Decision Record
Pacific Direct Current Intertie Upgrade Project

Introduction

The Bonneville Power Administration (BPA) submitted a Federal Land Policy and Management Act (FLPMA) Right-of-Way (ROW) application, serial number OR 67684, to the Bureau of Land Management (BLM) on February 4, 2013, for additional road access. Associated with this request is a proposal to upgrade BPA's 265-mile Pacific Direct Current Intertie (PDCI) project that extends from the Celilo Converter Station in The Dalles, Oregon, south to the Nevada-Oregon border (see Figure 2.1-1 in the EA). This upgrade would improve the reliability of the aging line. In addition, this upgrade would increase the north to south transfer capability of the BPA portion of the PDCI from its current transfer capability of 3,100 MW to 3,220 MW. The upgrade would allow the line to be operated at ±520 kV in order to increase the transfer capability. The upgraded transmission line would be similar to the existing PDCI line in design and appearance. Under the Proposed Action, BPA would leave all existing towers in their current locations within the existing BPA ROW, serial number OR 1051.

BLM agreed to act as a cooperating agency and assisted BPA in preparing an environmental assessment (EA) in accordance with the National Environmental Policy Act (NEPA). Approximately 137.4 miles of the PDCI utility line ROW crosses BLM-administered lands within the Prineville and Lakeview districts (see Table 2.1-3 of the EA).

Alternatives Including the Proposed Action

The EA addressed two alternatives in detail: the Proposed Action and No Action Alternatives. The EA also considered several other alternative actions, but did not address the potential impacts of these alternatives in detail for a variety of reasons (see EA, section 2.3, pages 2-27 to 2-28).

No Action Alternative

The No Action Alternative was considered and served as the baseline for purposes of comparing the potential impacts of the Proposed Action Alternative (see EA Chapter 3). Under the No Action Alternative, BPA would not perform a systematic upgrade of the existing PDCI transmission line and would continue to operate and maintain the transmission line in its current state. BLM would not issue a new ROW for additional access roads.

Proposed Action

The Proposed Action Alternative included maintaining and upgrading the entire 265-mile PDCI transmission line and included the following activities across a variety of Federal and private ownerships (see also EA Chapters 2 and 3):

> Installation and replacement of tower components, such as new hardware assemblies, insulators, dampers, and shunts.
> Replacement (reconductoring) of a 1.8-mile section of conductor to match the remaining line conductor between towers 166/5 and 168/3.

Installation and replacement of corrosion protection anodes at the base of about 160 existing towers to protect against tower corrosion
Improvement of about 210 miles of existing access roads.
Construction of 0.6 mile of new permanent access roads (on private land).
Continued use of existing access roads that do not require improvement.
Acquisition of access road easement rights and end easement rights where changes are needed.
Establishment of temporary staging areas for storage of materials.
Removal of vegetation where rocking is needed.
Revegetation of areas disturbed by construction activities.

Decision

Much of the activities listed above as part of BPA's Proposed Action Alternative can already be performed by BPA on BLM-administered lands under its existing 44 LD 513 utility line authorization (serial number OR 1051) without additional approval required by BLM. While BPA's proposed action described in the EA included an analysis of the potential impacts of construction of 4 new dead-end towers on BLM-administered lands, BLM's decision does not authorize this project component. Rather, BLM's decision is focused on deciding whether or not to grant, modify, or deny a new FLPMA ROW for additional project access on existing roads located outside of the original 44 LD 513 authorization.

Issuance of New ROW

It is my decision to authorize a FLPMA road ROW for approximately 17 miles of new legal access on existing BLM roads to the BPA. The legal descriptions for this ROW are listed in Attachment A and are shown on Map Sheets 6-14 of Appendix C of the EA. The new FLPMA ROW would include the right to maintain, improve, operate, and terminate these access roads.

Road work will be needed to ensure access to the PDCI utility line for operation, maintenance, and upgrade activities. On BLM-administered lands, existing roads are typically 12-14 feet wide and either bare soil or covered with imported rock. Maintenance or improvements to these access roads will involve various activities such as: blading to remove vegetation and shape existing road surfaces and turnouts, placement of surfacing aggregate to maintain or restore existing road surfaces, cleaning existing ditches and culverts, replacing culverts, and installing water bars and drain dips as needed to manage storm water runoff.

Mitigation and Monitoring

BPA-proposed mitigation measures are summarized in Table 2.1-**7** of the EA and would be implemented where appropriate to minimize potential impacts to land uses and recreation, geology and soils, upland vegetation, wildlife, fish and water, wetlands, floodplains, visual quality, air quality, socioeconomics and public services, cultural resources, noise, public health, safety, and climate.

