

## **Categorical Exclusion Determination and Decision Record for a Right-of-Way Grant to Avista Utilities (OR 64384) under the Mineral Leasing Act of 1920, as amended; 30 USC 185**

### **CE-OR-115-08-01**

#### **Description of Proposed Action**

The Bureau of Land Management proposes to issue a right-of-way grant (OR 64384) to *Avista Utilities* for installation of a two inch (2") diameter natural gas pipeline along Sawyer Road near Shady Cove, Oregon to serve property owned by Ron and Charlotte Boehm. The line would be installed predominately on the north and easterly side of Sawyer Road, from within the ditch line to approximately three feet (3') off the traveled way. The line would be trenched at a depth of thirty-six (36") inches minimum. A temporary construction area would include the northerly lane of traffic which would require a temporary lane closure and traffic control procedures to be in place. This gas line would be a permanent installation and would provide a year-round flow of natural gas at 90 pounds per square inch, according to the attached Plan of Development.

This application requests a right-of-way 5 feet wide and 2,650 feet long which would essentially cover the gas line only. **However, to provide road access, temporary work area, facility operation, and maintenance, the right-of-way to be analyzed and included in the final authorization is 40 feet wide, 2,650 feet long, and includes approximately 2.43 acres.** The term for the right-of-way grant would be for thirty (30) years and would terminate December 31, 2036. Attached is the Plan of Development submitted by AVISTA for this project.

This project is located at SW<sup>1</sup>/<sub>4</sub> section 9, Township 34 South, Range 1 West, Willamette Meridian, Jackson County, Oregon.

#### **Plan Conformance Review**

This proposal is consistent with policy directed by the following:

- *Final Supplemental Environmental Impact Statement and Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl (Northwest Forest Plan) (FSEIS, 1994 and ROD, 1994),*
- *Final-Medford District Proposed Resource Management Plan/Environmental Impact Statement and Record of Decision (PRMP/EIS, 1994 and RMP/ROD, 1995),*
- *Final Supplemental Environmental Impact Statement and Record of Decision and Resource Management Plan Amendment for Management of Port-Orford-Cedar in Southwest Oregon, Coos Bay, Medford, and Roseburg Districts (FSEIS, 2004 and ROD, 2004),*
- *Record of Decision Amending Resource Management Plans for Seven Bureau of Land Management Districts and Land and Resource Management Plans for Nineteen National Forests Within the Range of the Northern Spotted Owl (ROD 2004),*
- *Final Supplemental Environmental Impact Statement and Record of Decision and Standards and Guidelines for Amendment to the Survey and Manage, Protection Buffer,*

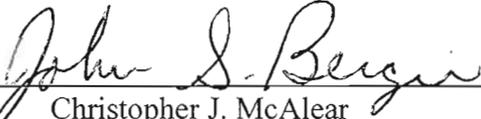


**Decision**

It is my decision to authorize the issuance of a right-of-way grant to *AVISTA Utilities* to allow installation of a natural gas pipeline along Sawyer Road near Shady Cove, Oregon. The line is to be installed predominately on the north and easterly side of the road from approximately within the ditch line to approximately three feet (3') off the traveled way along a portion of Sawyer Road, as described in the Proposed Action section of this document. This right-of-way width will accommodate the pipeline itself and road access along Sawyer Road. This is a new facility with construction to begin as soon as possible, weather permitting.

**Decision Rationale**

The proposed action has been reviewed by Butte Falls Resource Area staff and appropriate Project Design Features, as specified above, will be incorporated into the proposal. Based on the attached NEPA (National Environmental Policy Act) Categorical Exclusion Review, I have determined the proposed action involves no significant impact to the environment and no further environmental analysis is required.

  
\_\_\_\_\_  
Christopher J. McAlear  
(Acting) Field Manager  
Butte Falls Resource Area

10/31/07  
\_\_\_\_\_  
Date

## **Administrative Remedies**

In accordance with BLM’s Rights of Way regulations (43 CFR § 2801.10), administrative review of right-of-way decisions requiring NEPA assessment will be available under 43 CFR Part 4 to those who have a “legally cognizable interest” to which there is a substantial likelihood the action authorized would cause injury, and who have established themselves as a “party to the case” (43 CFR § 4.410). Other than the applicant for the right-of-way, in order to be considered a “party to the case,” the person claiming to be adversely affected by the decision must show they have notified the BLM of their alleged injury through their participation in the decision making process [43 CFR § 4.410(b) and (c)]. The latest date that any affected parties received the Notice of Decision will establish the date initiating a 30-day appeal period.

