

**RECORD OF PLAN CONFORMANCE AND
CATEGORICAL EXCLUSION (CX) DOCUMENTATION for
CATEGORICAL EXCLUSIONS NOT ESTABLISHED BY STATUTE
Bureau of Land Management (BLM)**

BLM Office: Lakeview District, Klamath Falls Resource Area

Lease or Serial #: _OROR 40121_____

Proposed Action Title/Type: **Southern Oregon Public Television (SOPTV) ROW Renewal**

NEPA Log #: DOI-BLM-ORWA-L040-2016-0017-CX

Project Location: Stukel Mountain Road

A. Background

Description of Proposed Action:

Southern Oregon Public Television (SOPTV) is requesting a 30-year renewal of their road right of way (ROW) located on Stukel Mountain. The existing ROW provides legal access across public lands to a communications site located on private lands. The ROW is 6.3 miles long, 30 feet wide, and encompasses approximately 23 acres. No additional rights or changes to the ROW prism are requested or will be issued.

Purpose and Need for the Project:

The purpose of the proposed action is for the BLM to grant renewal of an access road ROW across public lands to a communications site located on private lands.

B. Land Use Plan Conformance

Land Use Plan Name: Klamath Falls Resource Area Resource Management Plan

Date Approved/Amended: June 1995

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s): (Refer to page 66) “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 Resource Management Plan.”

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, Appendix 4,

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.

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 extraordinary circumstances described in 516 DM 2, Appendix 2 apply. The following documentation describes whether or not the extraordinary circumstances apply to the project:

CX Extraordinary Circumstances Documentation		
Will the proposed categorical exclusion action:	YES	NO
2.1 Have significant impacts on public health or safety.		X
Rationale: Consulted with field/district office health and safety specialist and no significant impacts were identified.		
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		X

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.		
Rationale: The project area was reviewed by resource specialists and they concluded that no unique features are present.		
2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].		X
Rationale: No highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources were identified by resource specialist during project analysis.		
2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
Rationale: No highly uncertain and potentially significant environmental effects or unknown environmental risks were identified by resource specialist during project analysis.		
2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
Rationale: This is a minor and routine action that will not establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		
2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
Rationale: No direct relationships to other actions with individually insignificant but cumulatively significant environmental effects were identified by resource specialists during project analysis.		
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: This is an existing right-of-way which has been previously disturbed. This proposal constitutes an undertaking under Section 106 of the National Historic Preservation Act (NHPA). The Area of Potential Effects (APE) for this undertaking would be limited to the area of the proposed ROW, including the access road. A record search was conducted, portions of the APE were found to have been inventoried and no resources were found. Portions not inventoried are all heavily disturbed. This undertaking is exempted from further consultation with the State Historic Preservation Officer under the terms of the Oregon Protocol Appendix E Realty Exemption 3 regarding issuance of rights-of-way with no new surface disturbance. This protocol was developed through a national programmatic agreement for NHPA compliance procedures on BLM land under 36 CFR 800.14. Since no historic properties would be affected on KFRA BLM lands and since the undertaking qualifies for exemption, this proposal would not have significant impacts to cultural 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: Resource specialists have reviewed the renewal to the existing ROW and found there are no proposed species, listed species or designated critical habitat under the Endangered Species Act (as amended 1973) that occur within the ROW or that will be affected from the renewal of the existing ROW. Therefore they have determined that there would be no significant impacts on proposed species, listed species or designated critical 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: This is a routine BLM action that does not violate a 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: Review of the project area locations shows no 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: Cultural resource specialists have determined that the project does 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: Refer to Exhibit A (attached) ROW project design features (PDFs).		

The proposed action would not meet any of the above extraordinary circumstances, or fail to comply with Executive Order 13212 (Actions to Expedite Energy-Related Projects) – to avoid direct or indirect adverse impact on energy development, production, supply, and/or distribution, or impact RMP exclusion and avoidance areas.

Surveys and Consultation

Surveys and/or consultation are not needed for special status plants and animals, for cultural resources, and other resources as necessary (appropriate fields are Initialed and Dated by responsible resource specialist):

Surveys	Are Completed	Will Be Completed	Are Not Needed
SS* Animals			SGH 02/26/2016
SS* Plants			KJ 3/16/2016
Cultural Resources			LN 3/3/2016
Lands/ROWs			5/18/2015 DB
Cadastral			5/18/2015 DB
Consultation	Is Completed	Will Be Completed	
SS* Animal Consultation			SGH 02/26/2016
Botanical Consultation			KJ 3/16/2016
Cultural Consultation			LN 3/3/2016
*(SS = Special Status)			

Contact Person

For additional information concerning this CX review, contact: Debora Boudreau, Klamath Falls Resource Area, 2795 Anderson Avenue, Building 25, Klamath Falls, Oregon 97603-7891 or telephone: 541-883-6916

Determination for SOPTV ROAD ROW Renewal OROR 40121 DOI-BLM-ORWA-L040-2016-0017-CX

I have determined that it is appropriate to proceed with the Proposed Action as described and shown on the attached map(s) in the SOPTV ROW renewal categorical exclusion.

