

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

DFN FIBER OPTIC – SOUTH CANYON DECISION RECORD

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

CX#: DOI-BLM-OR-R050-2015-0005-CX

Location of Proposed Action: SW¹/₄ SW¹/₄, section 35, T. 30 S., R. 5 W and SW¹/₄ SW¹/₄, section 1, T. 31 S., R. 5 W., Willamette Meridian

Decision: Based upon the attached Categorical Exclusion (DOI-BLM-OR-R050-2015-0005-CX), I have determined that the proposed action to issue a rights-of-way grant and authorize installation, use, and maintenance 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 rights-of-way grant (OR 68228) for a period of 30 years, and authorize the installation, use and maintenance of a fiber optic cable at the location described above and access to the site via an unnamed spur road. The action is consistent with land use plans and regulatory objectives for rights-of-way found in 43 CFR 2800.

Right of Appeal: This is a realty decision to issue rights-of-way grant OR 68228 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 January 5, 2015 will be accepted. Faxed or emailed appeals will not be considered.



Steven Lydick
Field Manager
South River Field Office

11/24/14
Date

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

NEPA Categorical Exclusion

Project Title: South Canyon Fiber Optic Line (OR 68228)

NEPA Document: CX# DOI-BLM-OR-R050-2015-0005-CX

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

Location of Proposed Action: SW $\frac{1}{4}$ SW $\frac{1}{4}$, section 35, T. 30 S., R. 5 W., Willamette Meridian (W.M.) and SW $\frac{1}{4}$ SW $\frac{1}{4}$, section 1, T. 31 S., R. 5 W., W.M.

Description of Proposed Action: The BLM proposes to issue a right-of-way grant to Douglas Services, Inc. dba Douglas Fast Net to install and maintain approximately 1,641 feet of new fiber optic line (aerial and buried) to enhance telecommunication services to rural communities per the attached Plan of Development. The proposal includes attaching approximately 1,341 feet of fiber optic line onto existing Pacific Power and Light power poles (OR 1021). Access to a portion of the aerial line would be via an unnamed spur road on BLM land (see attached maps for locations). Another portion of the line would extend underground approximately 300 feet along the east side of the road prism of County Road 301. The term of the ROW grant would be for thirty years. Implementation would occur between July 16 and February 28, both dates inclusive.

Wildlife

Threatened and Endangered Species

Northern Spotted Owl (*Strix occidentalis caurina*):

Attaching fiber optic line (approximately 1,341 feet) onto existing poles would occur within the home range of two northern spotted owl pairs (MSNO #4367 and #0365). Operating heavy equipment to bury approximately 300 feet of fiber optic line along the existing road prism would occur within 65 yards of suitable northern spotted owl habitat. No northern spotted owl suitable or dispersal habitat would be removed or modified.

To avoid noise disruption or disturbance of northern spotted owls during the critical breeding season, use of heavy equipment within 35 yards of any unsurveyed suitable habitat or known site would be prohibited from March 1 through July 15, both dates inclusive. This seasonal restriction may be waived until March 1 of the following year if current calendar years surveys indicate: 1) spotted owls not detected, 2) spotted owls present, but not attempting to nest, or 3) spotted owls present, but nesting attempt has failed.

The project site is located within designated Klamath East northern spotted owl critical habitat. The project would not remove or modify critical northern spotted owl habitat, therefore critical habitat would not be affected.

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.

Survey and Manage

Mollusks: 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 not within suitable great grey habitat; no impacts to great grey owls are anticipated.

Red Tree Vole (*Arborimus longicaudus*): The proposed project would not remove or modify red tree vole habitat. No impacts to red tree voles are anticipated.

Bureau Sensitive Species

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

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.

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.

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: None of the aforementioned resources are present on or proximate to the right-of-way. Consequently, none of these resources would be affected.		
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 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 right-of-way, 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 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 within the road right-of-way, 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: The project is exempt from normal survey requirements because the actions are non-ground disturbing and/or located in areas with low probability for identifying cultural resources (densely vegetated, steep, highly disturbed road prism, highly modified landscape). 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.		