## **Effective Date of Decision**

This is a land decision on a right-of-way application. **All BLM decisions under 43 CFR Part 2800 remain in effect pending an appeal** (43 CFR § 2801.10) unless the Secretary rules otherwise. Rights-of-Way decisions that remain in effect pending an appeal are considered as “in full force and effective immediately” upon issuance of a decision. Thus, this decision is now in effect.

## **Right of Appeal**

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 the action authorized in this decision would cause injury, and who have established themselves as a “party to the case” (43 CFR § 4.410). If an appeal is taken, a written notice of appeal must be filed with the BLM officer who made the decision in this office by close of business (4:30 p.m.) not more than 30 days after this decision is approved (or the date the affected parties received notice of the decision). Only signed hard copies of a notice of appeal that are delivered to the BLM Medford District Office, 3040 Biddle Road, Medford, Oregon 97504 will be accepted. Faxed or emailed appeals will not be considered.

In addition to the applicant, anyone who has participated in the NEPA process for this project will qualify as party to the case [43 CFR § 4.410(b)]. However, in order to qualify as an appellant, a “party to the case,” you also have the burden of showing possession of a “legally cognizable interest” that has a substantial likelihood of injury from the decision [43 CFR § 4.410(d)]. Furthermore, you may raise on appeal only those issues you raised in comments on the environmental analysis or that have arisen after the opportunity for comments closed [43 CFR § 4.410(c)].

The person signing the notice of appeal has the responsibility of proving eligibility to represent the appellant before the Board under its regulations at 43 CFR § 1.3. The appellant also has the burden of showing the decision appealed from is in error. The appeal must clearly and concisely state which portion or element of the decision is being appealed and the reasons why the decision is believed to be in error. If your notice of appeal does not include a statement of reasons, such statement must be filed with this office and with the Board within 30 days after the notice of appeal was filed.

According to 43 CFR Part 4, you have the right to petition the Board to stay the implementation of the decision. Should you choose to file one, your stay request should accompany your notice of appeal. You must show standing and present reasons for requesting a stay of the decision. A petition for 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.

A notice of appeal with petition for stay must be served upon the Board, the Regional Solicitor, and *Avista Utilities* at the same time such documents are served on the deciding official at this office. Service must be accomplished within fifteen (15) days after filing in order to be in compliance with appeal regulations [43 CFR § 4.413(a)]. At the end of your notice of appeal, you must sign a certification that service has been or will be made in accordance with the applicable rules (i.e., 43 CFR §§ 4.410(c) and 4.413) and specify the date and manner of such service.

The Board will review any petition for a stay and may grant or deny the stay. If the Board takes no action on the stay request within 45 days of the expiration of the time for filing a notice of appeal, you may deem the request for stay as denied, and the BLM decision will remain in full force and effect until the Board makes a final ruling on the case.

### **Contact Information**

For additional information, contact Christopher J. McAlear, Butte Falls Resource Area, 3040 Biddle Road, Medford, Oregon 97504 or telephone (541-618-2217).

Additional contact addresses include:

- U.S. Dept of the Interior, Office of Hearings and Appeals  
Interior Board of Land Appeals  
801 N. Quincy Street, MS 300-QC  
Arlington, VA 22203
- Regional Solicitor  
Pacific Northwest Region  
U.S. Department of the Interior  
500 N.E. Multnomah Street, Suite 607  
Portland, OR 97232
- AVISTA Utilities  
P.O. Box 3727  
Spokane, WA 99220

## NEPA Categorical Exclusion Review

### Proposed Action:

The proposed action is to issue a right-of-way grant to allow *Avista Utilities* to install a two inch (2") diameter natural gas pipeline along Sawyer Road, Shady Cove, Oregon. The line would be installed predominately along the north and easterly side of the road from approximately within the ditch line to three feet (3') off the traveled way along a portion of Sawyer Road located on the BLM-administered lands described below. The right-of-way to be considered is forty feet (40') wide, 2,650 feet long, and contains approximately 2.43 acres. This right-of-way width would accommodate the pipeline itself and access along Sawyer Road.

The project is located in SW¼ section 9, Township 34 South, Range 1 West, Willamette Meridian, Jackson County, Oregon.

