

**United States  
Department of the Interior  
Bureau of Land Management  
Eugene District Office**

**Categorical Exclusion Documentation**

Categorical Exclusion No. DOI-BLM-ORE060-2012-0006-CX  
Right-of-Way Grant OR 66950

**A. Background**

Location of Proposed Action: T. 20S., R.2W., Sections 30 and 32, T. 20S., R.3W Sections 25 and 36 and T.21S., R.3W Section 1(Mosby Trailhead)

Proposed Action: Dorena Hydro, LLC has applied for a right-of-way along the Row River Trail from the Row River Road intersection to the trailhead located at Mosby Creek(see attached map) to install an underground 25kv, 3-phase transmission line for the purpose of transmitting power generated at the proposed Dorena Lake Dam Hydro Facility to the Village Green Substation located in Cottage Grove. They are going to be trenching/plowing using a ditch witch trencher directly adjacent (within 1 foot) to the existing paved pathway within the BLM easement. The trench will be 2'wide by 4' deep and will house four transmission lines and two communication lines. In addition, every 5000' splice vaults, which allow the ends of the wires to be connected, measuring approximately 4' wide by 5' long by 5'deep would be placed. The trench would be backfilled and compacted with the native soils that were removed and seeded by hand with native grass seed (*Elymus Glaucus*) provided by the BLM. No soil will be imported or exported. Noise would be minimal and only during normal business hours, no blasting would be allowed. Dorena Hydropower is proposing a zero impact bridge crossing method where they would work from the bridge(no in water work) to install four 8" PVC conduits and two 2" PVC conduits(painted to match the bridge) placed between the trestles under each bridge. The project would take approximately 4 months to complete and occur during the winter months or during times of low use lessening the impact to the trail users during construction. The BLM will be notified 2 weeks prior to work commencing, (see attached work schedule for anticipated work dates).

In response to the right-of-way application, the proposed action is to issue right-of-way grant OR 66950 to Dorena Hydro for a period of 20 years, subject to standard conditions required for rights-of-way granted under the authority of the Federal Land Management and Policy Act. The purpose of the grant would be for the construction, operation, maintenance and termination of a 25kv 3 phase underground utility.

**B. Land Use Plan Conformance**

The Eugene District has planned this project to conform and be consistent with the Eugene District's 1995 RMP. Following the March 31, 2011 decision by the United States District Court for the District of Columbia in *Douglas Timber Operators et al. v. Salazar*, which vacated and remanded the administrative withdrawal of the Eugene District's 2008 ROD and RMP, we evaluated this grant for consistency with both the 1995 RMP and the 2008 ROD and RMP. Accordingly, this grant is consistent with the Eugene District's 1995 RMP and the 2008 ROD/RMP.

### C. Compliance with NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9(E)(12), "Grants of rights-of-way wholly within the boundaries of other compatibly developed rights-of-way".

This categorical exclusion is appropriate in this situation because the proposed action is in accordance with 516 DM 11.9(E)(12) and there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Eugene District has reviewed the proposed action, and none of the extraordinary circumstances described in 516 DM2 apply.

### D. Categorical Exclusions Extraordinary Circumstances Documentation

Extraordinary Circumstances	YES	NO
<p><b>1. Have significant impacts on public health or safety.</b>  <u>Rationale:</u> The proposed activity places the transmission lines underground.</p>		X
<p><b>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.</b>  <u>Rationale:</u> There are no natural resources or unique geographic characteristics that would be affected by this action. The proposed action will conform to the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act; no take of bald eagles using Dorena Reservoir will occur. Project activities will not significantly impact cultural or historic resources as the project will only impact previously disturbed ground and the railroad grade will be returned to its original condition and use as a trail. No other known cultural or historic resources exist within the project area.</p>		X
<p><b>3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].</b>  <u>Rationale:</u> There are no predicted environmental effects from the proposed action which are considered to be highly controversial nor are there unresolved conflicts concerning alternative uses.</p>		X
<p><b>4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.</b>  <u>Rationale:</u> The proposed operations are not unique or unusual. The BLM has considerable experience implementing similar actions without highly controversial, highly uncertain, or unique or unknown risks.</p>		X
<p><b>5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.</b>  <u>Rationale:</u> The BLM has conducted similar actions since its inception. There is no evidence that this action will have potentially significant environmental effects and it would not establish a precedent or decision for future actions with potentially significant environmental effects.</p>		X

