

2860  
OR 56656  
EA Number OR090-02-05

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
EUGENE DISTRICT OFFICE

DECISION RECORD AND FINDING OF NO SIGNIFICANT IMPACT

South Lane Television, Inc. Communication Use Lease OR 56656  
Environmental Assessment No. OR090-02-05

Background

The Bureau of Land Management prepared an Environmental Assessment (EA) which analyzed the effects of this proposed action and alternatives. The EA and a preliminary Finding of No Significant Impact (FONSI) were made available for public comment in February, 2002. One public comment was received from Lane County Land Management.

Finding of No Significant Impact

On the basis of the information contained in the attached environmental assessment and all other information available to me, it is my determination that: (1) the implementation of the proposed action or alternatives will not have significant environmental impacts beyond those already addressed in the "Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents within the Range of the Northern Spotted Owl," (NSO ROD, April 1994) and the "Eugene District Record of Decision and Resource Management Plan," (RMP, June 1995); (2) the proposed action and alternatives are in conformance with the Eugene District Record of Decision and Resource Management Plan; and (3) the proposed action and alternatives do not constitute a major federal action having a significant effect on the human environment. Therefore, an environmental impact statement or a supplement to the existing environmental impact statement is not necessary and will not be prepared.

Decision

It is my decision to approve the issuance of a communications use lease to South Lane Television, Inc. (SLTV), expiring on December 31, 2012, pursuant to the authority of Title V of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1761), as described in the attached EA. The lease will be subject to the terms and conditions of 43 CFR 2800 and those additional stipulations listed in the lease document and the attached Exhibits A, B, and C.

Coincident with the issuance of the communications use lease to SLTV, right-of-way grant OR 6431 will be terminated.

#### Rationale

The proposed action best meets the purpose of and need for action. Hawley Butte is designated as a communication site in the RMP, and currently, it is the site of three existing communications uses. The existing Hawley Butte site is a suitable location to provide television reception to rural residents in the Culp Creek area.

The environmental assessment identifies a need for surveys of the lease area for *Pristoloma aricum crateris*, a Survey and Manage Category B species of mollusk, prior to beginning any ground-disturbing activities authorized under the communications use lease. Surveys were completed May 6, 2002. No individuals of *Pristoloma* were found.

Existing site users (USFS-Umpqua National Forest, and the BLM-Eugene District) have been consulted and no significant potential for new interference resulting from the proposed facility has been identified.

#### Consultation and Coordination

A public notice advertising the availability of the EA and FONSI appeared in the Eugene Register-Guard on February 6, 2002. Additionally, the EA and FONSI were mailed to interested individuals and organizations. A 30-day public comment period closed on March 8, 2002. One comment was received as described above.

Consultation with the US Fish and Wildlife Service and the National Marine Fisheries Service is not required, pursuant to the Endangered Species Act, because the Proposed Action will have no effect on any listed species.

#### Administrative Review Opportunities

The decision to issue the communication use lease may be appealed to the Office of Hearings and Appeals, Office of the Secretary, U.S. Department of the Interior, in accordance with the regulations contained in 43 CFR Part 4. If an appeal is taken, the notice of appeal must be filed in this office within thirty (30) days of the first publication of the notice of this decision in the Eugene Register-Guard on June 5, 2002, for transmittal to the Board. A copy of the notice of appeal and any statement of reasons, written arguments, or briefs, must also be served upon the Regional Solicitor, Pacific Northwest Region, U.S. Department of the Interior, 500 NE Multnomah Street, Suite 607, Portland, Oregon 97323, within the same time frame. In taking an appeal, there must be strict compliance with the regulations. In accordance with 43 CFR 4.21, an appellant

has the right to petition the Office of Hearing and Appeals to stay the implementation of the decision; however, an appellant must show standing and present reasons for requesting a stay of the decision. The petition for stay must be filed together with a timely notice of appeal. 43 CFR 4.21(a)(2). However, this decision remains in effect pending appeal (43 CFR 2804.1(b)).

Approved by:     /s/ Steven Calish    

Date:     June 3, 2002    

Field Manager, South Valley Resource Area