Department of the Interior Manual 516 DM 2, Appendix 2 provides for a review of the following criteria for categorical exclusion to determine if exceptions apply to the proposed action based on actions which may:

1. *Have significant impacts on public health or safety.*

Yes       No

Initials (QW) Remarks:

2. *Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resource; 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.*

Yes       No

Initials (EM) Remarks:

3. *Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].*

Yes       No

Initials (JL) Remarks:

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

Yes       No

Initials (QW) Remarks:

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

Yes       No

Initials (QW) Remarks:

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

Yes       No

Initials (SS) Remarks:

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.*

Yes      No

Initials (JW) Remarks:

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.*

Plants      Yes      No     Initials (mw) Remarks:

Animals      Yes      No     Initials (SH) Remarks:

Fish      Yes      No     Initials (JL) Remarks:

9. *Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.*

Yes      No

Initials (YV) Remarks:

10. *Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).*

Yes      No

Initials (YV) Remarks:

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).*

Yes      No

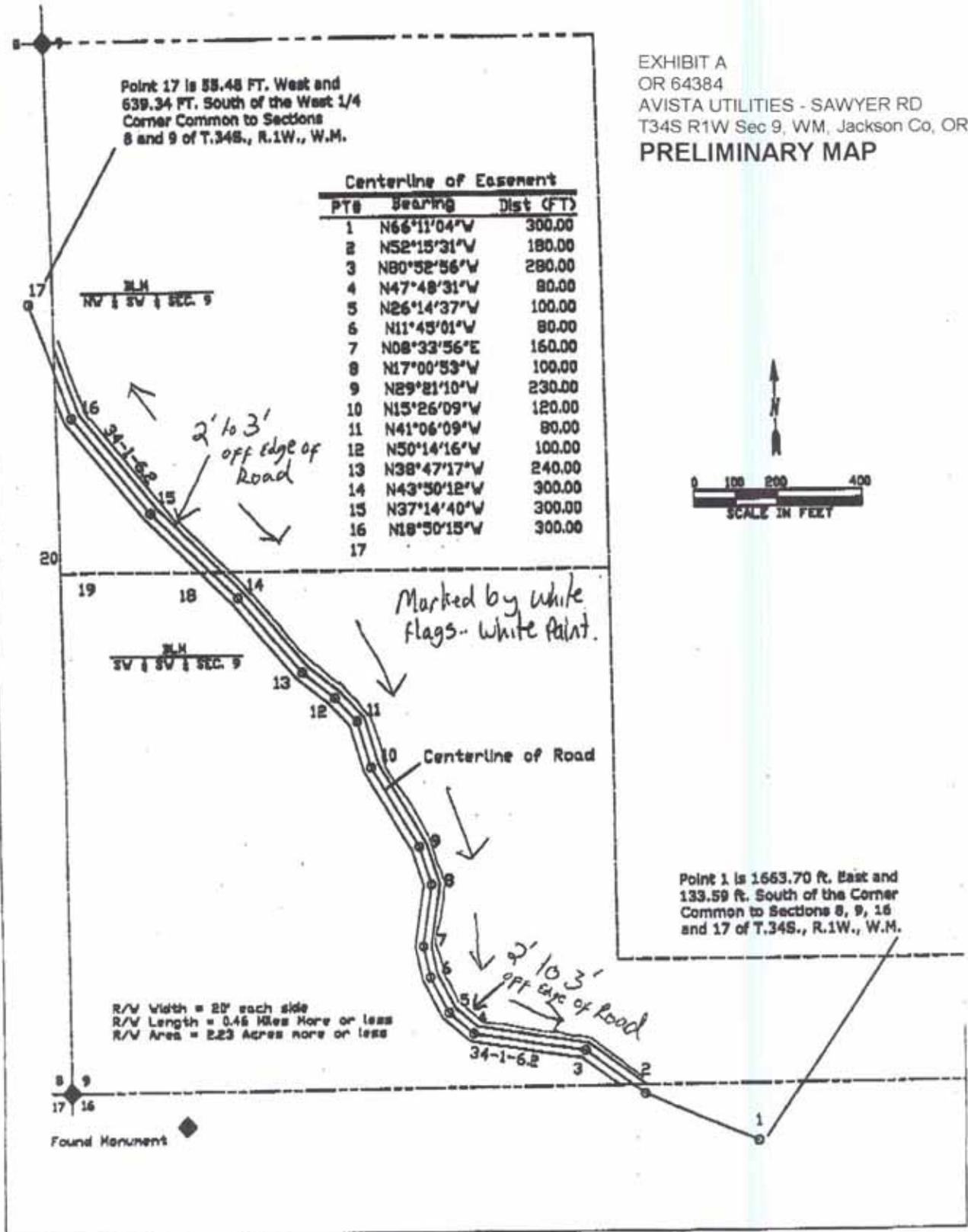
Initials (JW) Remarks:

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).*

Yes      No with implementation of PDFs

Initials (mw) Remarks:

OR 64384 Right-of-Way Map



**PIPELINE PLAN OF DEVELOPMENT****1. Purpose and Need**

- a. what will be constructed **Natural gas underground pipeline 2650'**
- b. commodity to be transported and for what purpose **Natural gas**
- c. is the pipeline for a gathering system, trunk line, or distribution line **Distribution line**
- d. will it be surface or subsurface **2650 feet of pipeline will be subsurface**
- e. length and width of the right-of-way and the area needed for related facilities **Area is contiguous to the Northwest side of Sawyer Road, appr. 3 feet off traveled portion of roadway.**
- f. is this ancillary to an existing right-of-way **No.**
- g. list alternative routes or locations **Only alternative would be cross country route, determined not feasible due to greater cost, difficulty in construction, and greater ground disturbance.**

**2. Right-of-way location**

- a. legal description **A strip of land 5 feet in width and 2650 feet in length along the northerly edge of Sawyer Road, in the SW¼ and the SW¼ NW¼ of Section 9, Township 34 South, Range 1 WWM, Jackson County, Oregon, containing 0.304 acre, more or less.**
- b. site specific engineering surveys for critical areas (note: in addition to normal centerline survey) **NA**
- c. maps and drawings showing river crossings **NA**
- d. acre calculation of the right-of-way by land status **0.304 acre, more or less.**

**3. Facility Design Factors**

- a. pipeline pressure standards **MAOP, Avista Utilities 90 psig.**
  - 1) pipe wall thickness and pounds per square inch (psi) rating **2" OD / WT 0.391" min.; 60 psi**
- b. toxicity of pipeline product **None**
- c. anticipated operating temperatures **60° F**
- d. depth of the pipeline **36" or greater**
- e. permanent width or size **2" PE (plastic)**
- f. temporary areas needed **The unofficial roadway east and north of the site.**

**4. Additional Components of the Right-of-way**

- a. connection to an existing Right-of-way **Sawyer Road R/W (no other gas pipeline in immediate area)**
  - 1) existing components on or off public land **Will connect to existing natural gas pipeline in Shady Cove community.**
  - 2) possible future components **None Planned.**
- b. location of pumping and/or compressor stations **NA**
- c. need for sand and gravel and where will it be obtained **Local sources, if required.**
- d. location of equipment storage areas **None planned.**

**5. Government Agencies Involved**

- a. **FERC, USFWS—BLM**
- b. copy of FERC Sec. 7c Application, if applicable **NA**
- c. state and local agencies that may be involved **Jackson County; Oregon PUC**

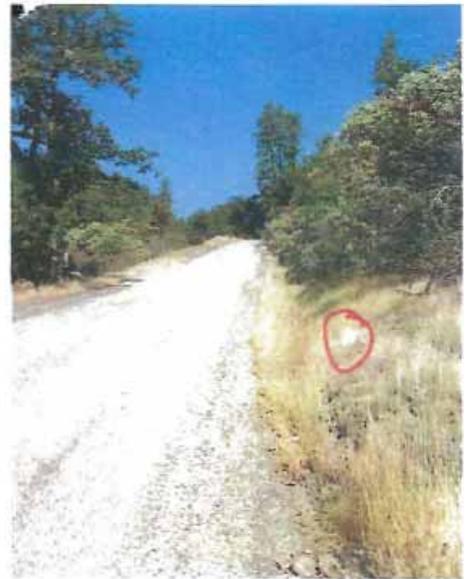
**6. Construction of the Facilities**

- a. construction (brief description)
  - 1) major facilities (including vehicles and number of tons and loads) **Standard backhoes and 10 yard dump trucks.**
  - 2) ancillary facilities (including vehicles and number of tons and loads)
- b. work force (number of people and vehicles) **2 to 4 people, 2 or 3 pickup trucks.**
- c. flagging or staking the right-of-way **NR**
- d. clearing and grading **in area covered by permit**
- e. facility construction data **Fall 2007, currently dependent upon BLM permit issuance**
  - 1) description of construction process **Excavation and backfill**
- f. access to, and along, right-of-way during construction **Daylight hours**
- g. engineering drawings and specifications for site-specific problems relating to surface use or special mitigation **NR**
- h. diagrams, drawings, and cross sections to help visualize the scope of the project **Held on-site meeting**