THE PROPOSED CATEGORICAL EXCLUSION ACTION WILL:	YES	NO
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 October through January which is outside of the nesting season for both species so that potential disruption is avoided.</p> <p>The proposed actions would have no effect on stream bank stability, streamside shading or stream temperature because they would be removed from stream environments. 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.</p> <p>The project would not occur in Kincaid's lupine habitat; therefore no affects to Kincaid's lupine are expected.</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

11/24/14

 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	RE For S. Cross.	11/21/14
Aaron Roe	Botanist	AR	11/21/14
Carley Smith	Archaeologist	CS	11/21/14
Steve Clark	Fisheries Biologist	SC	11/21/14
Anne Shirley	Realty Specialist	AS	11/21/14
Michelle Roberts	NEPA Planner	MR	11/21/14

Plan of Development – Construction Activities – South Canyon

1. What will be built?

Fiber Optic Line will be installed (aerial and buried).

2. Length and width of right-of-way.

The total ROW will be approximately 3,770 feet in length by 10 feet in width. The aerial portion on BLM lands portion is approximately 1,341 feet by 10 ft. The buried portion will be approximately 300 ft. by 10 ft.

3. Depth of buried cable.

The trench will be approximately 2 ft. wide by 3 ft. deep. Will meet all federal and state requirements.

4. Size and number of vaults.

No vaults proposed.

5. Construction/Maintenance access requirements during and after construction.

Access to poles is via spur road on BLM land. Identified on map.

6. Construction equipment requirements.

Excavator and rock hammer to chisel out trench.

7. Legal Description proposal location. Attach Survey plat or detailed map plat.

A detailed as-built plat will be submitted upon completion of the project.

8. Vegetation clearance requirements.

Minor trimming/pruning of vegetation to gain access to power poles or temporary road. No trees or vegetation will be removed.

9. Describe slash disposal, if needed.

Slash will be lopped and scattered.

10. Location of temporary Stockpile/Storage area, if needed.

None identified.

11. Soil replacement and stabilization, including site rehabilitation, re-vegetation needs.

Soil will be replaced into trench and compacted.

