

**RECORD OF PLAN CONFORMANCE AND
CATEGORICAL EXCLUSION (CX) DETERMINATION
Bureau of Land Management (BLM)**

CX Log #: DOI-BLM-OR-L040-2009-0003-CX Lease or Serial #: OR 20300

Project Name: PacifiCorp Power Line Right-of-Way Renewal OR 20300.

Project Location: Yonna USGS Quadrangle, T.38S., R.11E., Sec. 22: SWNE, NWSE County: Klamath

BLM Office: Lakeview District, Klamath Falls Resource Area Phone: (541) 883-6916

Applicant: PacifiCorp, 825 N.E. Multnomah, Suite 1700, Portland, OR 97232

Description of the Proposed Action:

The proposed action is to grant PacifiCorp a renewal of their existing power line (20.8 kV) right-of-way for an additional 30 years. Renewal of the right-of-way would continue the authorization of the subject power line which has been in existence since 1979. Renewal of this right-of-way will not convey any additional rights to those contained in the original authorization and it will occupy approximately 1.579 acres. See attached map, "Exhibit A". The right-of-way will include Grant Stipulations/Terms and Conditions for operation. See Exhibit "B".

Plan Conformance:

The above proposed action has been reviewed and found to be in conformance with one or more of the following BLM plans or NEPA analyses:

- A. Klamath Falls Resource Area Record of Decision and Resource Management Plan (KFRA ROD/RMP), approved December 2008. Refer to Page 50.

Identification of Exclusion Category:

The proposed action has been identified as a categorical exclusion under **Bureau of Land Management Categorical Exclusions (516 DM 11, 11.9 E(9))**: Renewals and assignments of leases, permits or rights-of-ways where no additional rights are conveyed beyond those granted by the original authorizations).

Compliance with the National Environmental Policy Act:

The proposed action will not create adverse environmental effects or trigger an exception, unless as noted.

CX Extraordinary Circumstances Documentation		
The proposed categorical exclusion action will:	YES	NO
2.1 Have significant impacts on public health or safety.		X
Rationale: The action involves the renewal of an existing right-of-way and would not have an impact on 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); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.		X
Rationale: No significant impact on any resources.		
2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative		X

uses of available resources [NEPA Section 102(2)(E)].		
Rationale: The renewal of an existing right-of-way is not highly controversial.		
2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
Rationale: The effects of renewing an existing right-of-way are not uncertain or unknown.		
2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
Rationale: No precedence is being established by renewing an existing right-of-way. Renewing of existing rights-of-way is customary and routine procedure.		
2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
Rationale: Renewal of an existing right-of-way will not have any cumulative environmental effects.		
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.		X
Rationale: Right-of-way renewal will not impact any NHRP 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.		X
Rationale: There are no known special status species associated with this powerline. Renewal of an existing right-of-way will not have significant effects on endangered species or their habitats.		
2.9 Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		X
Rationale: This action does not violate any law.		
2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		X
Rationale: This action will not affect low income or minority populations.		
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).		X
Rationale: Access to sacred sites will not be affected by this renewal action.		
2.12 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).		X
Rationale: There are noxious weed species in the project area (from GIS data). A stipulation will be placed in the right-of-way grant requiring the Holder be responsible for weed control on the disturbed areas within the limits of the right-of-way area.		

Surveys and Consultation:

Surveys and/or consultation may be needed for special status plants and animals, for cultural resources, and other resources as necessary (appropriate fields are Initialed and Dated by responsible resource specialist):

Surveys	Are Completed	Will Be Completed	Are Not Needed
SS Animals			SGH 02/19/09
SS Plants			MJB 2/9/09
Cultural Resources			BMB 2/9/09
Consultation	Is Completed	Will Be Completed	Is Not Needed
SS Animal Consultation*			SGH 02/19/09
Botanical Consultation			MJB 02/09/09
Cultural Consultation			BMB 2/9/09
*(SS = Special Status)			

Summary of Findings and CX Determination:

Based on the available information and a review by the interdisciplinary team, it is my determination that the proposed action does not constitute a significant impact affecting the quality of the human environment greater than those addressed in the:

Final Environmental Impact Statement for the Revision of the Resource Management Plans of the Western Oregon Bureau of Land Management, October 2008 (including the Klamath Falls Resource Area)

The proposed action would not create adverse environmental impacts or require the preparation of an environmental assessment (EA) or environmental impact statement (EIS). The proposed action has been reviewed against the criteria for extraordinary circumstances (listed above) as identified in 516 DM 2, Appendix 2. The application of this categorical exclusion is appropriate, as there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action is, therefore, categorically excluded from additional NEPA documentation.

Prepared By: Daniel Stewardson, Realty Specialist

Reviewed By: Full Interdisciplinary Team

It is my decision to proceed with the Proposed Action.

Signature:

Authorizing Official: /s/Donald J. Holmstrom
(Signature)

Date: 02/23/09

Name: Donald J. Holmstrom
Title: Manager, Klamath Falls Resource Area

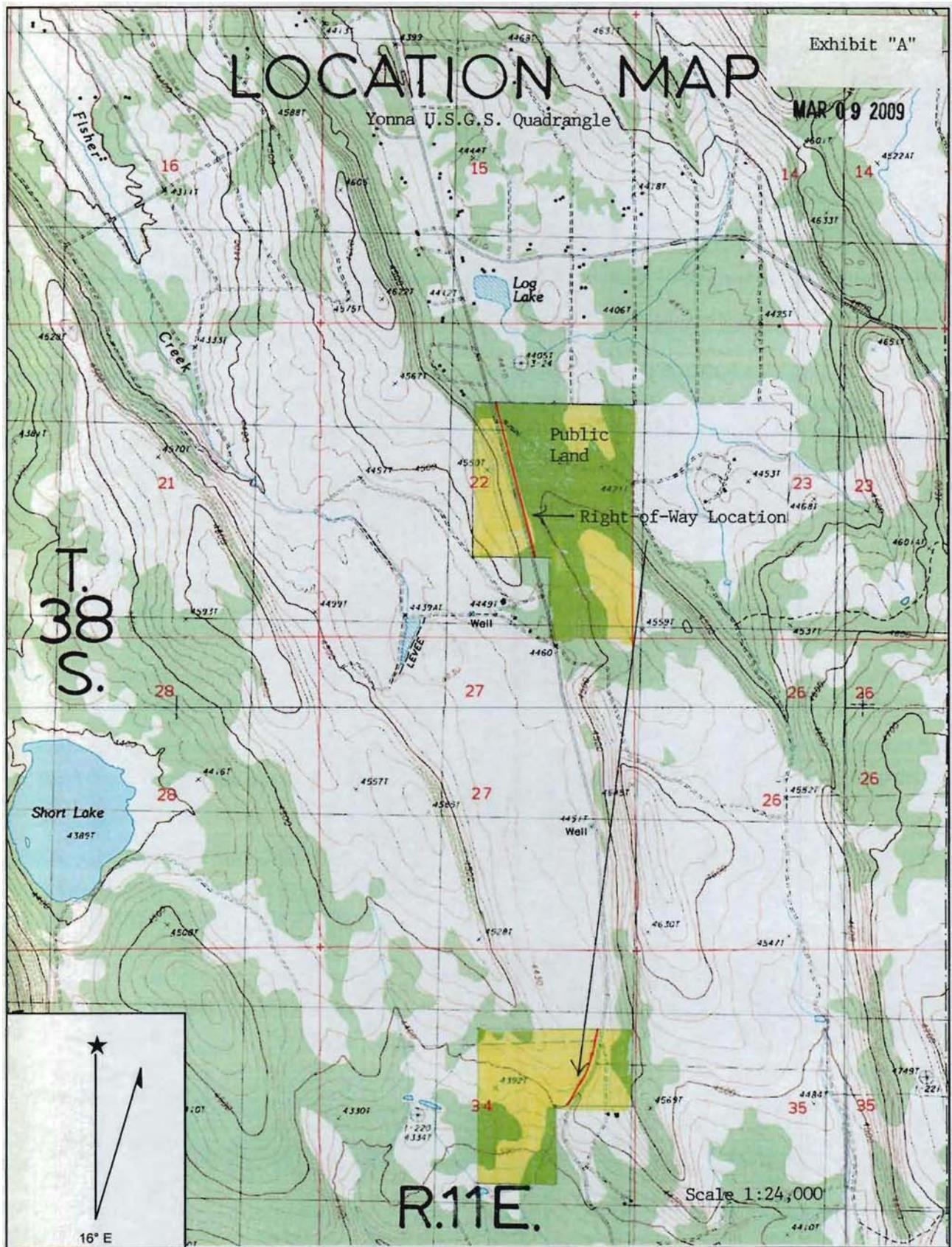
Implementation Date:

None, this is an existing situation.

Contact Person:

For additional information concerning this CX review, contact:

Daniel Stewardson, Lakeview Resource Area, 1301 South G Street, Lakeview, Oregon 97630 or telephone: 541-947-2177.



**PacifiCorp Power Line Right-of-way
Grant Stipulations/Terms and Conditions**

1. The Holder of this right-of-way shall be responsible for weed control on disturbed areas within the limits of the right-of-way. This includes weed treatment, avoidance of noxious weed populations, and if possible reducing the spread of weeds through vehicle washing. The Holder is responsible for consultation with the Lakeview Resource Area Manager, hereinafter referred to as the Authorized Officer, and local authorities for acceptable weed control methods.
2. Use of pesticides/herbicides shall comply with the applicable Federal and state laws. Pesticides/herbicides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides/herbicides, the Holder shall obtain from the Authorized Officer written approval of a plan showing the type and quantity of material to be used, pest(s)/weeds to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the Authorized Officer. Emergency use of pesticides/herbicides shall be approved in writing by the Authorized Officer prior to such use. In addition, 14 day notification is required from the Holder prior to any mechanical or manual treatment of any vegetation along the ROW.
3. If any populations of special status plant species are found, these sites shall be protected from disturbance and the Holder shall notify the Klamath Falls Resource Area Authorized Officer. Any modification to the ROW, including soil disturbance, shall require botanical surveys and subsequent protection of special status plant species, if found.
4. The Holder or the Holder's successor in interest shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and the regulations of the Secretary of Interior issued pursuant thereto.
5. The Holder agrees to indemnify the Bureau of Land Management against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, et seq. or the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901, et seq.) on the authorized use area (unless the release or threatened release is wholly unrelated to the Holder's activity on the authorized use area). This agreement applies without regard to whether a release is caused by the Holder, its agent, or unrelated third parties.
6. Pursuant to 43 CFR 10.4(g), any human remains, cultural and/or paleontological resource (historic or prehistoric or vertebrate fossil site or object) discovered by the Holder, or any person working on his/her behalf, on public or Federal land shall be immediately reported by telephone to the Authorized Officer. The Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the Authorized Officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The Holder will be responsible for the cost of evaluation and the Authorized Officer will make any decision as to proper mitigation measures after consulting with the Holder. In

some cases it may be necessary to suspend authorized operations in the area of the discovery for as much as 30 days.

