

UNITED STATES DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
STATE OF IDAHO
TWIN FALLS DISTRICT
SHOSHONE FIELD OFFICE
400 West F Street
Shoshone, ID 83352
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CATEGORICAL EXCLUSION REVIEW AND APPROVAL

Project Name: Idaho Power North Ketchum Right-of-Way
Number: ID 230 2009 CE 3703
Applicant: Idaho Power Company
Project/Case File Number (if appropriate): IDI-27046
Preparer: Tara Hagen
Date of Preparation: July, 2009

Project Description

Idaho Power Company (IPC) has applied to the Bureau of Land Management, Shoshone Field Office (BLM) to amend an existing power line right-of-way (ROW), IDI-27046, to include additional existing unauthorized power lines (approx. 8 segments) across public land in Blaine County, Idaho. IPC is a regulated electrical power utility whose business involves the purchase, sale, generation, transmission and distribution of electricity in Oregon and Idaho. The amendment would allow for the inclusion of an additional 3,607 foot of both overhead and buried 12.5 kV power distribution lines within the existing ROW authorization.

The unauthorized lines were discovered as a result of BLM scoping efforts for a separate non-related project within the general area. IPC had thought that the lines were authorized as they were constructed within public road rights-of-way, however, under regulations at 43 CFR Title 2800 public road rights-of-way across Federal lands do not allow for additional uses unless specifically identified within the authorization. Subsequently, the power distribution lines were not identified and therefore need to be authorized. The following table summarizes the current authorized power distribution lines as well as the unauthorized.

Table 1: Summary of Power Distribution Lines

Description	Date of Const.	Length (Feet)
Authorized		
T4N R17E BM		
Sec. 1: SWNE	Line A, underground	1989
Sec. 1: SWNE, Lot 2, 5		1970s
T5N 5 17E BM		
Sec. 36: E2SW, SENW, NWNW		1970s
		1,235.57

Description		Date of Const.	Length (Feet)
Unauthorized			
T4N R17E BM, Sec. 1: Lot 5 T5N R17E BM, Sec. 36: SESW	Line B, underground	1974	1,377.60
T5N R17E BM			
Sec. 36: SESW	Line A, overhead	1966	1,434.81
Sec. 36: SENW	Line B, overhead	1986	127.09
Sec. 36: SENW	Line C, underground	1971	257.37
Sec. 36: NWNW	Line C, overhead	1963	29.88
Sec. 36: SENW	Line D, underground	2000	109.04
Sec. 36: NWNW	Line D, overhead	2000s	146.74
Sec. 36: NWNW	Line E, underground	2000	66.46
2 Anchors @ 30-feet each			60.00
Total Line Feet			12,345.85
Total Acres @ 20-foot wide			5.67

The ROW authorization was originally issued on September 18, 1989 with an expiration date of December 31, 2019 and only included the underground portion of Line A (656 feet). On October 19, 1997 the authorization was amended to include an additional 2-lines (8,080 feet) constructed sometime during the 1970's that ran parallel to State Highway 75 north of Ketchum. The current expiration date will not change and the ROW will continue to have the option for renewal. There is no new construction associated with the project as all additional power distribution lines exist. The width of the ROW is currently 20 feet and would not change; however, the length would be adjusted from about 8,080-feet to 12,346 feet for a total ROW area of about 5.67 acres.

Project Location

The project area is located north of Ketchum, Idaho from the northern city limits to the boundary of the Sawtooth National Recreation Area. The 5.67 acre ROW area affects the public land identified as follows:

- T. 4N, R. 17E, B.M. (portions of)
Sec. 1: SWNE, Lots 2, 5
- T. 5N, R. 17E, B.M. (portions of)
Sec. 36: NWNW, SENW, NESW, S2SW

Plan Conformance

The proposed action is in conformance with the Sun Valley Management Framework Plan approved in December 1981. It conforms to Sun Valley Analysis Unit Lands Decisions #2 (p. SV-2), which states:

Decision #2: Utility rights-of-way will be allowed if consistent with county planning and zoning ordinances. All construction will be designed to be as unobtrusive as practical (i.e. buried utility lines, placement of structures, color, design, etc.).

Rationale for the aforementioned decision states that the Sun Valley area has a rapidly growing population, which brings the requirement for additional utilities, roads and trails.

Categorical Exclusion Reference

The proposed action qualifies as a categorical exclusion under 516 DM 11.9 E(16), which states:

“Acquisition of easements for 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.”

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, as documented below, and none of the extraordinary circumstances described in 516 DM 2 apply.

