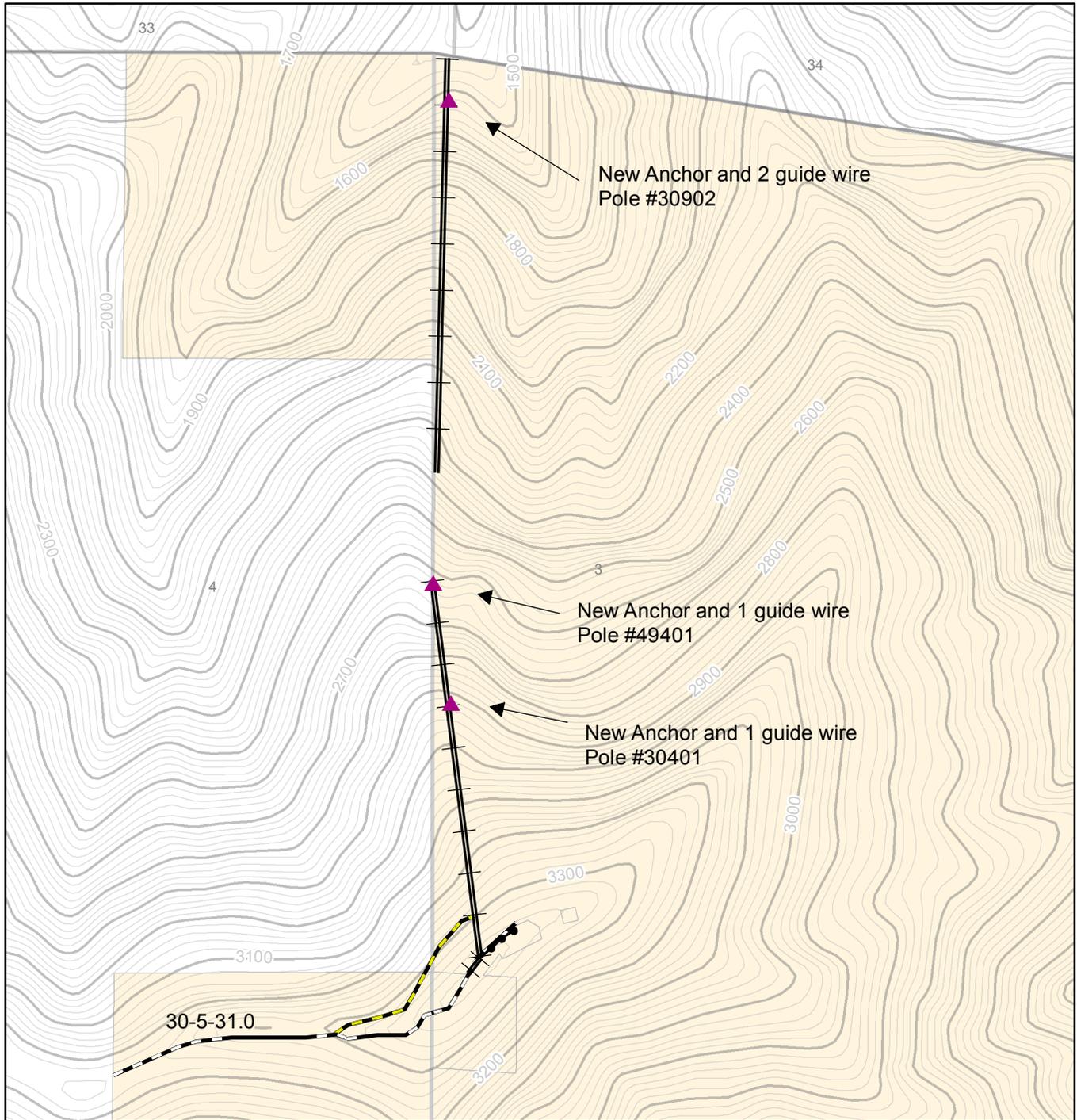
Anne Shirley, Realty Specialist (541) 464-3314
Roseburg District Office, Bureau of Land Management
777 NW Garden Valley Blvd.
Roseburg, OR 97470

Reviewers	Resource	Initials	Date
Summer Cross	Wildlife Biologist	SC	11/17/14
Aaron Roe	Botanist	AR	11/17/14
Molly Casperson	Archaeologist	MC	11/14/14
Steve Clark	Fisheries Biologist	SC	11/14/14
Anne Shirley	Realty Specialist	AS	11/14/14
Michelle Roberts	Planner	MR	11/14/14

DFN Fiber Optic Line - Canyon Mountain

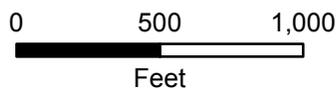
Canyonville - Canyon Mountain Communication Site Route

W.M., T. 31 S., R. 5 W., sec. 3, lots 4-6, 8, and 9. Map 1



Legend

- BLM Lands
- Fiber Optic Cable - Aerial
- Fiber Optic Cable - Buried
- Access Road
- Temporary Access Road
- Proposed new anchor and guide wire



