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UNITED STATES OF AMERICA
DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
MEDFORD DISTRICT OFFICE

CATEGORICAL EXCLUSION/DECISION RECORD

Northwest Pipeline GP Merlin Meter Station Upgrade
R/W Grant Application ORE 013532
CE #OR117-08-12

I. PROPOSED ACTION:
Northwest Pipeline GP has applied for a right-of-way grant modification for temporary use of less than 0.5 acres to upgrade their metering station in order to accommodate an upgrade of *Avista Utilities* facilities (see CE #OR117-07-16) (R/W Grant Application OR 63979) at the same location. *Northwest Pipeline GP* would: 1) remove the existing fence to access their existing facility; 2) replace valves, fittings, gas measurement equipment and pipe; and 3) build a new security fence up to eight feet in height in the same location. All improvements / upgrades will be installed within the existing Right of Way (R/W) grant area. The right-of-way grant would also allow use of a temporary work area west of the existing grant to facilitate upgrading of their metering station. This area totals less than 0.4 acres.

B. Location/Land Use Allocation: The metering station is located on public lands in Section 21, T.35 S., R.5 W., Willamette Meridian. The land use allocation is matrix.

C. Need / Rationale for the Proposed Action:
Avista Utilities is expanding their capacity to meet the growing demand for natural gas in the Grants Pass area by installation of a new 6" high pressure gas line. This new gas line will tie into *Northwest Pipeline GP's*. Therefore, *Northwest Pipeline GP* needs to upgrade their metering station to accommodate the upgrade of *Avista Utilities'* facilities.

D. Description of the Proposed Action:
A BLM Decision Letter will be issued to *Northwest Pipeline GP* for temporary use of less than 0.4 acres to upgrade their metering station. *Northwest Pipeline GP* will use the temporary area to remove the existing fence and access their existing R/W grant area. They will upgrade their facilities, replacing valves, fittings, gas measurement equipment and pipe; and build a new security fence up to eight feet in height. Any excavation and all improvements will occur within their existing R/W grant area.

Temporary use of the site will be granted during the upgrade, which will be completed within the next year. *Northwest Pipeline GP* will be allowed to upgrade their facilities and use the temporary R/W until they complete the upgrade.

Northwest Pipeline GP will restore the entire temporary work area and access road if disturbed. They will not cut down any trees or large shrubs.

The entire requested right-of-way area has been previously disturbed as a result of the prior construction of the *Northwest Pipeline GP* facilities, utility lines and the existing road. They will, dig and tap into the existing pipelines as necessary. Disturbance of the temporary work area will involve pipe, a boom truck, a backhoe and a welding rig.

The site is located as follows:

T. 35 S., R. 5 W.,
NW¼SE¼ Section 21
WM, Josephine County, Oregon.

The temporary area to be included in this project includes approximately 18,000 square feet or 0.4 acres. It measures approximately 300' x 60'.

*Above noted dimensions are slightly larger than those noted in the application. Minor additional area was added to ensure construction activities occur within the analyzed area. See application, documentation and map for a general description and layout design of the proposed action.

Prior to any excavation for construction or maintenance, the following stipulations would apply:

- Botany - All ground disturbing equipment used on BLM lands must be washed prior to entering BLM lands to remove any dirt or vegetation that may harbor noxious weed seeds.

II. PLAN CONFORMANCE

The proposed action is in conformance with the following land use plans and decisions:

1. Final EIS and ROD for the Medford District Resource Management Plan (RMP) (1995)
2. Final Supplemental EIS on Management of Habitat for Late-Successional and Old-Growth Forest Related Species within the Range of the Northern Spotted Owl (1994)
3. ROD for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl and its attachment A entitled the Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl (NWFP) (1994)
4. Final SEIS for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (2000), and the ROD and Standards and Guidelines for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (2001)
5. Medford District Noxious Weed Environmental Assessment (1998).
6. ROD for Management of Port-Orford Cedar in Southwest Oregon (2004)

7. Final SEIS to Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines (2004), *as allowed by Judge Pechman's October 11, 2006 Order as follows:*
    a. Thinning projects in stands younger than 80 years old;
    b. Replacing culverts on roads that are in use and part of the road system, and removing culverts if the road is temporary or to be decommissioned;
    c. Riparian and stream improvement projects (planting, placing material in-stream, road and trail decommissioning, channel and floodplain reconstruction, or removal of channel diversions; and
    d. Hazardous fuel treatments with a commercial component in stands > 80 years old