Extraordinary Circumstances

1. The proposed action would not have significant impacts on public health and safety as the proposed action does not include any new construction and would only be authoring existing power distribution lines. Terms and conditions of the ROW grant, 4(F) states: “The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.” Stipulation #6 of the ROW grant states: “The Authorized Officer may suspend or terminate in whole or in part this ROW grant which has been issued when, in his judgment, unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.” Stipulation #14 states: “The Holder shall keep the ROW 5clean by removal of any debris or waste resulting from construction and/or maintenance.” Stipulation #16 states: “Holder shall maintain the ROW in a safe, usable condition, as directed by the Authorized Officer.”
2. Minimal impacts are associated with the proposed action. A portion of the project area falls within the floodplain which includes some riparian areas of the Big Wood River; however, the additional power lines exist and no new surface disturbance or improvements are included within the proposed action. Stipulations of the ROW grant, #6 states: “The Authorized Officer may suspend or terminate in whole or in part this ROW grant which has been issued when, in his judgment, unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.” Stipulation #9 states: “The Holder shall conduct all construction and maintenance activities in a manner that will minimize disturbance to vegetation, drainage channels and stream banks. The Holder shall take resource conservation and protection measures on the right-of-way as the Authorized Officer deems reasonably necessary. Areas disturbed during construction shall be reseeded with a seed mixture and rate of success to be determined by the Authorized Officer.” A cultural resource inventory was conducted on May 11, 2009, for the area encompassing the additional power lines in which a determination was made that no cultural resources would be affected by the proposed action. All migratory bird species are protected from take under the migratory bird treaty act. There are many migrant species that breed, nest, stopover, and winter in the area. This project is not expected to impact the populations beyond the current level since the additional power lines exist. Stipulations of the ROW grant, #18 states: “Unless otherwise agreed to by the Authorized

Officer in writing, power lines shall be constructed in accordance to standards outlined in the most recent version of the report, *Suggested Practices for Avian Protection on Power Lines* (Avian Power Line Interaction Committee, 2006). The Authorized Officer reserves the right to require modification(s) or additions to all powerline structures within the right-of-way area in regards to avian protection. Such modifications and/or additions shall be made by the Holder without liability or expense to the United States.” There are no park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; wetlands (Executive Order 11990); national monuments; or other ecologically significant or critical areas within the project area.

3. The proposed action would not have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)]. Throughout the environmental process the proposal to include additional existing 12.5 kV power distribution lines across public land was not highly controversial, nor is the effects expected to generate future controversy. The initial scoping period for the project did not generate controversy.
4. The proposed action does not have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks as the effects to the environment. The effects of operating, and maintaining 12.5 kV power distribution lines on public lands are fairly straightforward and do not pose uncertainties. The environmental process has not identified any effects that may involve highly unique or unknown risks. Implementation of the proposed action would not result in any further surface disturbance.
5. The proposed action does not establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects. The BLM routinely issues ROW grants for the use of existing improvements.
6. The proposed action does not have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. The proposed action is only requesting authorization for existing 12.5 kV power distribution lines.
7. The proposed action would not affect properties listed or eligible for listing on the National Register of Historic Places. A cultural resource inventory was conducted on May 11, 2009, which revealed no eligible properties for listing within the project area.
8. The proposed action would not 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. A Special Status Plant Species Assessment was completed by Danelle Nance, BLM Natural Resource Specialist, on July 14, 2009, with a finding that the proposed action would not adversely impact any special status species or their habitat. A Special Status Animal Species Assessment was completed by Bonnie Claridge, BLM Wildlife Biologist, on June 23, 2009, with a finding that the proposed action would not adversely impact any special status species or their habitat.

9. The proposed action would not violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment. Stipulations would be attached to the ROW grant that specify that all applicable Federal, State and local laws be adhered to. However, under stipulation #1 of the ROW grant the authorized officer has the authority to immediately suspend and/or revoke the authorization if a violation does occur. There are no tribal laws in effect for the project area.

10. The proposed action would not have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898) because the existing additional power distribution lines provide power to the adjacent residential areas, including to low income or minority populations that occur within the area.

11. The proposed action would 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 (Executive Order 13007). Amending a ROW to include additional existing power distribution lines would not alter access to the area. Stipulation #13 of the ROW grant states: "The Holder shall permit free and unrestricted public access to and upon the right-of-way for all lawful purposes except for those specific areas designated as restricted by the authorized officer to protect the public, wildlife, livestock or facilities constructed within the right-of-way."

12. The proposed action would not 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) as a stipulation would be attached to the ROW that would require IPC to be responsible for weed control within the limits of the ROW that result from the improvements authorized under the grant. Stipulation #5 of the ROW grant states: "As directed by the Authorized Officer the Holder shall be responsible for control of noxious weed species that result or would result from the improvements authorized under this grant."

Consultation and Preparation

The affected environment of the project area was described by an interdisciplinary team as documented in the Interdisciplinary Team Analysis Record Checklist. A copy of this document is located in the project file.

/s/ Lisa Cresswell
 Lisa Cresswell, NEPA Coordinator

11/10/2009
 Date

Approval

Based on my review of the project described above and field office staff recommendations, I have determined that the project is in conformance with the applicable land use plan and is categorically excluded from further environmental analysis. I have decided to approve the action

as proposed. Right-of-way amendment application, IDI-27046, will be approved and an amended ROW grant will be offered to IPC that will allow for the inclusion of about 3,607 feet of both existing overhead and buried 12.5 kV power distribution lines. The ROW grant expiration date will remain as December 31, 2019 and the ROW will continue to have the option for renewal. The width will remain at 20 feet and the length would be adjusted from about 8,080 feet to 12,346 feet for a total ROW area of about 5.67 acres. The attached Terms, Conditions, and Stipulations will be included within the ROW grant.

For more information contact Tara Hagen, Realty Specialist, at (208) 732-7205 or via email at Tara_Hagen@blm.gov.

/s/ Holly Hampton acting for
Ruth A. Miller, Field Manager

1/22/2010
Date

Attachments

1. IPC ROW Application Map
2. Draft ROW Grant & Stipulations
3. Draft ROW Map