- with local BLM staff, Fall 2007
- i. special equipment that will be utilized NA
  - j. contingency planning
    - 1) holder contacts Laura Isaak, Avista Permit Coordinator, 509-495-4437; Matt Mullineaux, Avista Construction Project Coordinator, 541-858-4722.
    - 2) BLM contacts Leslie Voelkel, BLM / Medford, Oregon
  - k. safety requirements As per Avista Standards and OSHA
  - l. industrial wastes and toxic substances NA
7. Resource Values and Environmental Concerns
- a. address at level commensurate with anticipated impacts
    - 1) location with regard to existing corridors Will utilize existing Sawyer Road roadway for Installation of pipeline.
  - b. anticipated conflicts with resources or public health and safety
    - 1) air, noise, geologic hazards, mineral and energy resources, paleontological resources, soils, water, vegetation, wildlife, threatened and endangered species, cultural resources, visual resources, BLM projects, recreation activities, wilderness, etc. The only anticipated environmental effects will be possible clearing of small brush and vegetation. No air quality changes are anticipated, except for small releases of natural gas during periodic maintenance procedures. There are no wetland or noticeable drainage channels on the site, and since natural gas is lighter than air gas, no interaction between ground water and natural gas is expected.
8. Stabilization and Rehabilitation
- a. soil replacement and stabilization Vehicle areas will be covered with 3/4" minus rock and existing soil as is the adjoining roadway.
  - b. disposal of vegetation removed during construction (i.e., trees, shrubs, etc.) Will be disposed of off-site.
  - c. seeding specifications
  - d. fertilizer
  - e. limiting access to the right-of-way
  - f. will roads built during construction be reclaimed No new roads will be built.
9. Operation and Maintenance
- a. will new or expanded access be needed for operation and maintenance No.
  - b. will there be hydrostatic testing and subsequent release of water and what is the anticipated volume No testing.
  - c. will removal and/or addition of pipe and/or pumps be required as part of pipeline maintenance No.
  - d. will all maintenance activities be confined within the right-of-way Yes.
  - e. safety As per Avista Standards and OSHA.
  - f. will industrial wastes and toxic substances be generated or stored on right-of-way No.
  - g. inspection and maintenance schedules
    - 1) will these be conducted on-the-ground and/or by aircraft On the ground.
    - 2) if by aircraft, will the aircraft require landing strips and/or heliports
  - h. work schedules Periodic maintenance.
  - i. fire control All Avista vehicles contain fire extinguishers and communication equipment.
  - j. contingency planning
10. Termination and Restoration
- a. removal of structures
  - b. will pipe be removed or cleaned and left in ground
  - c. obliteration of roads NA
  - d. stabilization and re-vegetation of disturbed areas NA

**OR 64384 Right-of-Way Photographs**





Form 2800-14  
(August 1985)

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

Issuing Office  
Medford, OR  
Serial Number  
OR 64384

**RIGHT-OF-GRANT**

1. A right-of-way is hereby granted pursuant to the Mineral Leasing Act of 1920, as amended; 30 USC 185.
2. Nature of Interest:
  - a. By this instrument, the Holder, **AVISTA UTILITIES**, receives the right to:
    - (1) construct, use/operate, maintain, repair, terminate/remove and remediate/restore an underground natural gas pipeline, associated pipeline facilities and:
    - (2) use, maintain, and repair a portion of existing Bureau of Land Management (BLM) Road No. 34-1-6.2 which parallels and provides road access to the above noted natural gas pipeline.
  - b. The right-of-way granted herein, identified in Item 2a above and shown on Exhibit A attached hereto is 40 feet wide, 2,650 feet long and contains approximately 2.43 acres.
  - c. The facilities noted in Item 2a and 2b above are located on agency administered lands described below:
 