In addition, BPA developed a Wildlife Habitat Mitigation Plan which included measures to avoid, minimize, restore/rehabilitate, and compensate for wildlife habitat impacts (see Chapter 3 and Appendix A of EA). These measures will be implemented on BLM-administered lands.

Terms, Conditions, and Stipulations

Terms, conditions, and stipulations associated with the new ROW are included in Attachment B.

Conformance with the Federal Land Policy and Management Act and the Governing Land Use Plans

Conformance with the FLPMA and the governing land use plans are discussed in detail in Section 4.2.1 of the EA. The FLPMA requires that BLM prepare land use plans providing multiple use direction for management of public lands. The FLPMA also requires that all approved management actions conform to the goals and management direction contained in the applicable land use plan (43 CFR 1610.5-3).

BLM is authorized by the FLPMA and its implementing regulations to issue right-of-way grants for facilities and systems, including transmission and distribution systems. Specifically, pursuant to 43 CFR 2801.2, BLM may grant rights-of-way and control their use on public lands in a manner that: (a) protects the natural resources associated with public lands and adjacent lands, whether private or administered by a government entity; (b) prevents unnecessary or undue degradation to public lands; (c) promotes the use of rights-of-way in common, considering engineering and technological compatibility, national security, and land use plans; and (d) coordinates, to the fullest extent possible, all BLM actions under the regulations in this part with state and local governments, interested individuals, and appropriate quasi-public entities. In fulfilling these obligations, the BLM decision-maker may include terms, conditions, and stipulations determined to be in the public interest.

The PDCI project crosses lands administered by the Prineville and Lakeview districts of the BLM which are managed in accordance with 4 resource management plans (RMPs). Conformance with each of these plans is discussed below

Two Rivers RMP/Record of Decision (ROD)

My decision conforms with the Two Rivers RMP/ROD's (BLM 1986) Utility and Transportation Corridor's management direction that states, "No additional crossing sites on the BLM managed portions of the Deschutes and John Day Rivers will be permitted. No facilities will be allowed parallel to the railroad right of way in the Deschutes Canyon. Applicants will be encouraged to locate new facilities…adjacent to existing facilities to the extent possible. All designated areas of critical environmental concern and wilderness study areas will be considered right-of-way exclusion areas. Public lands will continue to be available for local rights of way, including multiple use and single use utility/transportation corridors following existing routes, communication sites, and roads" (page 32).

Brothers/La Pine RMP/ROD

My decision conforms with the Brothers/La Pine RMP's (BLM 1989) Rights-of-Way and Utility and Transportation Corridors Management Direction states, "Public lands will continue to be available for rights-of-way, including multiple use and single use utility/transportation corridors following existing routes, communication sites and roads. All

designated areas of critical environmental concern and wilderness study areas will be considered right-of-way exclusion areas. Federally designated wild and scenic rivers, as well as rivers identified as eligible as potential wild and scenic rivers, will be considered as exclusion areas. All areas identified as having special status plant or animal species will be avoidance areas. Areas having high or sensitive visual qualities will be avoided or appropriate mitigation measures taken. Public lands will continue to be available for local rights-of-way, including multiple use and single use utility/transportation corridors following existing routes, communication sites and roads" (pages 29 and 33).

Upper Deschutes RMP/ROD

My decision conforms to the Upper Deschutes RMP's (BLM 2005) Transportation and Utilities Objective TU – 1 to "provide new or modified rights-of-way for transportation/utility corridors and communication/energy sites to meet expected demands and minimize environmental impacts" (page 135). The guidelines for the objective state that "BLM administered lands will continue to be available for rights-of-way, including multiple use and single use utility/transportation corridors, following existing routes, and roads" (page 135), "all areas having high or sensitive (VRM classifications 1-3) visual qualities will be avoided or appropriate mitigation measures taken" (page 136), and "applicants are encouraged to locate new facilities adjacent to existing facilities to the extent technically and economically feasible and meet resource objectives" (page 136).

Lakeview RMP/ROD

My decision conforms with the Lakeview RMP/ROD (BLM 2003). Specifically, the existing BPA PDCI Project is located within a designated utility corridor (see Map L-8). "Applicants for electrical transmission lines greater than 69 kilovolts, all mainline fiber optics facilities, and pipelines greater than 10 inches in diameter will be encouraged to locate their facilities within designated corridors. A width of 2,000 feet (1,000 feet each side of centerline) is considered an appropriate/reasonable width to provide engineering flexibility, system compatibility, and reliability factors, and will be used for purposes of this plan" (page 94). However, the management direction goes on to include, "The existing electrical transmission line through the Fossil Lake will be identified as a right-of-way corridor up to 1000-feet wide for future utility lines or other rights-of-way" (page 62).

