

## **RECORD OF PLAN CONFORMANCE AND CATEGORICAL EXCLUSION (CX) DETERMINATION**

**CX Log #:** DOI-BLM-OR-V050-2014-013-CX

**CE Exemption category:** 516 DM 11.9, E. 9: Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations.

**BLM Office:** Bureau of Land Management, 3285 11<sup>th</sup> Street, Baker City, Oregon 97814

**Phone #:** 541-523-1256

### **BACKGROUND:**

Project Name: Richland/Halfway Communication Site OR-56644

Applicant: Eagle Telephone System, Inc.

Location of Proposed Action:

Willamette Meridian

T. 8 S., R. 46 E.

secs. 32, SW¼NW¼.

**DESCRIPTION OF THE PROPOSED ACTION:** Eagle Telephone System, Inc. submitted an application (SF-299) requesting the renewal of their existing lease for their Richland/Halfway communication site. The lease would authorize a 48' X 48' fenced cellular communication facility and the existing 2,200' X 20' access road. Improvements within the communication facility include: 10' X 12' prefabricated equipment shelter, 8' X 8' generator shed, 500 gallon propane tank on concrete blocks and a 60' tall self-supporting steel lattice tower.

There is no new construction or other ground disturbance associated with this renewal.

The lease would expire on December 31, 2043.

### **PLAN CONFORMANCE**

All actions approved or authorized by the BLM must conform to the existing land use plan where one exists (43 CFR 1610.5-3, 516 DM 11.9). Although it is not a NEPA requirement, the BLM includes within all its NEPA documents a statement about the conformance of the proposed action and alternatives with the existing land use plan. The BLM's planning regulations state that the term "conformity" or "conformance" means that "... a resource management action shall be specifically provided for in the plan, or if not specifically mentioned, shall be clearly consistent with the terms, conditions, and decisions of the approved plan or amendment" (43 CFR 1601.0-5(b)).

The proposed action is in conformance with the program-specific direction for realty management of the Baker Resource Management Plan (RMP), cited on page 23 of the RMP. The right of way is not within a designated exclusion/avoidance area. Exclusion areas are: wilderness areas and wild river segments. Avoidance areas are Wilderness study area, ACECs, and scenic and recreation river segments.

### **DOCUMENTATION OF CATEGORICAL EXCLUSIONS: EXTRAORDINARY CIRCUMSTANCES**

This categorical exclusion is 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 circumstances described in 516 DM 2, Appendix 2, and listed below apply.

Yes	No	Extraordinary Circumstances	Specialist and/or FM Initials in each box	Date
	✓	1. Have significant impacts on public health or safety.	CJ	3/31/14
	✓	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.	CJ	3/31/14
	✓	3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].	CJ	3/31/14
	✓	4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	CJ	3/31/14
	✓	5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.	CJ	3/31/14
	✓	6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	nmj	3/22/14
	✓	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.	CJ	3/31/14
	✓	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.	nmj	3/24/14
	✓	9. Violate a Federal law, or a State, local, or Tribal law or requirement imposed for the protection of the environment.	CJ	3/31/14
	✓	10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).	CJ	3/31/14
	✓	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).	CJ	3/31/14
	X	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).	EM	3/13/14

**DOCUMENTATION OF RECOMMENDED MITIGATION**

For any item(s) above checked "Yes", proposed mitigating measures for those items are listed below. If the extraordinary circumstances cannot be mitigated, the criteria required for a CE are not met and BLM must prepare an EA or EIS.

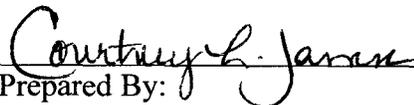
Item No.	Can Be Mitigated	Cannot Be Mitigated	Mitigation Measures	Reviewer	Date

**SUMMARY OF FINDINGS AND DETERMINATION**

The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with the Departmental Manual Categorical Exclusions list, sections of which are cited and quoted above. The proposed action has also been reviewed in relation to the above listed 12 Extraordinary Circumstances in accordance with the Departmental Manual, and none of these circumstances apply.