SW¼ Section 9  
Township 34 South, Range 1 West,  
W.M., Jackson County, Oregon
  - d. Authorized uses under this right-of-way grant include the construction, use, maintenance, repair, termination/removal, remediation and restoration of those facilities noted in Item 2a above and shown on attached Exhibit A. The Holder shall not use the right-of-way area for any other purpose. The Holder shall not locate or construct any other pipelines, including looping lines or other improvements within the right-of-way without first securing appropriate authorization.
  - e. This instrument is shall terminate on December 31, 2036 unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.
  - f. This instrument may be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions the Authorized Officer deems necessary to protect the public interest.
  - g. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the Holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior to termination, of the grant.
3. Rental:
 

For and in consideration of the rights granted, the Holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless

specifically exempted from such payment by regulation. Provided, however, the rental may be adjusted by the Authorized Officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions:

- a. This grant or permit is issued subject to the Holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2880 and all subparts, thereof.
- b. Each grant issued for a term of 20 years or more shall, at a minimum, be reviewed by the Authorized Officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the Authorized Officer.
- c. The stipulations, designs set forth in Exhibit A and the Holder's Plan of Development (POD) attached as Exhibit B, both of which are attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- d. The Holder:
  - 1) Shall be liable for damage or injury to the United States to the extent provided by CFR 43 Sec. 2886.13.
  - 2) Shall notify the Authorized Officer prior to the commencement of construction activities associated with this project.
  - 3) Shall provide copies of all Oregon Public Utility Commission (PUC) *Jobs Site Inspection Reports* issued regarding this project to the BLM Authorized Officer. All required corrections must be made and subsequent documentation to that effect shall be provided to BLM.
  - 4) Shall, prior to beginning pipeline operations, submit to the Authorized Officer a certification of construction, verifying that the pipeline system has been constructed and tested in accordance with the terms of the right-of-way grant, and is in compliance with all required plans and specifications, along with applicable Federal and State Laws and regulations, OSHA and AVISTA regulations.
  - 5) Shall provide two copies of professional quality final as-built project design plans to BLM within thirty (30) days of the completion of construction activities.
  - 6) Shall conduct all construction and maintenance concerning the use of this authorization at the Holder's cost in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public. All design, material, and construction, operation, maintenance, and termination practices shall be in accordance with safe and proven engineering practices and comply with AVISTA Utilities, OSHA (Occupational Safety and Health Administration), Federal and State Laws regulations, standards, practices and requirements.
  - 7) Shall notify the Authorized Officer of the Holder's intended use of any mechanized equipment for the maintenance authorized through this grant fourteen (14) days prior to its intended use, the date it is to commence, and the delegated representative of the Holder. Such delegated representative is the person who is authorized by the Holder to carry out the

terms and conditions of the grant and act on behalf of the Holder. The notice of the delegated representative shall include a current mailing address and telephone number.

- 8) Shall contact and receive either receive a permit or approval notification from the Oregon Department of Forestry prior to use of mechanized equipment in construction, maintenance, repair, termination/removal or remediation activities in conjunction with this authorization. The Holder and his contractor shall comply with all Oregon Department of Forestry and BLM fire restrictions.
- 9) Shall immediately stop all operations and notify the BLM upon becoming aware of, encountering, or discovery of any objects or sites of cultural, historical, or pre-historic value within the right-of-way.
- 10) Shall comply with all applicable State and Federal environmental laws, regulations, and standards. The Holder shall also immediately discontinue all construction or other operations under this grant upon receipt of written notice from the Authorized Officer that such operations are in violation of said provisions or weather conditions prohibit further construction.
- 11) Shall notify the Authorized Officer upon discovery of any noxious weed species found on the right-of-way area. The Holder is responsible for immediate control and eradication of noxious weeds within the limits of the right-of-way. The Holder shall consult with and obtain written approval from the Authorized Officer for acceptable weed control methods or, at the option of the Authorized Officer, provide funds to BLM for treatment.
- 12) Shall seed all disturbed areas, using a BLM approved seed mixture and method suitable for the location. Seeding shall be repeated if a satisfactory stand is not obtained as determined by the Authorizing Officer or his/her representative upon evaluation after the first growing season.
- 13) Shall not use dirt roads as access routes when such use would cause ruts in excess of four (4”) inches, as determined by the Authorized Officer or his/her representative. Use, maintenance, and termination activities shall be suspended on public lands if soil condition warrants, as determined by the Authorized Officer or his/her representative.
- 14) Shall undertake every reasonable measure to minimize erosion to the roads and surrounding areas, soil disturbances and turbidity to waterways, ground disturbing activity or the introduction of invasive plants as determined by the BLM Authorized Officer or his/her representative.
- 15) Shall promptly remove and dispose of all waste caused by Holder’s activities. The term “waste” as used herein means all discarded matter including, but not limited to human waste, trash, garbage, refuse, petroleum products, ashes, equipment, vegetative materials and construction materials.
- 16) Shall install appropriate warning signs regarding the location of the pipeline facilities, both above and underground to those persons in the vicinity.
- 17) Shall protect all survey monuments, witness corners, reference monuments, and bearing trees within this right-of-way against disturbance during construction, operation, Maintenance, and rehabilitation. If any monuments, corners, or accessories are destroyed, obliterated, or damaged, the Holder shall restore said items to the satisfaction of the BLM Authorized Officer or his/her representative at the Holder’s cost.

