

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

Project Name: **Pacific Power Road ROW Renewal**

CX Log #: DOI-BLM-OR-L040-2010-0019-

CX

Project Location:

MDM, T41S, R5E, Sec 1 SENESW, SWNWSW, W2SWW AND W2E2, SE, E2W2SE, SWNWSE.

Lease or Serial #: OR 025903

BLM Office: Lakeview District, Klamath Falls Resource Area County: Klamath County, Oregon

A. Background

Description of Proposed Action:

Pacific Power is requesting to renew their existing ROW for three access roads to access their power line systems in the area of T41S., R5E., Section 1. These roads are from east to west 3,000 x 30 feet centerline, 640 feet x 30 feet centerline and 1,290 feet 30 feet centerline. The purpose of the proposed action is to continue to provide service to the public and the capability to access the power lines as needed for maintenance and repair year-round. Pacific Power is not requesting any changes in the Right-of-Way. ROW OR 20608 is a separate Grant with similar verbiage and should not be considered

Purpose and Need for the Project:

The purpose of the proposed action is to continue to provide service to the public and year round capability to access the substations as needed for routine and emergency maintenance as defined in Exhibit B and C.

Proposed Implementation:

Renewal is requested as soon as possible

B. Land Use Plan Conformance

This project had been designed to comply with the land use allocations, management direction, and objectives of the 1995 Klamath Falls Resource Area Resource Management Plan (1995 RMP) page 66 "Rights-of-Way".

The proposed project has been reviewed and found to be in conformance with one or more of the following BLM plans, programmatic environmental analyses or policies:

- Vegetation Treatment on BLM Lands in Thirteen Western States FEIS and ROD (1991)
- Northwest Area Noxious Weed Control Program FEIS and ROD (1985) and Supplement (1987)
- Integrated Weed Control Plan (IWCP) 1993
- Lakeview District Fire Management Plan – Phase 1 (1998)
- National Fire Plan (A Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment 10-Year Comprehensive Strategy) (2001)
- Wildland and Prescribed Fire Management Policy (1998)

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, Appendix 4, (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.*

The proposed action is categorically excluded from further analysis or documentation under the National Environmental Policy Act (NEPA) provided none of the Extraordinary Circumstances listed in 516 Departmental Manual 2, Appendix 2 (5/27/04) are met.

CX Extraordinary Circumstances Documentation		
The proposed categorical exclusion action will:	YES	NO
2.1 Have significant impacts on public health or safety.		X
This is an existing road which has been used to access power lines in the recent past. No issues to public health or safety will arise from this action.		
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: None of these resources are present or would be affected.		
2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].		X
Rationale: Use of these roads to access power lines and performance of required maintenance is not unusual and would not result in highly controversial effects or unresolved conflicts.		
2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
Rationale: Use of these roads to access power lines is not unusual and would not result in highly uncertain, unique or unknown environmental risk.		
2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
Rationale: Allowing this ROW will not set a precedent for future action.		
2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
Rationale: The proposed ROW would not result in significant impacts when considered with other actions		
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: This is an existing road which has been previously issued a ROW. The Prism of the existing roads will not change.		
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: No Threatened or Endangered species occur or will be affected by the project.		
2.9 Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		X
Rationale: The proposed action will be completed in accordance with all applicable laws and regulations		
2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		X
Rationale: There will not be any different effect on low income or minority population than on other segments of the population		
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: There are no such sites within the project boundary.		
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: Appendix A of this document addresses weed mitigation measures. The proposed action would limit disturbance and therefore the spread of noxious weeds because no large machinery will be used.		

The proposed action would not meet any of the above extraordinary circumstances, or fail to comply with Executive Order 13212 (Actions to Expedite Energy-Related Projects) – to avoid direct or indirect adverse impact on energy development, production, supply, and/or distribution.