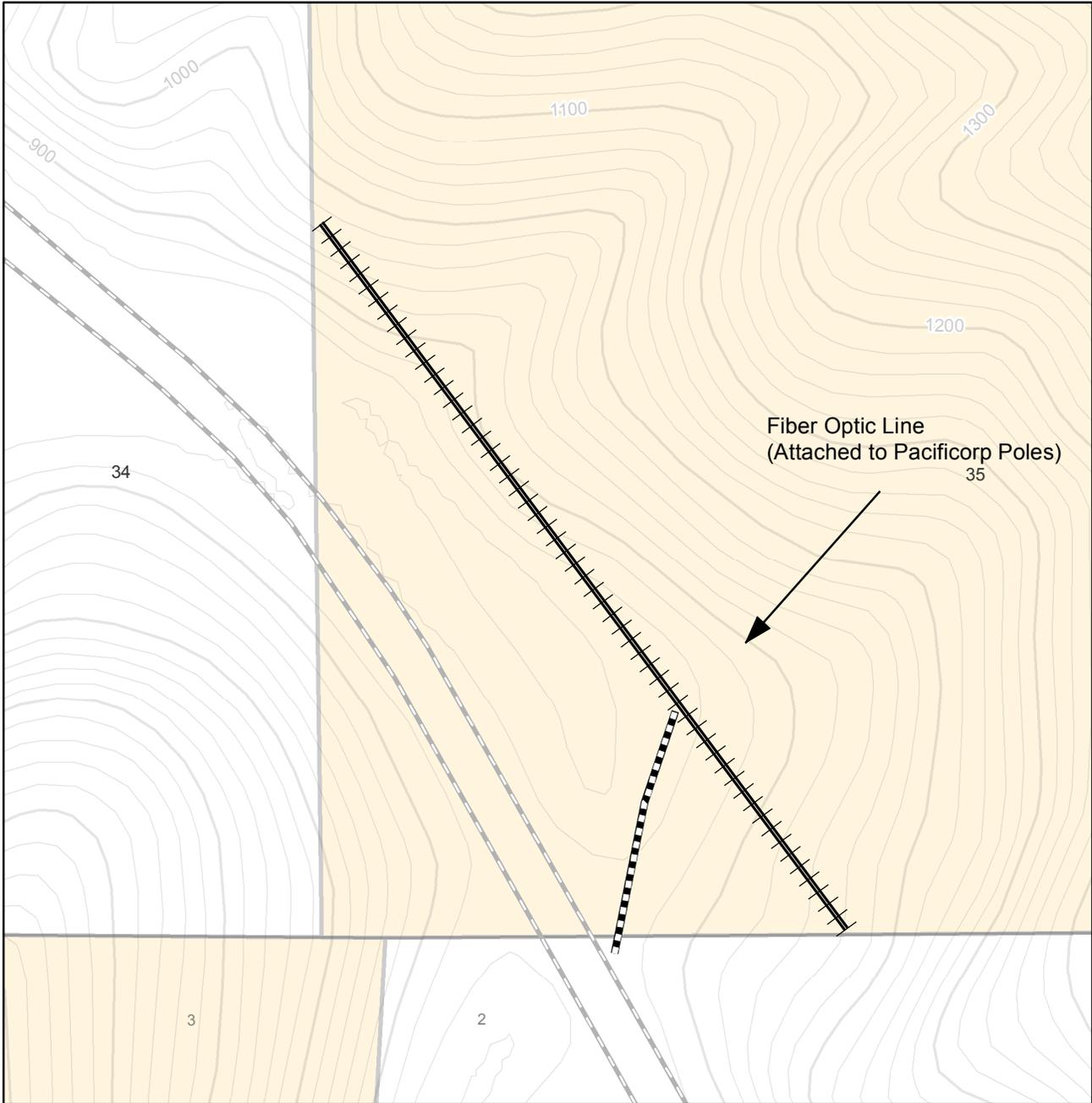
12. Noxious Weed plan

All vehicles and equipment (including augers, ATVs, excavators, etc) will be cleaned off prior to operating on BLM lands. Removal of all dirt, grease, and plan parts that may carry noxious weed seeds or vegetative parts is required and may be accomplished with a pressure hose.