Rationale

The proposed action has been reviewed by the Klamath Falls Resource Area staff and appropriate Project Design Features, as specified, will be incorporated into the proposal. The proposed action would not create adverse environmental effects, meet any of the above extraordinary circumstances, or fail to comply with Executive Order 13212 (Actions to Expedite Energy-Related Projects) – to avoid direct or indirect adverse impact on energy development, production, supply, and/or distribution.

Based on the attached NEPA (National Environmental Policy Act) Categorical Exclusion Review, I have determined the proposed action involves no significant impact to the human environment and no further environmental analysis is required.

Authorizing Official: /s/ Donald J. Holmstrom Date: 5/20/2016
(Signature)

Name: Donald J. Holmstrom
Title: Field Manager, Klamath Falls Resource Area

EXHIBIT A

STIPULATIONS/Project Design Features (PDFs)

By accepting a grant, you agree to comply with and be bound by the following terms and conditions. During construction, operation, maintenance, and termination of the project you must:

1. Comply with all existing and subsequently enacted, issued, or amended Federal laws and regulations and state laws and regulations applicable to the authorized use.
2. Rebuild and repair roads, fences, and established trails destroyed or damaged by the by ROW holder.

Road Maintenance

- Build and maintain suitable crossings for existing roads and significant trails that intersect the project.
 - With the prior written approval of the Authorized Officer, the Purchaser may arrange for cooperative maintenance with other users on roads included; provided, that such cooperative arrangement shall not relieve the Purchaser of his liability for the maintenance and repair of such roads resulting from wear or damage, in accordance with this contract.
 - The Purchaser shall furnish the Authorized Officer a copy of any cooperative maintenance agreements entered into with other users on these roads.
 - Holder will notify the Authorized officer of any maintenance or repairs prior to taking any action on the rights-of-way.
 - During the closure period (winter and spring), user will only use the road when it is frozen or dry and will not use the road wet conditions. If the road is damaged by holder, holder will be required to pay for road maintenance and/or make adequate repairs to road surface and drainage features. This is necessary to keep roads in satisfactory condition, prevent excessive erosion, and to protect the road from winter and spring road use damage. Except in emergency situations, grantor may suspend the use of roads during periods when the forests are closed by lawful authority. Grantor may also suspend the use of such roads when, due to weather conditions, unrestricted use would cause excessive damage to the roads.
3. Not discriminate against any employee or applicant for employment during any phase of the project because of race, creed, color, sex, or national origin. You must also require subcontractors to not discriminate.
 4. Pay processing and monitoring fees and rent described in 43 CFR Sec. 2805.16 of this subpart and subpart 2806 of this part.
 5. If BLM requires, you must obtain, and/or certify that you have obtained, a surety bond or other acceptable security to cover any losses, damages, or injury to human health, the environment, and property in connection with your use and occupancy of the right-of-way, including terminating the grant, and to secure all obligations imposed by the grant and

applicable laws and regulations. If you plan to use hazardous materials in the operation of your grant, you must provide a bond that covers liability for damages or injuries resulting from releases or discharges of hazardous materials. BLM may require a bond, an increase or decrease in the value of an existing bond, or other acceptable security at any time during the term of the grant.

6. Assume full liability if third parties are injured or damages occur to property on or near the right-of-way (see 43 CFR Sec. 2807.12 of this part).
7. Comply with project-specific terms, conditions, and stipulations.
8. Restore, re-vegetate, and curtail erosion or conduct any other rehabilitation measure BLM determines necessary.
9. Ensure that activities in connection with the grant comply with air and water quality standards or related facility citing standards contained in applicable Federal or state law or regulations.
10. Control or prevent damage to Scenic, aesthetic, cultural, and environmental values, including fish and wildlife habitat; Public and private property; and Public health and safety;
11. Ensure that you construct, operate, maintain, and terminate the facilities on the lands in the right-of-way in a manner consistent with the grant.
12. When the state standards are more stringent than Federal standards, comply with state standards for public health and safety, environmental protection, and citing, constructing, operating, and maintaining any facilities and improvements on the right-of-way.
13. Grant BLM an equivalent authorization for an access road across your land if BLM determines the reciprocal authorization is needed in the public interest and the authorization BLM issues to you is also for road access.
14. Immediately notify all Federal, state, tribal and local agencies of any release or discharge of hazardous material reportable to such entity under applicable law. You must also notify BLM at the same time, and send BLM a copy of any written notification you prepared.
15. Not dispose of or store hazardous material on your right-of-way, except as provided by the terms, conditions, and stipulations of your grant.
16. Certify your compliance with all requirements of the Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C. 11001 et seq., when you receive, assign, renew, amend, or terminate your grant.
17. Control and remove any release or discharge of hazardous material on or near the right-of-way arising in connection with your use and occupancy of the right-of-way, whether or not the release or discharge is authorized under the grant. You must also remediate and restore lands and resources affected by the release or discharge to BLM's satisfaction and to the satisfaction of any other Federal, state, tribal, or local agency having jurisdiction over the land, resource, or hazardous material.
18. Comply with all liability and indemnification provisions and stipulations in the grant.