Extraordinary Circumstances	YES	NO
<p><b>6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.</b>  <u>Rationale:</u> Based upon review of the project, and given current conditions on the grounds, the Eugene District did not find any resource issues of concern that would be affected by this action.</p>		X
<p><b>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.</b>  <u>Rationale:</u> There are no eligible or listed properties within the proposed treatment areas.</p>		X
<p><b>8. Have significant impacts on species listed, or proposed to be listed, as an Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.</b>  <u>Rationale:</u> The areas to be treated will have no significant impacts to species listed or proposed to be listed as an Endangered or Threatened Species, nor have significant impacts on designated Critical Habitat for these species. The following mitigation measures for reducing impacts to an Endangered or Threatened Species or Critical Habitat for these species would be implemented as necessary.</p>		X
<p><b>9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.</b>  <u>Rationale:</u> The proposed action conforms to the direction given for the management of public lands in the Eugene District ROD/RMP, which complies with all applicable Federal, State, local and tribal laws. Specifically, the proposed action will conform to the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act; no take of bald eagles using Dorena Reservoir will occur.</p>		X
<p><b>10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 2898).</b>  <u>Rationale:</u> There would be no adverse effect on low income minority populations.</p>		X
<p><b>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).</b>  <u>Rationale:</u> The project would have no significant impact on access to and ceremonial use of Indian sacred sites or significantly adversely affect the physical integrity of such sites.</p>		X
<p><b>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).</b>  <u>Rationale:</u> The proposed action does not result in measurable changes to the current baseline of the risk, or actual introduction, continued existence, or spread of noxious weeds or non-native invasive species in or from the project area. The proposed action does not introduce any vector for spread or introduction beyond such vectors already found.</p>		X

## E. Review

Prepared by: /s/ Tracy Maahs  
Realty Specialist

Date: 4/2/2012

Reviewed by: /s/ Christie Hardenbrook  
Planning & Environmental Coordinator

Date: 4/2/2012

Approved by: /s/ William O'Sullivan  
Upper Willamette Field Manager

Date: 4/2/2012

## F. Contact Person and Reviewers

For additional information concerning this Categorical Exclusion review, contact Tracy Maahs, Eugene District Realty Specialist, (541) 683-6376.

## G. Administrative Remedies

This is a lands decision on a right-of-way action in accordance with BLM regulations at 43 CFR 2801.10. This decision is subject to appeal to the IBLA pursuant to Part 4 of 43 CFR Subtitle A. The decision is effective upon signing by the authorized officer and shall remain in effect pending an appeal (43 CFR Part 2801.10).

Department of the Interior  
Bureau of Land Management  
Eugene District Office

DECISION RECORD  
CATEGORICAL EXCLUSION

Decision:

It is my decision to proceed with the proposed action as described in DOI-BLM-ORE060-2012-0006-CX.

Decision Rationale:

The proposed action has been reviewed by the appropriate staff and based on the NEPA Categorical Exclusion Review, I have determined that the proposed action involves no significant impact to the human environment and no further analysis is required. It is my decision to implement the project as described.

The Eugene District has planned this project to conform and be consistent with the Eugene District's 1995 RMP. Following the March 31, 2011 decision by the United States District Court for the District of Columbia in Douglas Timber Operators et al. v. Salazar, which vacated and remanded the administrative withdrawal of the Eugene District's 2008 ROD and RMP, we evaluated this grant for consistency with both the 1995 RMP and the 2008 ROD and RMP. Accordingly, this grant is consistent with the Eugene District's 1995 RMP and the 2008 ROD/RMP.

Administrative Remedies:

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Authorizing Official:

/s/ William O'Sullivan

William O'Sullivan  
Field Manager  
Upper Willamette Resource Area

4/2/2012

Date