Issuing a new right-of-way for access roads also conforms to the Lands and Realty Management Goal 2 to "Meet public needs for land use authorizations such as rights-of-way, leases, and permits" (page 93). The management direction states, "Applications for rights-of-ways, leases, permits, and other forms of land use authorization, with exception of rights-of-way corridors within WSAs and SMAs (which are addressed separately) will be processed in a timely fashion, on a case-by-case basis, in compliance with the NEPA process" (page 94).

Tribal Consultation

BPA identified 10 tribes that may have a potential interest in the proposal, based on their historic or current use of the land in the project area: the Burns Paiute Tribe, Cedarville Rancheria Northern Paiute Tribe, Confederated Tribes of the Umatilla Indian Reservation, Confederated

Tribes of the Warm Springs Reservation, Cow Creek Band of Umpqua Tribe of Indians, Fort Bidwell Indian Community, Fort McDermitt Paiute-Shoshone Tribe, Confederated Tribes and Bands of the Yakama Nation, Summit Lake Paiute Tribe, and the Klamath Tribes. BPA initiated consultation by requesting comments from these tribes regarding their concerns and potential impacts to cultural resources in the project area. BPA received only one response from the Cow Creek Band of the Umpqua Tribe, which deferred comments to other interested tribes.

Public Outreach and Comments

Scoping

BPA conducted public scoping outreach for the project through a public letter, a project website, and public meetings. On September 24, 2012, BPA sent a letter to 362 people potentially interested in or affected by the proposed project, including adjacent landowners, public interest groups, local governments, tribes, and state and federal agencies. The letter explained the proposal, the environmental process, and how to participate. The public letter was posted on the project website at: www.bpa.gov/go/PDCIUpgrade.

BPA held three public scoping meetings, one each in Lakeview, Prineville, and The Dalles, Oregon, in October 2012. The public comment period for the project began on September 24, 2012, and BPA accepted comments until October 29, 2012.

A total of 23 people attended the public scoping meetings; nine attended the Lakeview meeting, ten attended the Prineville meeting, and four attended The Dalles meeting. Comments were provided during the meetings, and written comments were also received from 17 individuals and agencies. Comments received during the comment period were considered in the environmental analysis and can be found in their entirety on the project website. Comments were received on land use, recreation, vegetation, wildlife, and water. These topics were addressed in the appropriate sections in the draft EA (refer to EA, pages 1-4 to 1-6).

Review of EA

BPA released their Draft EA for review on January 31, 2014. The Draft EA was posted on their project website and sent to those listed in Chapter 5 who requested hard copies. Others in Chapter 5 were notified that the Draft EA was available for review on the BPA website. Both Lakeview and Prineville BLM also posted links to the BPA website on their respective NEPA websites. During the review period, BPA accepted comments orally, via e-mail, and by letter. The comment period ended on March 3, 2014. BPA considered all comments received during the review period in preparing the Final EA. Chapter 6 included copies of all comments received along with responses to all substantive comments.

Notification of DR

BLM has sent this decision to the proponent, 9 of the 10 tribes identified above, and all those who commented on the EA. In addition, BLM's decision and Finding of No Significant Impacts have been posted on both the Lakeview and Prineville district's websites.

Appeal Procedures

This decision constitutes my final decision and may be appealed to the Interior Board of Land Appeals (IBLA), in accordance with 43 C.F.R. Part 4 and the enclosed Form 1842-1. If an appeal is made, your notice of appeal must be filed in this office (BLM District Manager, 1301 South G Street, Lakeview, OR 97630), within 30 days from receipt of this decision. The notice of appeal must be sent certified mail. The appellant has the burden of showing that the decision being appealed is in error.

If you wish to file a petition for a stay (suspension) of this decision (pursuant to 43 C.F.R. 4.21) during the time that your appeal is being reviewed by the IBLA, the petition must accompany your notice of appeal.

Copies of the notice of appeal and petition for a stay must also be served with the Project Proponent (Carolyn Sharp, KEC-4, BPA, PO Box 3621, Portland, OR 97208-3621, and with the Department of the Interior Solicitor (U.S. Department of Interior, Office of the Regional Solicitor, 805 SW Broadway, Suite 600, Portland, OR 97205) (see 43 C.F.R. 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, based on the following standards.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulations, 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.