D. 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 05/18/10		
SS Plants			MJB 4/19/2010
Cultural Resources	BMB 4/27/10		
Consultation	Is Completed	Will Be Completed	Is Not Needed
SS Animal Consultation*			SGH 05/18/10
Botanical Consultation			MJB 4/19/2010
Cultural Consultation			BMB 4/27/10
*(SS = Special Status)			

E. Contact Person

For additional information concerning this CX review, contact:

Debora Boudreau, Realty Specialist, Klamath Falls Resource Area, 2795 Anderson Avenue, Building 25, Klamath Falls, Oregon 97603-7891 or telephone: 541-885-4150

F. Mitigation Measures

Weeds

All vehicles and equipment will be cleaned off prior to operating on BLM lands. Removal of all dirt, grease, and plant parts that may carry noxious weed seeds or vegetative parts is required and may be accomplished with a pressure hose.

High concentrations of noxious weeds in the immediate area of mechanical operations shall be mowed to ground level prior to the start of project activities.

All equipment and vehicles operating off of main roads shall be cleaned off prior to leaving the job site when the job site includes noxious weed populations. Removal of all dirt, grease, and plant parts that may carry noxious weed seeds or vegetative parts is required and may be accomplished with a pressure hose.

Roads

Roads included in this right-of-way (shown on Attachment 1) shall be open at all times to full use and enjoyment by the Grantor and its permittees for any and all purposes deemed necessary or desirable in connection with the control, management, and administration of Grantor's lands or the resources thereof, and insofar as compatible therewith, use by the general public. However, such use shall not unreasonably interfere with Holder's use granted herein.

During the closure period (winter and spring), user will only use the road when it is frozen or dry and will not use the road wet conditions. If the road is damaged by holder, holder will be required to pay for road maintenance. This is necessary to keep roads in satisfactory condition and to protect the road from winter and spring road use damage.

The holder shall be entitled to recover pro rata maintenance expense from others who use the road for removal of commercial forest products. Grantor shall require other commercial forest products haulers to share maintenance expenses with the holder.

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 Oregon Truck Operators license. Holder shall abide by all regulations posted along the roads by the Grantor.

Grantor may suspend the use of such roads during periods when the forests 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

Wildlife Stipulations

Raptor Nests

Implement seasonal restrictions and nest site protection for active/occupied raptor nests from human caused disturbance during the critical nesting period. These seasonal restrictions would vary by species.

