

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

CATEGORICAL EXCLUSION ENVIRONMENTAL REVIEW AND APPROVAL

CX Number: DOI-BLM-OR-B050-2012-0044-CX

Date: July 16, 2012

File Code: 2800

Serial Number: OR-67501

Preparer: Tara McLain, Realty Specialist

Applicant: Harney Electric Cooperative,

Title of Proposed Action: Harney Electric Cooperative Jack Mountain Communication Site Power Line Right of Way

Description of Proposed Action: The proposed action is to amend an existing Right-of-Way (ROW) to Harney Electric Cooperative under the authority of Title V, Federal Land Policy and Management Act and the regulations at 43 CFR 2800 to bury an existing power line to a communication site near Jack Mountain. The existing grant, OR-14680, was granted under a pre-FLPMA authority and must be reissued as FLPMA ROW, OR-67501. The grant would provide Harney Electric Cooperative with the right to construct, operate, maintain, and terminate the powerline existing on 2.32 acres. The power line originates at an existing HEC service line on public land and traverses 4,118 feet on public land to a communication site, also on public land. The ROW width is 10' from centerline to allow for workspace on each side of the actual power line.

The ROW area is within the Three Rivers Resource Area. There are valid and existing rights encumbering the lands within the ROW area for telephone, road access, and communication facilities; however, they do not conflict with the powerline. There are no mining claims or rights of third parties or other title factors that would prohibit the grant of the ROW. It is located near Diamond, Oregon and within the East Warm Springs Allotment, #7001; there are no conflicts with this action and grazing management.

HEC would have a temporary work site approximately 25'x25' along the existing power line and maintenance road to facilitate the operations needed to bury the power line. A 4'x4'x2' above ground sector box would be placed at the beginning of the power line and approximately 4,118' of primary line would be buried underground at a depth of 3'. The disturbed ground from the plow work needed to bury the line would be approximately 6'-8' wide. The ground disturbance would be roughly .76 acres. The underground line would begin just off the road and continue to the base of the rim. At that point the line would be laid within a ridged pipe and run approximately 15' up the side of the rim and another approximate, 100' on top of the rim to the pole that currently exists on top of the rim. At which point the line would then be strung from the exiting pole, above ground, to the necessary communications facilities.

HEC anticipates beginning the project in the summer of 2013. Construction would take approximately 1 week from start to finish. Equipment used to underground the power line would include a track mounted caterpillar with a plow attachment, a rubber tire back hoe, 2- All Terrain Vehicles (ATV), 2- HEC utility trucks, 1 auger truck and 1 reel trailer. HEC will strip all the power line wire and material off of the existing 11 poles; however the poles would stay in place due to the existing Centurylink communication cable, case file OR-14725, that exists.

HEC would reseed all disturbed area in late fall according to Burns District BLM's requirements for the area. In addition HEC will inspect seeded areas in late spring following reseeding to determine if additional reseeding is necessary or if weed treatments need to occur.

The existing location of the line is described on the attached map, Exhibit A. The line is a single phase 14.4 kV capacity and would be built according to Rural Utility Services (a Federal agency) specifications. Access for construction and maintenance of the line would be along the existing line and the existing corridor.

All construction equipment will be cleaned and free of weeds and dirt prior to entering the project area.

Legal Description (attach Location Map): W.M., T. 30 S., R. 31 E., section 32, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
section 33, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$.

Conformance with Land Use Plan (LUP) (name): The Three Rivers Resource Management Plan and Record of Decision, dated September 1992, states that we will meet public needs for land use authorizations such as rights-of-way, leases and permits. Therefore the Proposed Action is in conformance with the Three Rivers RMP on page RMP-2-182.

BLM Categorical Exclusion Reference (516 DM, Chapter 11.9): E.13-Amendments to existing rights-of-way, such as upgrading of existing facilities which entail no additional disturbances outside of right-of-way boundary.