DFN South Canyon Fiber Optic Line Project

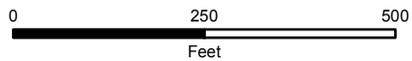
OR68228

WM., T. 30 S., R. 5 W., sec. 35. Map 1



Legend

- I-5
- BLM Lands
- Access Road Spur - Unnamed
- Fiber Optic Cable - Aerial

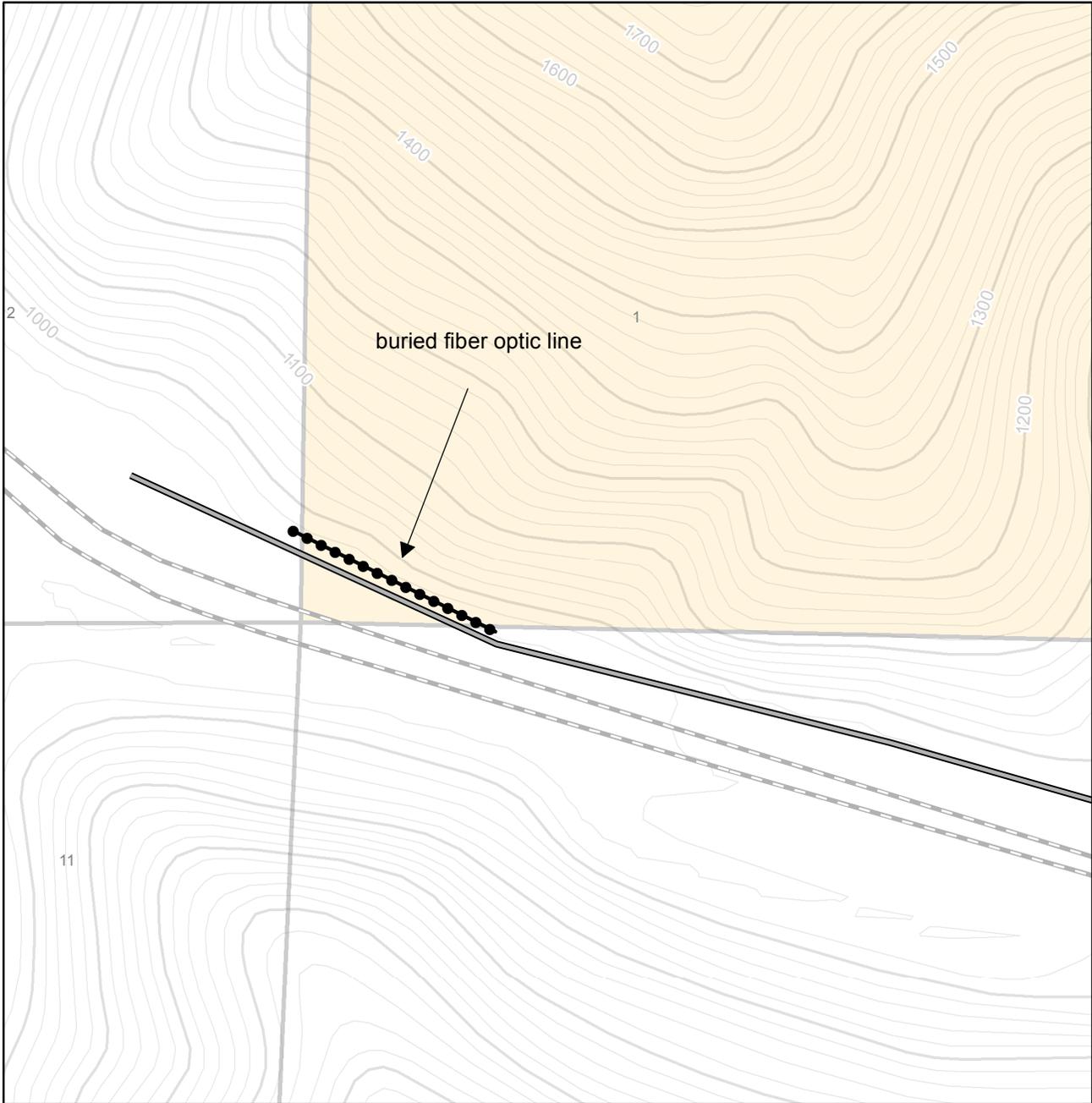


Date: 11/7/2014
 Roseburg District
 Bureau of Land Management
 777 NW Garden Valley Blvd.
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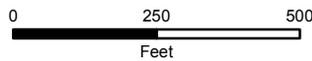


DFN South Canyon Fiber Optic Line Project
 OR68228 Map 2
 WM., T. 30 S., R. 5 W., sec. 1, SW1/4SW1/4SW1/4.