7. As determined by the Authorized Officer, upon termination of the right-of-way grant, whether by default, abandonment or the running of the term, the Holder shall be responsible for returning the area to as natural a condition as possible. Improvements not removed shall be considered abandoned and disposed of accordingly. The Holder shall remain liable for costs of removal and/or restoration of the land.
8. During any reconstruction or maintenance on the right-of-way, the Holder shall protect all survey monuments, witness corners, reference monuments and bearing trees against destruction, obliteration or damage. If a corner point (monument) is in danger of being lost or damaged, the corner shall be referenced in such a manner that the point can be reestablished and remonumented or rehabilitated after construction. If a bearing tree or other corner accessory is damaged or lost, a new corner accessory shall be properly marked and referenced to the corner. A registered professional land surveyor who shall file a full and complete record of all action taken with the appropriate county surveyor's office shall perform all work. A copy of the record shall be sent to the State Director, Bureau of Land Management, and P.O. Box 2965, Portland, Oregon 97208.
9. If as a result of this right-of-way, any existing fences or improvements are removed or modified, they shall be relocated and/or replaced with similarly functional materials and reconstructed to at least their original condition or better.
10. The Authorized Officer reserves the right to require modifications or additions to all aerial structures placed within the right-of-way, should they be necessary to ensure the safety of large perching birds. Such modifications shall be made by the Holder without liability or expense to the United States. Holder shall develop and implement an Avian Protection Plan (APP) to minimize adverse interactions (collision and electrocution) for all facilities, power lines and structures within the right-of-way boundaries. The APP should include a monitoring strategy that is sufficiently repetitive to detect sites that are causing mortalities. This APP shall include designs for retrofitting or rebuilding any power poles to increase safety for large perching birds, and construct new or rebuild power poles in accordance with the guidelines in the most current Avian Protection Plan Guidelines (APLIC 2005). These guidelines should be used in conjunction with Suggested Practices for Raptor Safety on Power lines: The state of the Art in 1996 (APLIC 1996) and Mitigating Bird Collisions with Power Lines: The State of the Art in 1994 (APLIC 1994). As part of the APP, Holder shall install bird diverters for the power line spans that are below the canyon rim which pose the highest risk of mortality to raptors. Holder shall develop the APP based on the existing APP for the Klamath Basin (2005).
11. All field, construction and maintenance personnel shall be briefed on and made thoroughly aware of all pertinent stipulations/terms and conditions prior to the commencement of any construction or maintenance activity; to take adequate precaution to prevent forest, brush, and grass fires; to endeavor with all available personnel to suppress any fire originating on or threatening the right-of-way on which a road is being used or constructed by the permittee or any fire caused by the permittee; to do no burning on or near the right-of-way without State permit during the seasons that permits are required and in no event to set a fire on or near the right-of-way that will result in damage to any natural resource or improvement.

12. As determined by the Authorized Officer, upon termination of the right-of-way grant, whether by default, abandonment or the running of the term, the Holder shall be responsible for returning the area to as natural a condition as possible. Improvements not removed shall be considered abandoned and disposed of accordingly. Holder shall remain liable for costs of removal and/or restoration of the land.
13. During the life of this grant, the Holder shall provide for the maintenance and protection of roads used during the construction, operation, maintenance, and termination of the right-of-way. This may include, but not be limited to, blading the roadway, cleaning ditches and drainage facilities, dust abatement, water bar replacement, or other requirements deemed necessary as directed by the Authorized Officer. Said maintenance shall be performed as necessary to prevent damage to lands and resources within and adjacent to the right-of-way. The Holder shall not obstruct any road without the prior approval of the Authorized Officer. The Holder shall not use un-surfaced roads as access routes when such use would cause rutting or erosion. Such use may be suspended by the Authorized Officer if soil conditions warrant. Holder shall maintain or improve the roads to the specification shown on the Attached Exhibit C.
14. No snow removal is authorized on any Bureau of Land Management owned or controlled road without the prior written approval of the Authorized Officer.
15. Damage caused by the Holder to public utilities and improvements shall be promptly repaired by the Holder to a condition satisfactory to the Authorized Officer.
16. All of Holder's controlled equipment or equipment under contract to Holder operating upon such roads shall be maintained in a good and safe operating condition and shall be operated cautiously so as to minimize accident hazards. All truck drivers shall have a valid Truck Operators license. Holder shall abide by all regulations posted along the roads by the Grantor.
17. Grantor may suspend the use of such roads during periods when the lands are closed by lawful authority. Grantor may also suspend the use of such roads when, due to weather conditions, unrestricted use would cause excessive damage to the roads.
18. Upon completion of construction, or maintenance, and within 30 days, Holder shall clean up and remove from such road or rights-of-way all debris, refuse, and waste material which may have resulted from Holder's use or operations, and shall repair any damage to the roads resulting directly or indirectly from Holder's use of operations.