DOI Categorical Exclusion Reference (516 DM 2, Appendix 1): N/A

Screening for Exceptions: The following extraordinary circumstances (516 DM 2, Appendix 2) may apply to individual actions within the categorical exceptions. The indicated specialist recommends the proposed action does *not*:

CATEGORICAL EXCLUSION EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION

2.1 Have significant impacts on public health or safety.

Specialist (Print Name and Title): John Petty, Safety Officer

Signature and Date: *John Petty* 8/5/12

Rationale: No significant impacts 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); flood plains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.

Migratory Birds

Specialist (Print Name and Title): Jason Brewer, Wildlife Biologist

Signature and Date: *Jason Brewer* 8/27/12

Rationale: Implementation of the project would cause temporary disturbance to migratory birds that may be in the vicinity of the powerline, until construction activity ceases (approximately one week). Moving the powerline underground would reduce the perching opportunities for migratory birds, especially raptors and ravens that use them as hunting perches. This reduction of perching structures is not measureable relative to the number of other perches (rim rocks, large boulders, and other power lines in the immediate area), and would not affect populations of migratory birds in the area.

Historic and Cultural Resources

Specialist (Print Name and Title): Scott Thomas, District Archaeologist

Signature and Date: *Scott Thomas* 8/27/12

Rationale: No historic or cultural resources would be affected by the proposed project.

Areas of Critical Environmental Concern/Research Natural Areas

Specialist (Print Name and Title): Caryn Meinicke, Natural Resource Specialist, Botany

Signature and Date: *Caryn Meinicke* 8.27.12

Rationale: There are no ACEC/RNAs within the proposed project area.

Water Resources/Flood Plains

Specialist (Print Name and Title): Lisa Grant/Lindsay Davies, Fish Biologist

Signature and Date: *Lisa Grant* 8-31-12

Rationale: The proposed construction does not cross any flood plains or water resources.

Soils, Biological Soil Crust, Prime Farmlands

Specialist (Print Name and Title): Caryn Meinicke, Natural Resource Specialist, Botany

Signature and Date: *Caryn Meinicke* 8.27.12

Rationale: Soils in the proposed project area have a high potential for runoff in the project area due to the Miller Homestead Fire. By performing any ground disturbing work after the first growing season, the risk of soil loss will be greatly diminished due to the reestablishment of vegetation within the burn perimeter following seeding in 2012. All ground disturbing work will be reseeded with a BLM approved seed mix to prevent further soil loss. Because of the Miller Homestead Fire, biological soil crusts have been heavily damaged and/or completely lost resulting in impacts to soil crusts which are not measurable within the proposed project area. There are no Prime Farmlands within the proposed project area.

Recreation/ Visual Resources

Specialist (Print Name and Title): John Bethea, Outdoor Recreation Planner

Signature and Date: *John P. Bethea* 8-27-12

Rationale: The proposed action (ROW) is located in Visual Resource Management Class II. Management objectives for this class require retention of the landscape character. All but the last approximately 115' of power line will be buried underground and reseeded so within a year shouldn't be visible from Hwy 205. The 115' of ridged pipe which will lie on top of the ground up and across the rim should blend in to the rock and at that point there is the existing communication facility. The project is expected to last only a week and will have no impacts on recreation.

Wilderness/Wild and Scenic River Resources

Specialist (Print Name and Title): Eric Haakenson, Wilderness Specialist

Signature and Date: *Eric Haakenson* 9/4/12

Rationale: There is no wilderness, WSA, WSR or Lands with Wilderness Characteristics within the project area.

2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available

resources [NEPA Section 102(2) (E)].

Specialist (Print Name and Title): Rhonda Karges, Planning and Environmental Coordinator

Signature and Date:

Rhonda Karges

9/5/12

Rationale: There are no known highly controversial environmental effects or unresolved conflicts concerning alternative uses of available resources. No disturbance would occur outside the existing ROW.

2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

Specialist (Print Name and Title): Rhonda Karges, Planning and Environmental Coordinator

Signature and Date:

Rhonda Karges

9/5/12

Rationale: There are no known highly controversial environmental effects or unresolved conflicts concerning alternative uses of available resource. Disturbances will occur within an existing ROW and burying the line would reduce the perching opportunities and improve visual resources. Implementation will occur within an existing ROW.

