

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

CATEGORICAL EXCLUSION ENVIRONMENTAL REVIEW AND APPROVAL

CX Number: DOI-BLM-OR-B050-2013-0012-CX

Date: December 17, 2012

File Code: 2800

Serial Number: OR-67553

Preparer: Tara McLain, Realty Specialist

Applicant: Harney Electric Cooperative Incorporated

Title of Proposed Action: Harney Electric Cooperative Wagontire Mountain Distribution Power Line Right-of-Way

Description of Proposed Action: The proposed action is to renew 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 for a 14.4 kV distribution line for agricultural, domestic and commercial purposes. The existing grant, OR-12673, was granted under a pre-FLPMA authority, therefore it must be re-issued as FLPMA ROW, OR-67553. The grant would provide Harney Electric Cooperative with the right to construct, operate, maintain, and terminate the power line existing on approximately 26 acres. The power line originates at an existing HEC service line on public land and traverses approximately 17 miles on public land. The ROW width is 10' from centerline to allow for workspace on each side of the actual power line. The specified ROW width gives the holder permission to do ground disturbing activities anywhere within the valid ROW; however they are required to rehabilitate the area if any ground disturbing activities occur that are outside of the permanent disturbance, the 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 line and road access; however, they do not conflict with the power line. 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 around Wagontire and Riley, Oregon and within the East Wagontire Allotment, #7003 and the East Wagontire Fenced Federal Range, #46; there are no conflicts with this action and grazing management.

This power line is already built so no construction activities are planned. However, the ROW would give the holder permission to conduct maintenance activities on the distribution line. These activities could include pole replacement, line replacement and vegetation treatment around the power poles. The vegetation treatment would only be conducted using chemicals currently authorized for use on Burns District. As part of the maintenance activities HEC would use existing roads and overland access routes to inspect each pole annually or during any outages. These inspections are conducted by All Terrain Vehicles (ATVs) and would not occur during periods of high fire danger.

If for some reason HEC had to conduct ground disturbing activities on the power line HEC would contact BLM prior to the ground disturbing activity taking place to determine if a clearance or a stipulation regarding the timing of disturbance is necessary. The clearance and timing stipulation are to ensure there is no SSS flora and there are no impacts to sage-grouse, migratory birds or other SSS use of the area. After the activities are completed the area would be reseeded according to Burns District BLM's requirements for the area. In addition HEC would inspect seeded areas in late spring following reseeded to determine if additional reseeded is necessary or if weed treatments need to occur. HEC would be responsible for noxious weed management within their ROW. All construction equipment would be cleaned and free of weeds and dirt prior to entering the project area.

The existing location of the line is described on the attached map, Exhibit A. The line is a single phase 14.4 kV capacity. Access for construction and maintenance of the line would be along the existing line and the existing corridor.

Legal Description (attach Location Map): W.M., T. 21 S., R. 26 E., section 32, SE¼.

T. 22 S., R. 26 E., section 05, lot 2, SW¼NE¼, E½SW¼;
section 08, NW¼, E½SW¼;
section 07, SE¼SE¼;
section 18, E½NE¼, N½SE¼, SW¼SE¼;
section 19, W½NE¼, SE¼NW¼, W½SE¼.

T. 23 S., R. 25 E., section 34, E½E½.

T. 24 S., R. 25 E., section 03, lots 1 and 2, SW¼NE¼;
section 33, W½SE¼, SE¼SW¼.

T. 25 S., R. 25 E., section 04, lots 3 and 4, SW¼NW¼;
section 05, SE¼NE¼, SE¼SW¼, W½SE¼;

section 08, NE¼NW¼;
section 07, S½NE¼, NW¼SE¼, E½SW¼;
section 18, lots 1 and 2, NE¼NW¼.

T. 25 S., R. 24 E., section 13, SE¼NE¼, N½SE¼, SW¼SE¼, SE¼SW¼;
section 24, N½NW¼, SW¼NW¼;
section 23, SE¼NE¼, N½SE¼, SW¼SE¼;
section 26, W½NW¼, SW¼NW¼, NW¼SW¼;
section 27, E½SE¼, SW¼SE¼;
section 33, E½SE¼;
section 34, NW¼NE¼, E½NE¼, SW¼NW¼, NW¼SW¼.