19. As BLM directs, provide diagrams or maps showing the location of any constructed facility.
20. Comply with all other stipulations that BLM may require.

21. Conditions of Approval to Protect Cultural Values

- If cultural resources are discovered or unearthed during operations, activity in the vicinity of the cultural resource will cease and a BLM representative will be notified immediately. Cultural resources consist of stone tools, arrowheads, ceramics, structures, tin cans, bottles, glass, bone, buried charcoal, and other prehistoric or historic materials. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures that are made by the authorized officer (BLM).
- Pursuant to 43 C.F.R. 10.4 the holder of this authorization must 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, the project leader/operator/permittee/etc. 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 project leader/operator/permittee/etc. is responsible for informing all persons associated with this project that they will be subject to prosecution for knowingly disturbing Native American Indian shrines, historic and prehistoric archeological sites, or for collecting artifacts of any kind, including historic items and/or arrowheads from Federal lands pursuant to the 1906 American Antiquities Act (P.L. 59-209; 34 Stat. 225; 16 U.S.C. 432, 433), the Archaeological Resources Protection Act of 1979 (P.L. 96-95; 93 Stat. 721; 16 U.S.C. 470ee as amended), and/or other federal laws.

22. Wildlife

- For Bald Eagles and Golden Eagles use the Fish and Wildlife Service Bald Eagle Management guidelines. Seasonal Restriction period would occur from Jan 1- August 31. These guidelines can be found at the following web site;
<http://www.fws.gov/pacific/eagle/NationalBaldEagleManagementGuidelines.pdf>
- For all other raptors use the latest information of the critical nesting period for the raptor species and implement seasonal restrictions from human caused disturbance that may result in nest failure or abandonment.

23. The Lessee or Right-of-Way (ROW) Holder shall post the lease or ROW Serial Number on all structures authorized by the lease or grant where practical.

24. Botanical Resources

Refer to BLM Manual 6840 (Special Status Species Management) for policy and guidelines for the conservation of BLM special status species and their associated habitat within BLM-administered lands.