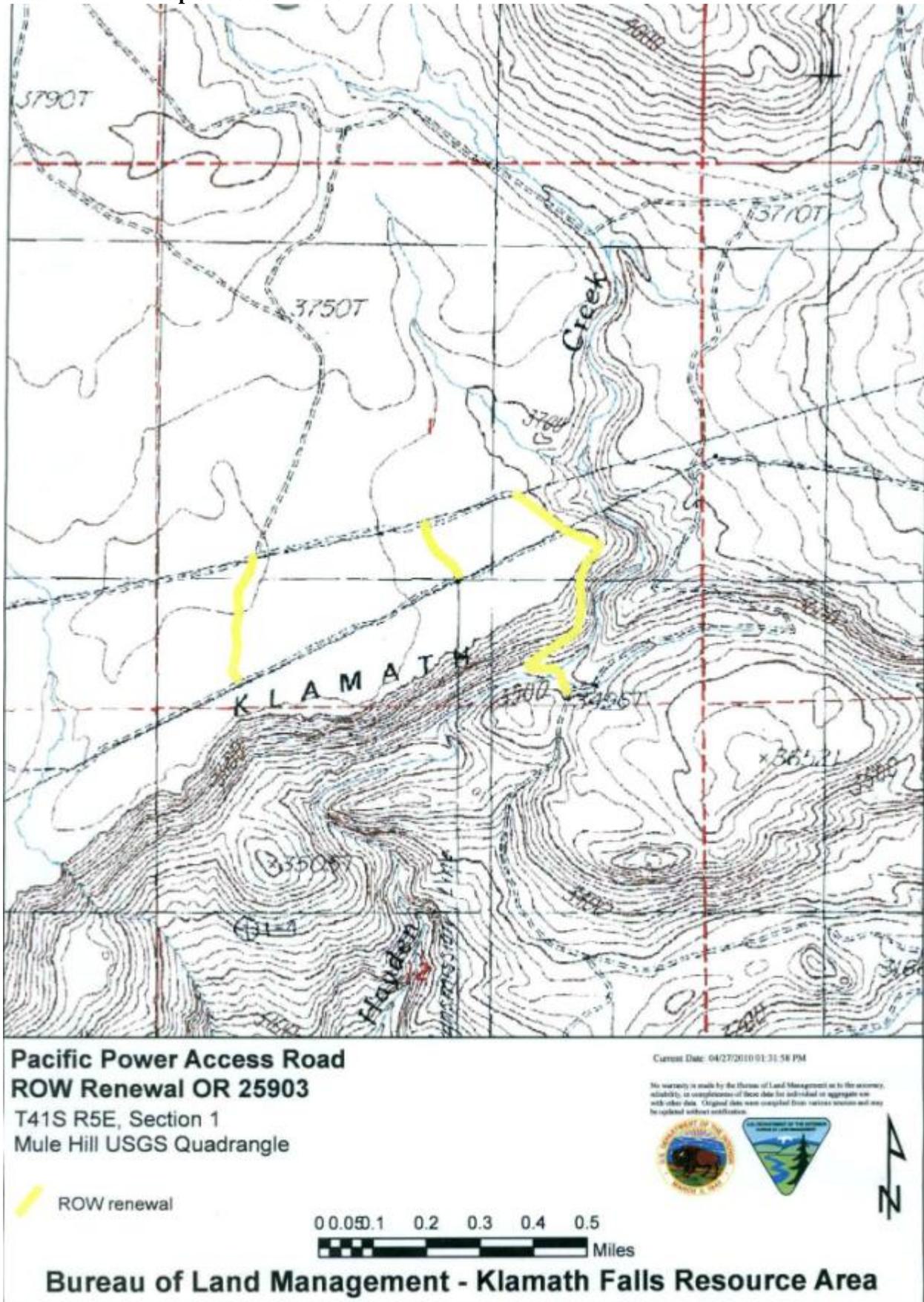
For Bald Eagles and Golden Eagles use the Fish and Wildlife Service Bald Eagle Management guidelines. Seasonal Restriction period would occur from Jan 1- August 31. These guidelines can be found at the following web site;

<http://www.fws.gov/pacific/eagle/NationalBaldEagleManagementGuidelines.pdf>

For Osprey the seasonal restriction would occur from May 1 – August 1 (KFRA RMP) within 660 ft of the nest site.

For all other raptors use the latest information of the critical nesting period for the raptor species and implement seasonal restrictions from human caused disturbance that may result in nest failure or abandonment.

Attachment 1 – Map of Access Roads



Determination for Pacific Power Access Road #025903 Renewal
DOI-BLM-OR-L040-2010-0019-CX

I have determined that it is appropriate to proceed with renewal of the Pacific Power access roads right-of-way #OR 25903 as described in the Categorical Exclusion (CX), including implementation of stipulations as Exhibit A in the right-of-way grant, and shown on the attached map(s).

Rationale

The proposed action has been reviewed by the Klamath Falls Resource Area staff and appropriate Project Design Features, as specified, will be incorporated into the proposal. The proposed action would not create adverse environmental effects, meet any of the above extraordinary circumstances, or fail to comply with Executive Order 13212 (Actions to Expedite Energy-Related Projects) – to avoid direct or indirect adverse impact on energy development, production, supply, and/or distribution.

Based on the attached NEPA (National Environmental Policy Act) Categorical Exclusion Review, I have determined the proposed action involves no significant impact to the human environment and no further environmental analysis is required.

Signature

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

Date: 8/4/2010

Name: Donald J. Holmstrom

Title: Manager, Klamath Falls Resource Area