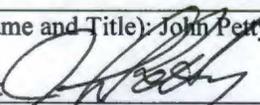
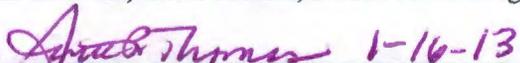
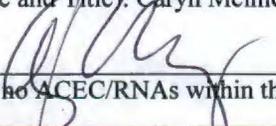
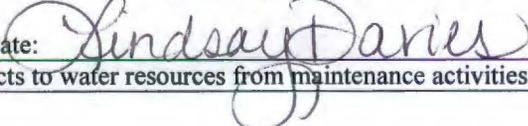
T. 26 S., R. 24 E., section 04, SE¼NE¼, NE¼SE¼;
section 21, SW¼NE¼, W½SE¼;
section 33, E½NW¼.

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 under LR-2. 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.9, Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations.

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

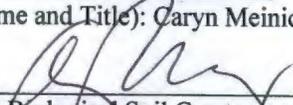
Screening for Exceptions: The following extraordinary circumstances (516 DM 2, Appendix 2) may apply to individual actions within the categorical exceptions. The indicated specialist recommends the proposed action does *not*:

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:	 1-22-13 1/16/13
Rationale: No significant impact to 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.
<u>Migratory Birds</u>	
Specialist (Print Name and Title): Matt Obradovich, Wildlife Biologist	
Signature and Date:	 1/16/13
Rationale: Since this is an existing power line ROW, renewal of the ROW should not have any effects on migratory birds. Should any ground disturbing activities be necessary, stipulations as to timing of activities may be put in place to reduce any impacts to migratory bird breeding, nesting, or brood rearing activities.	
<u>Historic and Cultural Resources</u>	
Specialist (Print Name and Title): Scott Thomas, District Archaeologist	
Signature and Date:	 1-16-13
Rationale: The proposed ROW renewal would not affect historic or cultural resources.	
<u>Areas of Critical Environmental Concern/Research Natural Areas</u>	
Specialist (Print Name and Title): Caryn Meinicke, Natural Resource Specialist, Botany	
Signature and Date:	 1-16-13
Rationale: There are no ACEC/RNAs within the proposed project area.	
<u>Water Resources/Flood Plains</u>	
Specialist (Print Name and Title): Lindsay Davies, Fish Biologist	
Signature and Date:	 1/16/13
Rationale: Impacts to water resources from maintenance activities would be minimal to no effect with adherence to project design	

features.

Soils, Biological Soil Crust, Prime Farmlands

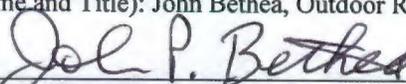
Specialist (Print Name and Title): Caryn Meinicke, Natural Resource Specialist, Botany

Signature and Date:  1-16-13

Rationale: Soils and Biological Soil Crusts may be disturbed within the width of the ROW if maintenance is required; however, the disturbance will be limited to the width of the ROW and the disturbed areas will be rehabilitated using BLM specified seed. This will prevent further soil loss and help BSCs recover.

Recreation/ Visual Resources

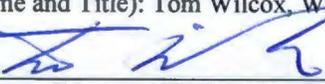
Specialist (Print Name and Title): John Bethea, Outdoor Recreation Planner

Signature and Date:  1-16-13

Rationale: The proposed locations to renew the existing ROW are mostly located in VRM Class III and IV with a small section in VRM Class II. The objective of VRM Class III is partial retention of the landscape character, for VRM Class IV major modifications are allowed, and VRM Class II is to retain the landscape character. Since this is an existing power line ROW and any maintenance activities would be of short duration renewal of the ROW should not have any effects to Visual Resources. Renewal of the ROW should have no effects on Recreation.

Wilderness/Wild and Scenic River Resources

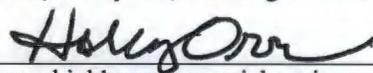
Specialist (Print Name and Title): Tom Wilcox, Wilderness Specialist

Signature and Date:  1/16/13

Rationale: There is no wilderness, WSA, citizen proposed WSA, or WSR in the proposed project area.