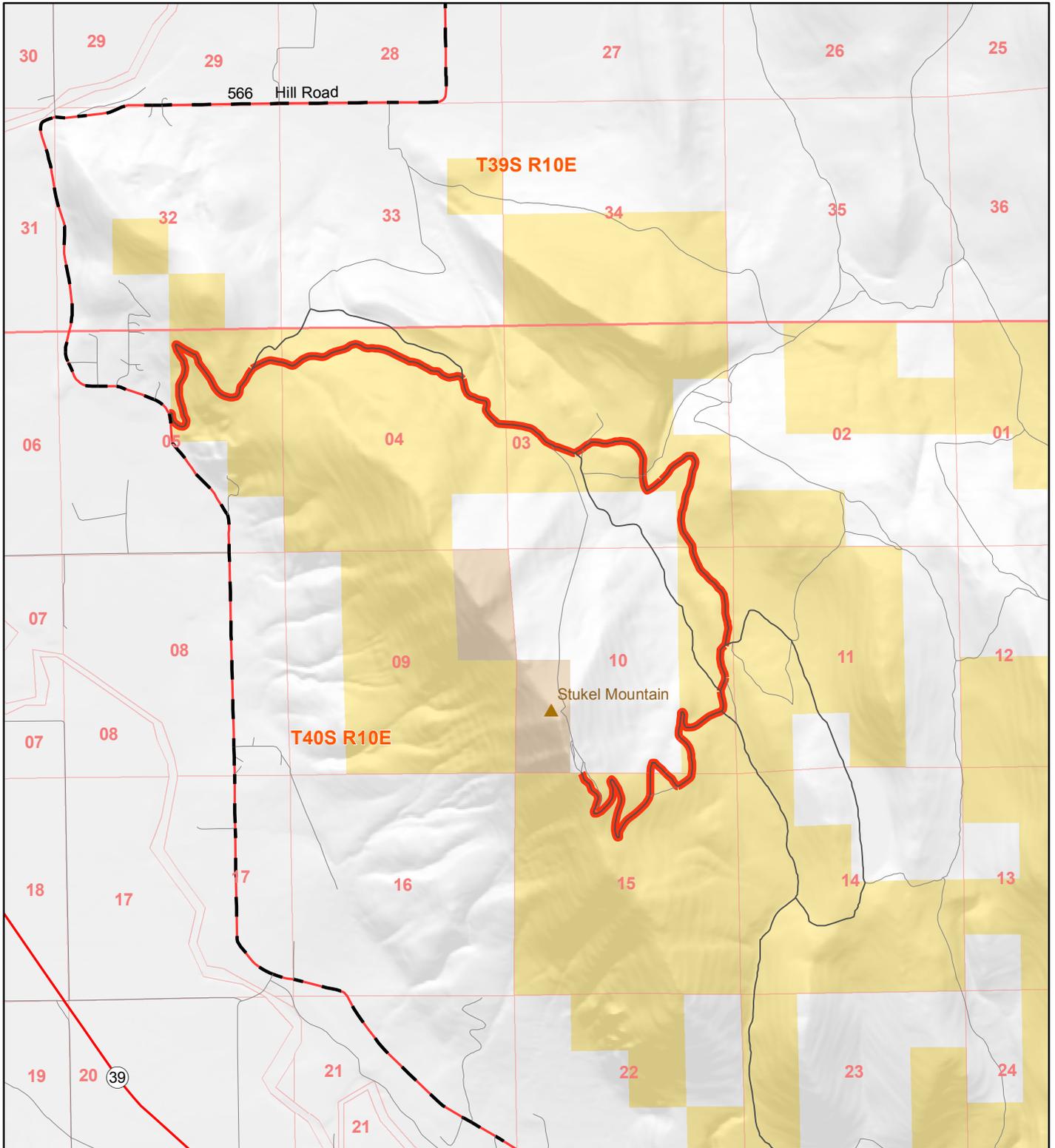
25. Weeds

- All equipment and vehicles operating off of main roads shall be cleaned off prior to entering public lands and before leaving the job site when the job site includes noxious weed populations. Removal of all dirt, grease, and plant propagules with potential to transport noxious weed seeds and/or vegetative parts is required and may be accomplished with a pressure hose.
 - Use native material where appropriate and feasible. Use certified weed-free or weed-seed-free hay or rice straw where certified materials are required and/or are reasonably available.
 - To discourage weed seed germination and establishment, retain native vegetation in and around project activity areas and keep soil disturbance to a minimum where feasible.
 - Locate and use weed-free project staging areas. Avoid or minimize all types of travel through weed-infested areas, or restrict travel to periods when the spread of seeds or propagules is least likely.
 - Prevent the introduction and spread of weeds associated with soil disturbance and movement of weed-contaminated sand, gravel, borrow, and fill material. Inspect aggregate material sources on site, and ensure that they are weed-free before use and transport. Treat weed-infested sources to eradicate weed seed and plant parts, and strip and stockpile contaminated material before any use of pit material. Survey the area where material from treated weed-infested sources is used for at least 3 years after project completion to ensure that any weeds transported to the site are promptly detected and controlled.
 - Determine prevention and maintenance needs, including the use of herbicides, at the onset of project planning. Before ground-disturbing activities begin, inventory weed infestations and prioritize areas for treatment in project operating areas and along access routes.
 - Remove sources of weed seed and propagules to prevent the spread of existing weeds and new weed infestations and pre-treat high-risk sites for weed establishment and spread before implementing projects where feasible. Any herbicides used must be approved by the authorized officer prior to use.
26. You are required to contact the Authorized Officer in the event of a name change or address change.
27. You are required to contact the Authorized Officer in writing 180 days prior to the expiration of this grant for renewal or relinquishment procedures.

Fire

28. Do everything reasonable to prevent and suppress wildfires on or in the immediate vicinity of the right-of-way area. Abide by current fire restrictions.
29. Oregon RS 4767.625 requires that every person conducting an operation inside or within one-eighth mile of forest protection district that uses fire in any form or power driven machinery (50 cubic inch displacement engine or larger) shall first obtain a Permit to Operate Power Driven Machinery from the Klamath Lake District Oregon Department of Forestry. Operators must also comply with current fire restrictions based on current industrial fire precaution levels identified by Oregon Department of Forestry.

OR 40121 Southern Oregon Public Television ROW



	Southern Oregon Public TV ROW
	Bureau of Land Management
	Other Federal
	Private/Unknown



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 Prepared By: istone
 Last Modified Date: 4/22/2016 1:39:18 PM