2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

Specialist (Print Name and Title): Rhonda Karges, Planning and Environmental Coordinator

Signature and Date:

Rhonda Karges

9/5/12

Rationale: Implementation would not set a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects. As noted above a wildfire occurred within the same project area. Efforts are underway to analyze the effects of rehabilitating the area in an Environmental Assessment. No significant affects are anticipated and none were identified during scoping.

2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.

Specialist (Print Name and Title): Rhonda Karges, Planning and Environmental Coordinator

Signature and Date:

Rhonda Karges

9/5/12

Rationale: Implementation would not have any known direct relationship to other actions with individually insignificant but cumulative significant environmental effects. As noted above a wildfire occurred within the same project area. Efforts are underway to analyze the effects of rehabilitating the area in an Environmental Assessment. No significant affects are anticipated and none were identified through scoping.

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.

Specialist (Print Name and Title): Scott Thomas, District Archaeologist

Signature and Date:

Scott Thomas 8/27/12

Rationale: No National Register eligible or listed historic properties would be affected by the proposed project.

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.

Endangered or Threatened Species-Fauna

Specialist (Print Name and Title): Jason Brewer, Wildlife Biologist

Signature and Date:

Jason Brewer 8/27/12

Rationale: There are no federally threatened, endangered, or Designated Critical Habitat in or near the project area, and the proposed actions would be limited to a small area adjacent to the powerline, so any effects from this project would not extend much beyond the immediate area.

Endangered or Threatened Species-Aquatic

Specialist (Print Name and Title): Lisa Grant/Lindsay Davies, Fish Biologist

Signature and Date:

Lisa Grant 8-31-12

Rationale: No aquatic T&E species or Critical habitat is within or near the proposed actions.

Endangered or Threatened Species-Flora

Specialist (Print Name and Title): Caryn Meinicke, Natural Resource Specialist, Botany

Signature and Date:

Caryn Meinicke 8.27.12

Rationale: There are no documented T & E or Special Status plant species or designated critical habitat within the proposed project area.

2.9 Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.
Specialist (Print Name and Title): Rhonda Karges, Planning and Environmental Coordinator
Signature and Date: <u>Rhonda Karges</u> 9/5/12
Rationale: No known law or requirement imposed for the protection of the environment would be violated. Implementation consists of burying a line within an existing ROW. Long-term effects would reduce the perching opportunities and improve visual resources. As noted above a wildfire occurred within the same project area. Efforts are underway to analyze the effects of rehabilitating the area in an Environmental Assessment. No significant affects are anticipated and through scoping none were identified.
2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).
Specialist (Print Name and Title): Rhonda Karges, Planning and Environmental Coordinator
Signature and Date: <u>Rhonda Karges</u> 9/5/12
Rationale: Implementation would not have a disproportionately high or adverse effect on low income or minority populations as such populations do not exist within the project area.
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).
Specialist (Print Name and Title): Scott Thomas, District Archaeologist
Signature and Date: <u>Scott Thomas</u> 8/27/12
Rationale: Access to or integrity of Indian sacred sites would not be affected by the proposed project.
2.12 Contribute to the introduction, continued existence, or spread of noxious weeds or nonnative 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).
Specialist (Print Name and Title): Lesley Richman, District Weed Coordinator
Signature and Date: <u>Lesley Richman</u> 9/5/2012
Rationale: Noxious weeds are known to be present in or in close proximity to this area. Treatments are ongoing. The weeds are not present in sufficient quantity to be considered a significant impact at this time.

Additional review (As determined by the Authorized Officer): None

RMP conformance and CX review confirmation:

Specialist (Print Name and Title): Rhonda Karges, Planning and Environmental Coordinator
 Signature and Date: Rhonda Karges 9/5/12

Management Determination: Based upon review of this proposal, I have determined the Proposed Action is in conformance with the LUP, qualifies as a categorical exclusion and does not require further NEPA analysis.

Authorized Officer (Print Name and Title): Richard Roy, Three Rivers Resource Area Manager
 Signature and Date: Richard Roy 9/7/12

Note: A decision letter and Bureau of Land Management Right-of-Way Grant/Temporary Use Permit, Form 2800-14, are the decision documents that will be prepared to authorize the action covered by this Categorical Exclusion following Lands and Realty specific guidance.