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

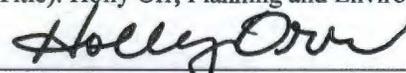
Specialist (Print Name and Title): Holly Orr, Planning and Environmental Coordinator

Signature and Date:  01/14/2013

Rationale: There are no known highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources. The distribution line already exists. This action is a renewal of an existing right-of-way where no additional rights are conveyed beyond those granted by the original authorization.

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

Specialist (Print Name and Title): Holly Orr, Planning and Environmental Coordinator

Signature and Date:  01/14/2013

Rationale: There are no known highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. The distribution line already exists. This action is a renewal of an existing right-of-way where no additional rights are conveyed beyond those granted by the original authorization.

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): Holly Orr, Planning and Environmental Coordinator

Signature and Date:  01/14/2013

Rationale: Implementation of the proposal would not establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects. The distribution line already exists. This action is a renewal of an existing right-of-way where no additional rights are conveyed beyond those granted by the original authorization.

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

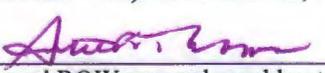
Specialist (Print Name and Title): Holly Orr, Planning and Environmental Coordinator

Signature and Date:  01/14/2013

Rationale: There are no known individually insignificant but cumulatively significant environmental effects. The distribution line already exists. This action is a renewal of an existing right-of-way where no additional rights are conveyed beyond those granted by the original authorization.

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:  1-16-13

Rationale: The proposed ROW renewal would not affect National Register listed or eligible historic properties.

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): Matt Obradovich, Wildlife Biologist

Signature and Date: *Matt Obradovich* 1/16/13

Rationale: There are no known federally listed Threatened or Endangered species or species proposed for listing or designated critical habitat in the proposed ROW. Therefore, renewal of the ROW should not affect any listed species, species proposed for listing or designated critical habitat.

Endangered or Threatened Species-Aquatic

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

Signature and Date: *Lindsay Davies* 1/16/13

Rationale: There are no Threatened or Endangered (aquatic) species or critical habitat in the proposed ROW.

Endangered or Threatened Species-Flora

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

Signature and Date: *Caryn Meinicke* 1-16-13

Rationale: There are no T & E plant species or critical habitat within the ROW. There is the potential for *Lomatium ravenii* (LORA, Raven's lomatium) to be present as it is documented in the surrounding area. Prior to any ground disturbing activity, a survey will be performed and if LORA is found to be present, that area will be a no action 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): Holly Orr, Planning and Environmental Coordinator

Signature and Date: *Holly Orr* 01/14/2013

Rationale: No known Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment would be violated. This action is a renewal of an existing right-of-way where no additional rights are conveyed beyond those granted by the original authorization.

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

Specialist (Print Name and Title): Holly Orr, Planning and Environmental Coordinator

Signature and Date: *Holly Orr* 01/14/2013

Rationale Implementation of the proposal would not result in a disproportionately high and adverse effect on low income or minority populations. These populations do not occur in or near the Project area. The distribution line already exists. This action is a renewal of an existing right-of-way where no additional rights are conveyed beyond those granted by the original authorization.

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: *Scott Thomas* 1-16-13

Rationale: The proposed ROW renewal would not affect access or integrity of sacred sites.

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: *Lesley Richman* 1/16/13

Rationale: Noxious weeds are known to be present in or in close proximity to this area. Treatments are on-going. 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): Holly Orr, Planning and Environmental Coordinator