- 18) Shall fully indemnify or hold the United States of America harmless for liability, damage, or claims to life or property arising from the occupancy or use of the public lands under this authorization. Further, the Holder shall also indemnify or hold the United States of America harmless for damage to the Holder's facilities appurtenant to the authorized uses caused by the general public or as a result of fire, wind or other natural disasters or as a result of silviculture practices, timber harvesting operations, or other actions stemming from the land management activities of the BLM. The Holder shall be responsible for costs incurred for reconfiguration of Holder improvements within the right-of-way when BLM activities are required.
  - 19) Shall repair any environmental damage resulting from activities associated with this authorization to the satisfaction of the BLM Authorized Officer or his/her representative.
  - 20) Shall properly dispose all vegetation removed from the right-of-way grant area at a official disposal site. Said debris shall not be disposed of on federal lands or unauthorized private lands.
  - 21) Shall maintain and repair the road and natural gas pipeline right-of-way granted herein for the Holder's use at the Holder's expense.
  - 22) Shall wash all ground disturbing equipment prior to entering BLM lands to remove any dirt or vegetation that may harbor noxious weed seeds.
  - 23) Shall provide proper and safe traffic control along Sawyer Road for all users during all phases of construction, installation, repair and maintenance of the natural gas pipeline.
- e) Machinery and/or ground disturbing activity shall be restricted to repair and maintenance equipment within the designated right-of- way only. Work involving soil disturbance shall be preformed in the dry season only, which is generally between May 15<sup>th</sup> and October 15<sup>th</sup> of any year. Heavy equipment operation and ground disturbing activities are prohibited when soil moisture content exceeds 25% by weight. All equipment shall be washed for weeds and inspected for leaks before entering BLM administered lands.
  - f) No hazardous materials are to be produced, transported, or stored on this right-of-way. The Holder shall notify the Authorized Officer if there is a significant variance from this authorization with respect to hazardous materials and their use, storage, or disposal. The Environmental Protection Agency maintains and updates a list of all hazardous substances that may present substantial danger to the public health or the environment in Title 40 of the United States Code of Federal Regulations Part 302.
  - g) No pesticides (i.e. insecticides, herbicides, fungicides, rodenticides and other similar substances) shall be applied to the grant area unless the Holder has written approval from the Authorized Officer.
  - h) Natural vegetation shall be cleared or trimmed only when necessary to provide suitable access for operation, maintenance and termination of the system. No tree eight inches (8") in diameter or over at breast height shall be cut without prior written approval from the BLM Authorized Officer.
  - i) Assignment of this grant to potential subsequent Holders of this authorization is not automatic. Assignment application must be made through a formal BLM process. Contact the Authorized Officer of the Bureau of Land Management, Medford, Oregon for information regarding the assignment process.



**Reviewers:**

<b>Name</b>	<b>Title</b>	<b>Date</b>	<b>Initials</b>
Robyn Wicks	NEPA Coordinator	10/24/07	RW
Marcia Wineteer	Botanist	10/29/07	mw
Linda Hale	Wildlife Biologist	10/25/07	LH
Steve Liebhardt	Fisheries Biologist	10/29/07	SL
Shawn Simpson	Hydrologist	10/26/07	SS
Ken Van Etten	Soil Scientist	10/26/07	SS
Trish Lindaman	Visual Resources/Recreation	10/29/07	TL
Leanne Mruzik	Fire/Fuels Specialist	10/26/2007	LM
John McNeel	Cultural Specialist	10/26/2007	JM
Randy Bryan	Engineer	10/26/2007	RRB