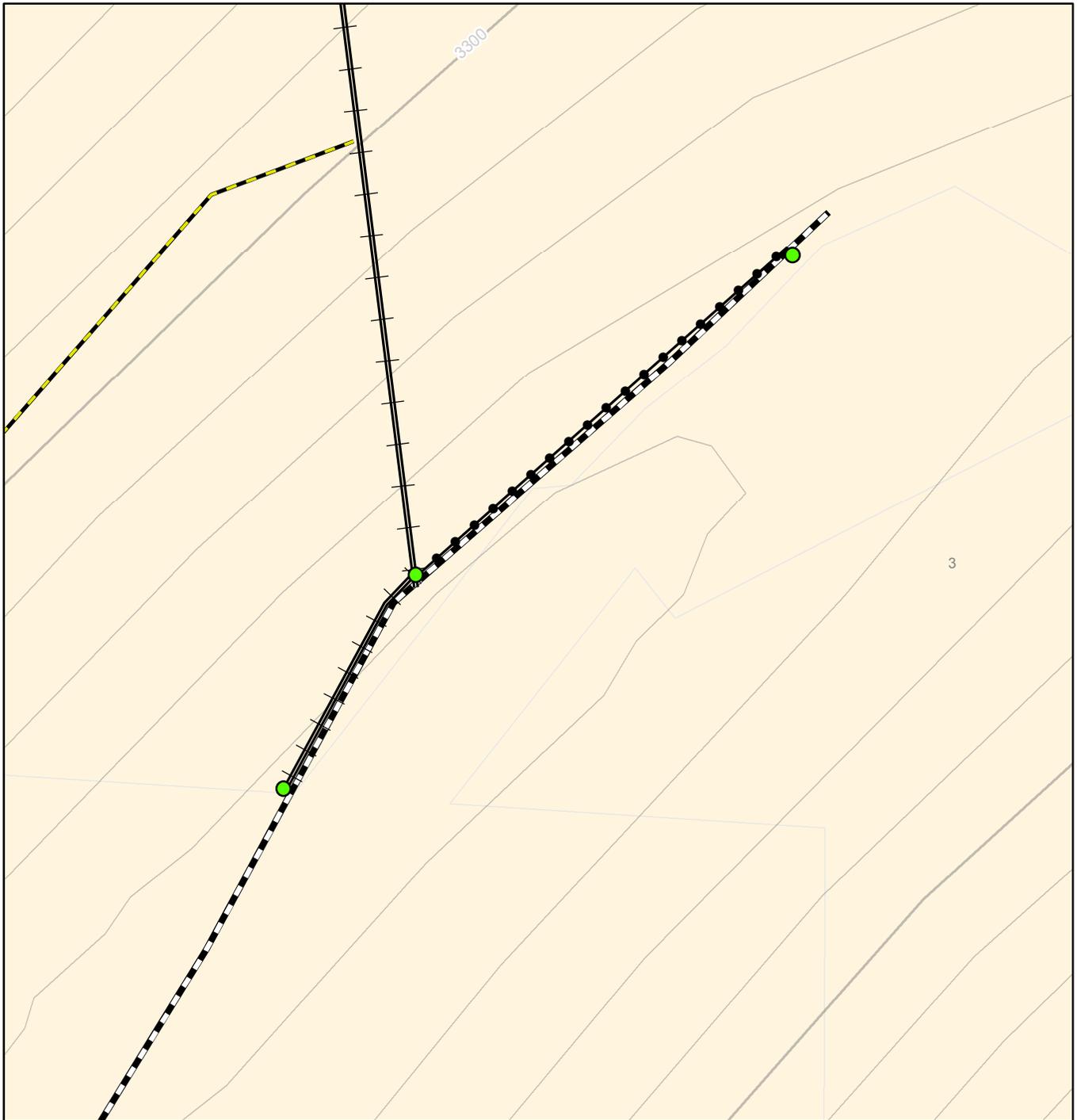
Date: 11/7/2014
 Roseburg District
 Bureau of Land Management
 777 NW Garden Valley Blvd.
 Roseburg, Oregon 97471

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources and may be updated without notification.