2.9	Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.
Specialist (Print Name and Title): Rhonda Karges, Planning and Environmental Coordinator	
Signature and Date: <u>Rhonda Karges</u> 9/5/12	
Rationale: No known law or requirement imposed for the protection of the environment would be violated. Implementation consists of burying a line within an existing ROW. Long-term effects would reduce the perching opportunities and improve visual resources. As noted above a wildfire occurred within the same project area. Efforts are underway to analyze the effects of rehabilitating the area in an Environmental Assessment. No significant affects are anticipated and through scoping none were identified.	
2.10	Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).
Specialist (Print Name and Title): Rhonda Karges, Planning and Environmental Coordinator	
Signature and Date: <u>Rhonda Karges</u> 9/5/12	
Rationale: Implementation would not have a disproportionately high or adverse effect on low income or minority populations as such populations do not exist within the project area.	
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).
Specialist (Print Name and Title): Scott Thomas, District Archaeologist	
Signature and Date: <u>Scott Thomas</u> 8/27/12	
Rationale: Access to or integrity of Indian sacred sites would not be affected by the proposed project.	
2.12	Contribute to the introduction, continued existence, or spread of noxious weeds or nonnative 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).
Specialist (Print Name and Title): Lesley Richman, District Weed Coordinator	
Signature and Date: <u>Lesley Richman</u> 9/5/2012	
Rationale: Noxious weeds are known to be present in or in close proximity to this area. Treatments are ongoing. The weeds are not present in sufficient quantity to be considered a significant impact at this time.	

Additional review (As determined by the Authorized Officer): None

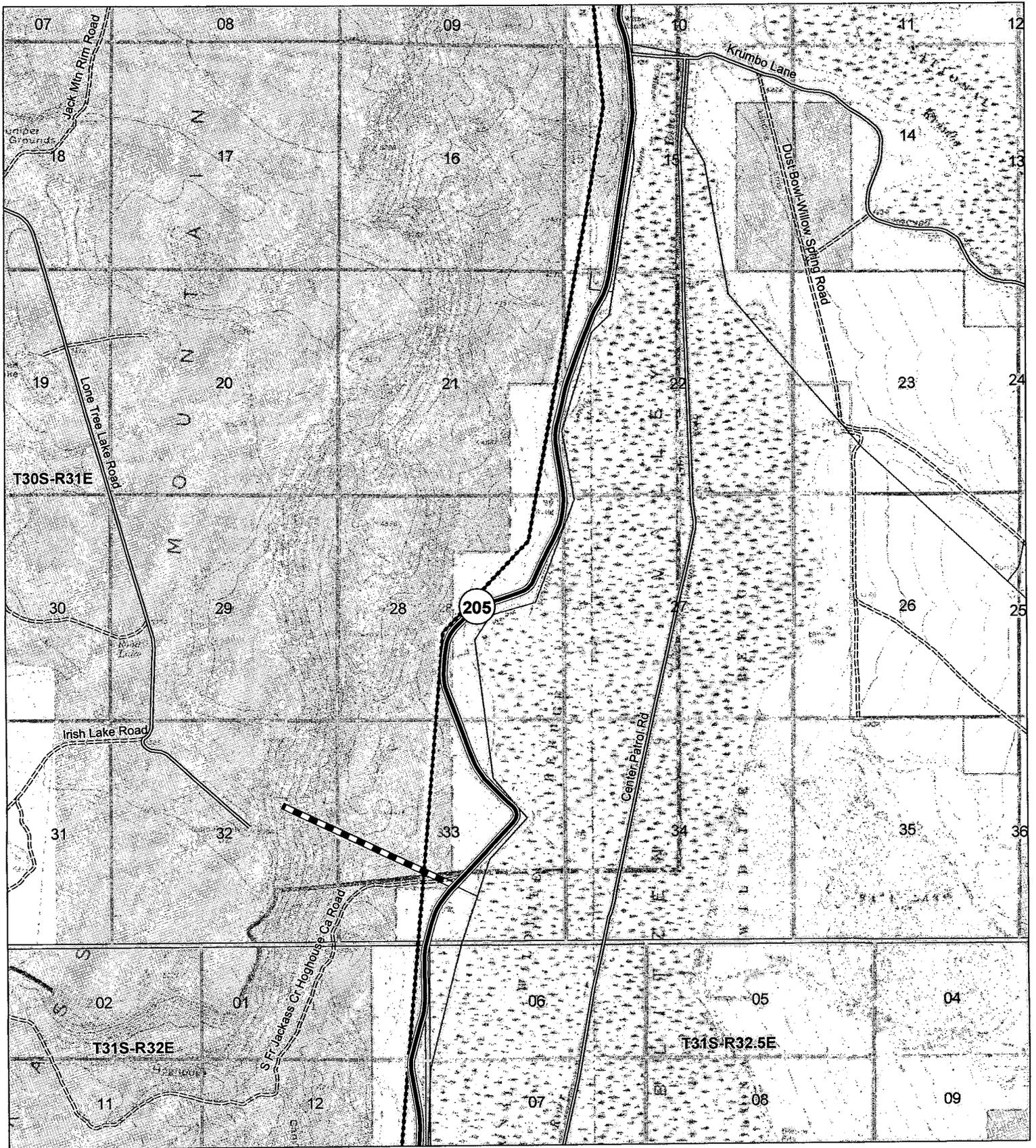
RMP conformance and CX review confirmation:

Specialist (Print Name and Title): Rhonda Karges, Planning and Environmental Coordinator
 Signature and Date: Rhonda Karges 9/5/12

Management Determination: Based upon review of this proposal, I have determined the Proposed Action is in conformance with the LUP, qualifies as a categorical exclusion and does not require further NEPA analysis.

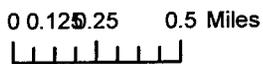
Authorized Officer (Print Name and Title): Richard Roy, Three Rivers Resource Area Manager
 Signature and Date: Richard Roy 9/7/12

Note: A decision letter and Bureau of Land Management Right-of-Way Grant/Temporary Use Permit, Form 2800-14, are the decision documents that will be prepared to authorize the action covered by this Categorical Exclusion following Lands and Realty specific guidance.



**Harney Electric Cooperative, Inc
Right-of-Way, OR-67501**

- OR-67501
- HEC, Inc Power Lines
- BLM
- U.S.F.W.S
- Private/Unknown
- Highways
- Paved Road
- Non-Paved Improved Road
- Natural/Unknown Road Surface



U.S. DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Burns District, Oregon



Note: 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 was 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.
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Ownership Boundaries are accurate within plus or minus 200 feet



BURNS BLM ROUTING		
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OPS.		
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AND.		
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PEC.		
PRO.		
OTHER	jm	9/27/12

2800 (ORB060)
OR-67501

SEP 28 2012

CERTIFIED MAIL – 7010 1870 0002 7993 7465
RETURN RECEIPT REQUESTED

DECISION

Randall T. Whitaker :
Harney Electric Cooperative, Inc. : Right-of-Way Grant
1326 Hines Blvd : Serial No. OR-67501
Burns, Oregon 97720 :

Dear Mr. Whitaker:

Right-of-Way Grant OR-66818 Issued
Rental Determined
Monitoring Fee Determined

Enclosed is a copy of your amended Right-of-Way (ROW) grant, serial number OR-67501, which allows the use of public land for a power line. It was approved by the Bureau of Land Management on September 20, 2012.

This ROW grant is exempt from rental in accordance with 43 CFR 2806.14(d).

The monitoring fee for this ROW is determined to be a Category 2, which is \$403.00. The BLM has received your monitoring fee.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulation 43 CFR 2801.10 or 43 CFR 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below.

Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

If you have any questions, please contact Tara McLain, Realty Specialist, at (541) 573-4462.

Sincerely,



Richard Roy

acting Three Rivers Resource Area Field Manager

3 Enclosures

- 1 - ROW OR-66818
- 2 - BLM Form 1842-1
- 3 - Monitoring Determination Form

TMCLAIN:md 09/27/12:LANDSAND