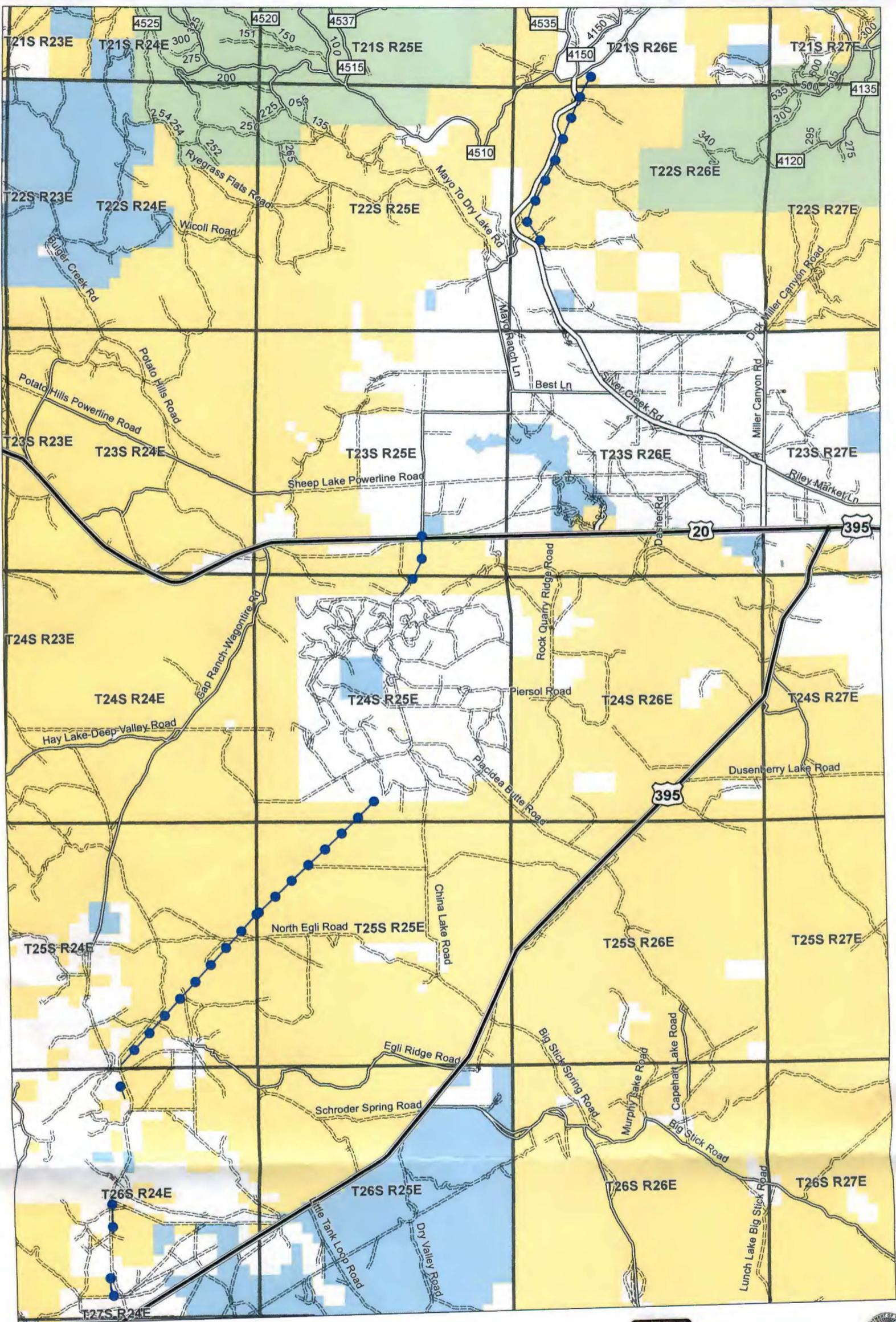
Signature and Date: Holly Orr 1/14/13

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 1/14/13

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.



Renewal of Existing Power Line with new Case File # OR-67553, ROW width 10' from centerline approximately 17 miles in length

- == Paved Road
- == Non-Paved Improved Road
- == Natural/Unknown Road Surface
- OR-67553
- BLM
- U.S.F.S.
- State
- Private/Unknown



US 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. workarea/tmclaim/OR67553.mxd, 01/14/2013



Ownership Boundaries are accurate within plus or minus 200 feet



FEB 07 2013

2800 (ORB060)
OR-67553

CERTIFIED MAIL – 7010 1870 0002 7993 0255
RETURN RECEIPT REQUESTED

DECISION

Randall T. Whitaker	:	
Harney Electric Cooperative, Inc.	:	Right-of-Way Grant
P.O. Box 587	:	Serial No. OR-67553
Burns, Oregon 97720	:	

Dear Mr. Whitaker:

Right-of-Way Grant OR-67553 Issued
Rental Determined
Monitoring Fee Determined

On February 4, 2013, you received a copy of your Right-of-Way (ROW) grant, serial number OR-67553, which allows the use and maintenance of an existing road. It was approved by the Bureau of Land Management (BLM) on November 4, 2011.

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
Three Rivers Resource Area Field Manager

Enclosures

BLM Form 1842-1
Monitoring Determination Form

TMCLAIN:md 02/05/13:LANDSAND