DFN Fiber Optic Line - Canyon Mountain

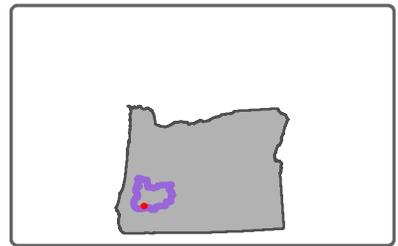
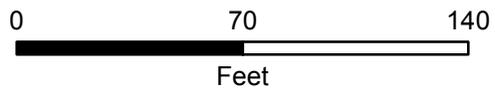
Canyonville - Canyon Mountain Communication Site Route

W.M., T. 31 S., R. 5 W., sec. 3, lots 4-6, 8, and 9. Map 2



Legend

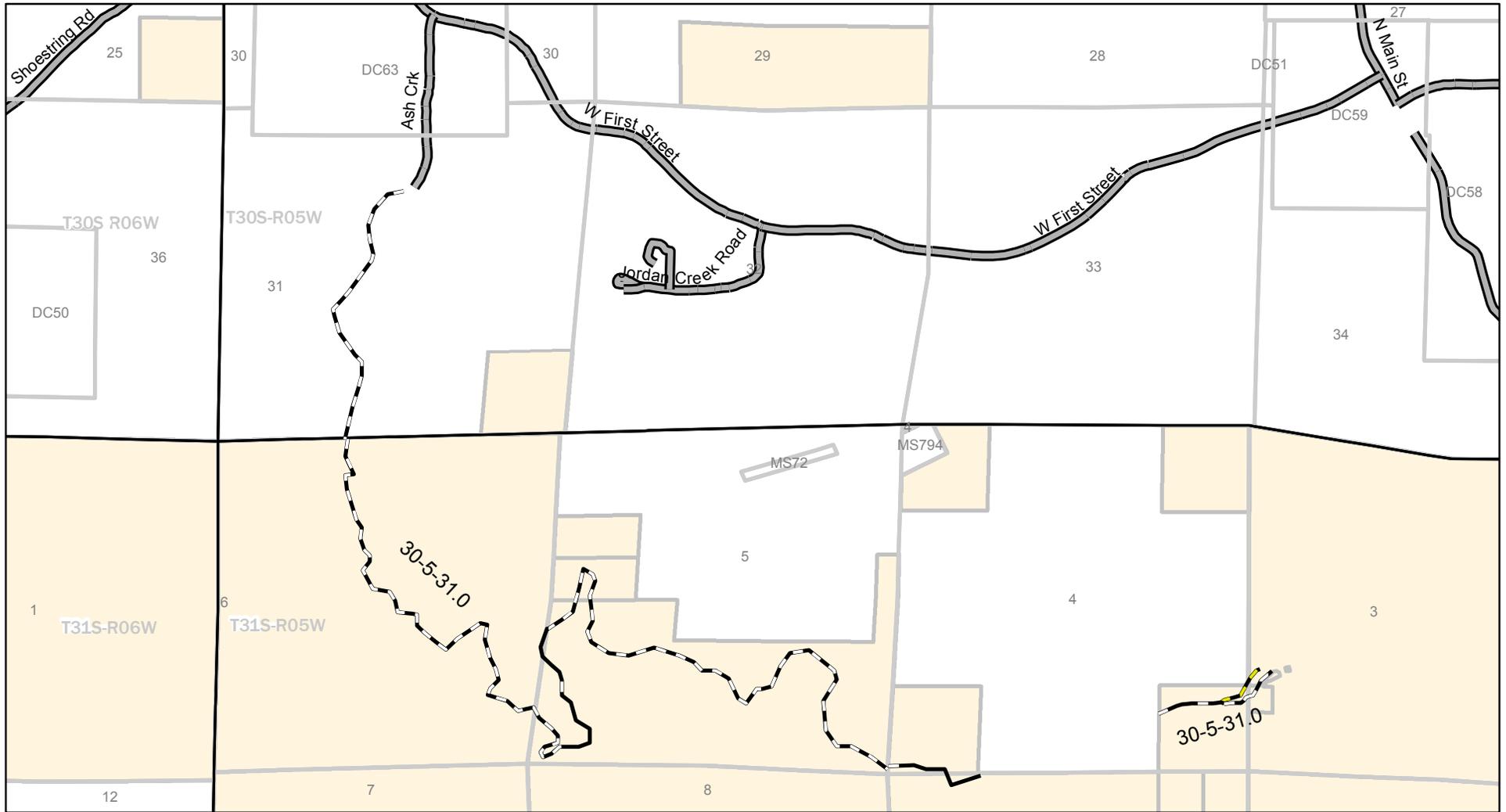
-  BLM Lands
-  Fiber Optic Cable - Aerial
-  Fiber Optic Cable - Buried
-  Communication Site Access Road 30-5-31.0
-  Temporary Access Road
-  Vault Box



Date: 11/10/2014
 Roseburg District
 Bureau of Land Management
 777 NW Garden Valley Blvd.
 Roseburg, Oregon 97471

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources and may be updated without notification.

DFN Fiber Optic Line - Canyon Mtn. Access Roads
 OR 68227 Map 3
 WM., T. 30 S., R. 5 W. and T. 31 S., R. 5 W.



Legend

-  BLM Land
-  Access Road 30-5-31.0
-  Temporary Access Road
-  County Road



Date: 11/7/2014
 Roseburg District
 Bureau of Land Management
 777 NW Garden Valley Blvd.
 Roseburg, Oregon 97471

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources and may be updated without notification.