Legend

-  I-5
-  BLM Lands
-  County Road 301
-  Fiber Optic Cable - Buried

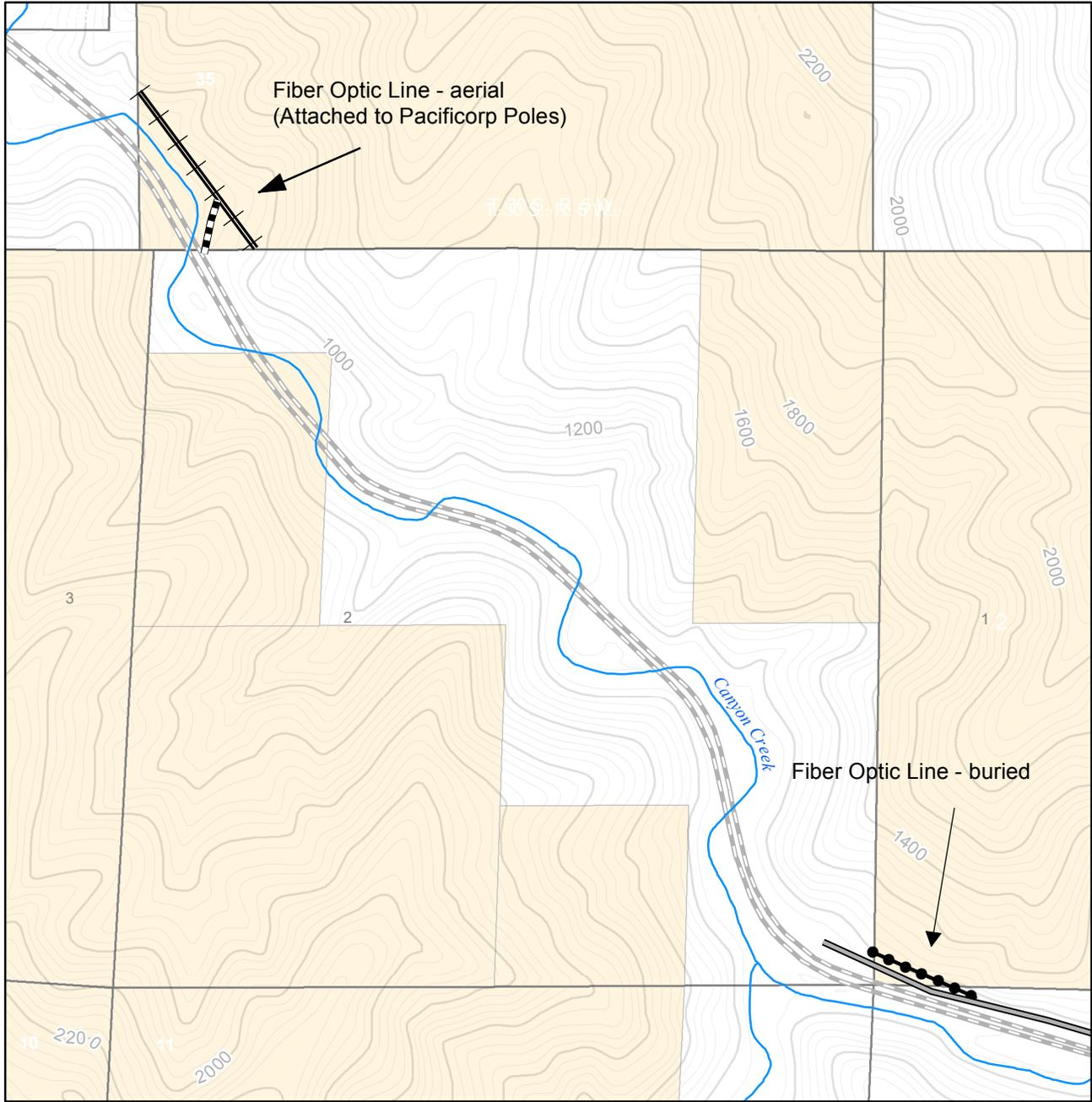


Date: 11/10/2014
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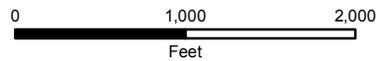


DFN South Canyon Fiber Optic Line Project
 OR68228 Map 3
 WM., T. 31 S., R. 5 W.



Legend

-  BLM Lands
-  I-5
-  County Road 301
-  Access Road Spur
-  Fiber Optic Cable - Aerial
-  Fiber Optic Cable - Buried



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