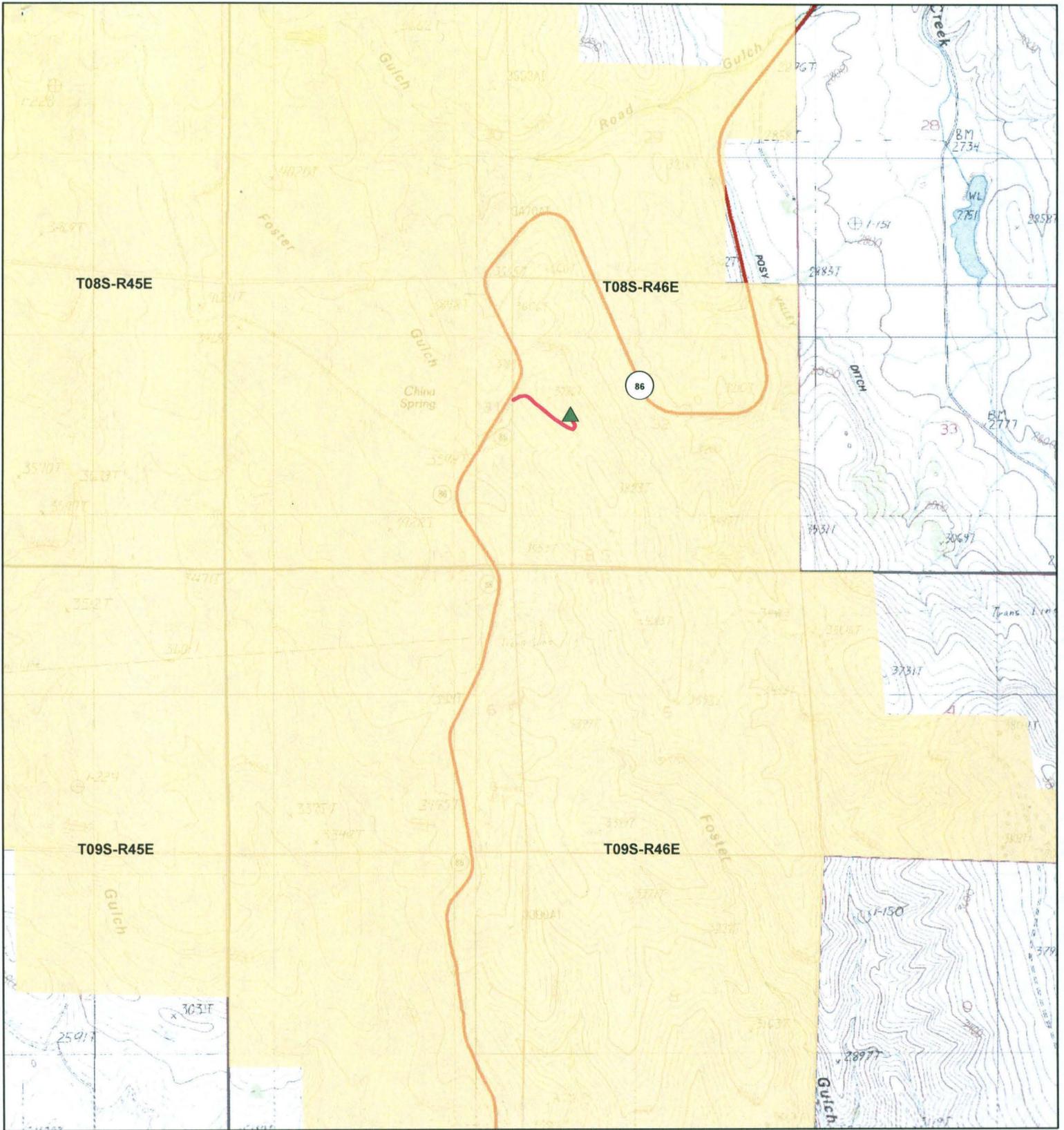
**Decision Record**

Based on the enclosed Categorical Exclusion Documentation, DOI-BLM-OR-V050-2014-013-CX, I have determined that the proposed action to renew the lease for the existing cellular communication site for Eagle Telephone System, Inc. (OR-56644) involves no significant impacts to the human environment and requires no further environmental analysis. It is my decision to authorize this action as proposed. For additional information concerning this project, contact Project Lead Courtney James, Vale District, Baker Resource Area, P.O. Box 947, Baker City, Oregon 97814. Phone (541) 523-1449.