III. NEPA REVIEW

The Proposed Action qualifies as a categorical exclusion under Department Manual 516 DM11.9, Section E Realty (16)
– *(16) Acquisition of easements for an existing road or issuance of leases, permits, or rights-of-way for the use of existing facilities, improvements, or sites for the same or similar purposes.*

Anthony C. Kerr 2/14/08
Reviewer(s) Date

/s/ Joe Hoppe 2/14/08
Preparer Date

IV. DECISION

I have reviewed this CE, plan conformance, and NEPA compliance review and have determined the proposed action is in conformance with the approved land use plan and that no further environmental analysis is required. It is my decision to allow temporary use of the site during the upgrade as described. *Northwest Pipeline GP* will be allowed to upgrade the Merlin Meter Station under Right-of-Way Grant ORE 013532 and allowed temporary use of the area outside the boundaries of the grant until they complete the upgrade.

Abbie Jossie 2-14-08
Abbie Jossie
Field Manager
Grants Pass Resources Area
Date

ADMINISTRATIVE REMEDIES

Administrative review of right-of-way decisions requiring National Environmental Policy Act (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 that the action authorized would cause injury, and who have established themselves as a "party to the case." (See 43 CFR § 4.410). The date the Categorical Exclusion Decision is approved by the Authorized Officer, will establish the date initiating a 30 day appeal period.

EFFECTIVE DATE OF DECISION

This is a land decision on a right-of-way action in accordance with BLM regulations under 43 CFR Part 2812. All BLM decisions under 43 CFR 2812 will become effective on the day after the expiration of the appeal period (30 days after this decision is signed) where no petition for a stay is filed, or 45 days after the expiration of the appeal period where a timely petition for a stay is filed, unless the Director of the Office of Hearings and Appeals or an Appeals Board has determined otherwise in accordance with specified standards enumerated in 43 CFR 4.21 (b).

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 that the action authorized in this decision would cause injury, and who have established themselves as a "party to the case." (See 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. Only signed hard copies of a notice of appeal that are delivered to the Grants Pass Interagency Office will be accepted. Faxed or emailed appeals will not be considered.

In addition to the applicant/proponent for the right-of-way action, anyone who has participated in the National Environmental Policy Act process for this project will qualify as party to the case. (See 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. (See 43 CFR § 4.410(d).

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 that 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 Corporation 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 IBLA will review any petition for a stay, and may grant or deny the stay. If the IBLA 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 IBLA makes a final ruling on the case.

CONTACT INFORMATION

For additional information contact Abbie Jossie, Grants Pass Resource Area Field Manager, 2164 NE Spalding Ave. Grants Pass, OR 97526, or Tony Kerwin at (541) 471-6564.

Additional contact addresses include:

- U.S. Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals
  801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203
- Regional Solicitor
  Pacific Northwest Region, U.S. Department of the Interior
  500 N.E. Multnomah Street, Suite 607, Portland, Oregon 97232
- Avista Utilities
  P.O. Box 3727, MSC-25
  Spokane, WA 99220

NEPA COMPLIANCE
CATEGORICAL EXCLUSION REVIEW
Northwest Pipeline GP Merlin Meter Station Upgrade
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The Department of the Interior Manual 516 2.3A (3) requires the review of the following "extraordinary circumstances" (516 DM 2 Appendix 2) to determine if an otherwise categorically excluded action would require additional analysis and environmental documentation.

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

( )Yes **(X)No**

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.*

( )Yes **(X)No**

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

( )Yes **(X)No**

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

( )Yes **(X)No**

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

( )Yes **(X)No**

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

( )Yes **(X)No**

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 **(X)No**

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.*

( )Yes **(X)No**

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

( )Yes **(X)No**

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

( )Yes **(X)No**

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 **(X)No**

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).*

( )Yes **(X)No**

Reviewers:

Silviculture, Vegetation Dynamics & Port-Orford Cedar	2/14/08 Date
Botany	2/13/2008 Date
Cultural Resources	2/14/08 Date
Fisheries	2/13/08 Date
Wildlife	2/13/2008 Date
Soils/Hydrology	2/13/08 Date
Visual Resources / Recreation	2-13-08 Date
Engineering	2/12/08 Date
Fire and Fuels	2/13/08 Date