Realty Specialist
3/13/14  
 Prepared By: \_\_\_\_\_ Title Date

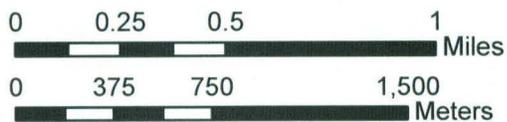
\_\_\_\_\_ Assistant Field Manager  
 Reviewed By: \_\_\_\_\_ Title Date


Field Manager
4/1/2014  
 Authorizing Official \_\_\_\_\_ Title Date



**OR-56644**  
**Eagle Telephone System, Inc.**  
**Exhibit B**

- Bureau of Land Management
- Private
- Access Road
- Communication Site



U.S. Department of Interior  
 Bureau of Land Management



Vale District  
 March 11, 2014

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data of individual or aggregate use with other data. Original data were compiled from various sources. This information may not meet National Map Accuracy Standards. This product was developed through digital means and may be updated without notification.

## Exhibit A

OR-56644

March 11, 2014

- a) Holder agrees to construct, operate, maintain, and terminate all facilities authorized under this lease according to the Motorola R-56 Standards (current edition as appropriate).
- b) The holder shall take measures necessary to eliminate interference to other site users caused by holder's sublessee(s). If the holder does not eliminate such interference within 10 days of receipt of notice from the authorized officer, the operations of the sublessee causing the interference, as determined by the authorized officer, shall be terminated by the holder.
- c) No reconstruction or maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of 3 inches deep, the soil shall be deemed too wet to adequately support construction equipment.
- d) Any cultural and/or paleontological resource (historic or prehistoric site or object, or fossil) discovered by the holder, or any persons working on his behalf on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and mitigation, and any decision as to proper avoidance, protection or mitigation measures will be made by the authorized officer after consulting with the holder and others under Section 106 of the National Historic Preservation Act.
- e) Pursuant to 43 CFR 10.4(g), the holder of this authorization must immediately notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4 (c) and (d), the holder must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer. The BLM Authorized Officer will determine avoidance, protection or mitigation measures in consultation with the Holder, Oregon SHPO, and affected Tribes. Costs associated with the discovery, evaluation, protection or mitigation of the discovery shall be the responsibility of the holder.
- f) The holder shall conduct all activities associated with the construction, operations, and termination of the lease within the authorized limits of the lease.
- g) Site shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.

- h) The holder shall take appropriate measures for prevention and suppression of fire on the grant area and adjacent public lands or public lands used or traversed by the holder in connection with operations as are required by applicable laws and regulations.
- i) The holder shall protect all survey monuments found within the right-of-way. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the holder shall immediately report the incident, in writing, to the authorized officer and the respective installing authority if known. Where General Land Office or Bureau of Land Management right-of-way monuments or references are obliterated during operations, the holder shall secure the services of a registered land surveyor or a Bureau cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions of the Survey of the Public Lands of the United States, latest edition. The holder shall record such survey in the appropriate county and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the holder shall be responsible for the survey cost.
- j) The holder shall be responsible for weed control on disturbed areas within the limits of the right-of-way. The holder is responsible for consultation and coordination with the BLM Weed Coordinator for acceptable weed control methods prior to implementing weed treatments. Use of all herbicides shall comply with applicable Federal and State laws and the Label.
- k) Vehicular traffic to and from the leased area shall be strictly limited to existing roads and trails. New access roads or cross-country vehicle travel are prohibited. No blading or access road construction is permitted.