Notice to Proceed

Issuance of the ROW grant and temporary use permit will follow the signing of this Decision Record. The holder of the Grant will be required to secure a Notice to Proceed before beginning access road work on the ground.

E. Lynn Burkett
District Manager

8/22/2014.
Date

Attachment A
BPA Requested Access Roads
Supplemental Numbers 1 & 2

Township	Range	Section	Lot	Aliquot Part	Width	Acreage	BPA Number
16 S.	15 E.	34		NE1/4SE1/4,	20 ft	.73	BE-S-107-AR-1
"	"	35		NW1/4SW1/4,	"		"
18 S.	15 E.	22		SE1/4SE1/4, SW1/4SE1/4,	"	1.37	BE-S-117-AR-1
"	"	27		NW1/4NE1/4	"		"
19 S.	15 E.	2		SW1/4NW1/4, NW1/4SW1/4	"	.53	BE-S-120-AR-1
"	"	11		SE/14NE1/4, SW1/4NE1/4, NW1/4SE1/4	"	.65	BE-S-121-AR-1
20 S.	16 E.	11		SE1/4SE1/4	"	2.21	BE-S-131-AR-2 Parcel 1
"	"	12		SW1/4SW1/4, NW1/4SW1/4, SW1//4NW1/4, NW1/4NW1/4	"		"
"	"	14		NE1/4NE1/4	"		"
"	"	1		SE1/4SW1/4	"	.37	BE-S-131-AR-2 Parcel 3
"	"	12		NE1/4NW1/4	"		"

23 S.	18 E.	17		SE1/4NW1/4, SW1/4NE1/4	"	.34	BE-S-150-AR-1
25 S.	18 E.	24		SW1/4NE1/4	"	.18	BE-S-163-AR-1
26 S.	19 E.	22		SE1/4NW1/4, NE1/4SW1/4, NW1/4SE1/4, SW1/4SE1/4, SE1/4SE1/4	"	2.04	BE-S-170-AR-1
27 S.	20 E.	27		SW1/4SW1/4	"	.40	BE-S-181-AR-3
"	"	34		NE1/4NW1/4	"	.73	BE-S-181-AR-4
"	"	34		NE1/4NW1/4	"	.16	BE-S-181-AR-5
"	"	34		SE1/4SE1/4	"	.20	BE-S-182-AR-2
"	"	35		SW1/4SW1/4	"		"
"	"	35		SW1/4SW1/4	"	.15	BE-S-182-AR-3
28 S.	21 E.	17		SW1/4NW1/4, NW1/4SW1/4, NE1/4SW1/4	"	.92	BE-S-185-AR-1
29 S.	21 E.	16		NE1/4NE1/4, SE1/4NE1/4	"	.45	BE-S-191-AR-1
"	"	22		NW1/4NW1/4, SW1/4NW1/4	"	.44	BE-S-192-AR-2
30 S.	21 E.	25		SE1/4SW1/4, NE1/4SW1/4, NW1/4SE1/4, SW1/4NE1/4,	"	29.84	BE-S-200-AR-1

				SE1/4NE1/4			
30 S.	22 E.	30	2		“		“
“	“	30		SE1/4NW1/4, NE1/4NW1/4, NW1/4NE1/4, NE1/4NE1/4	“		“
“	“	19		SE1/4SE1/4	“		“
“	“	20		SW1/4SW1/4, SE1/4SW1/4, SW1/4SE1/4, NW1/4SE1/4, NE1/4SE1/4	“		“
“	“	21		NW1/4SW1/4, NE1/4SW1/4, NW1/4SE1/4, SW1/4SE1/4, SE1/4SE1/4	“		“
“	“	28	1				“
		27	1				
“	“	“	2				“
“	“	“		SE1/4NW1/4, NE1/4SW1/4, SE1/4SW1/4, SW1/4SE1/4			“
“	“	34		NE1/4NW1/4,			“

				NW1/4NE1/4, SW1/4NE1/4, SE1/4NE1/4			
“	“	“	1				“
“	“	35	3				“
“	“	“	4				“
“	“	“	5				“
31 S.	22 E.	2	1				“
“	“	1	4				“
“	“	“		NW1/4SW1/4, NE1/4SW1/4, SE1/4SW1/4, SW1/4SE1/4,			“
“	“	12		NW1/4NE1/4, NE1/4NE1/4, SE1/4NE1/4			“
31 S.	23 E.	7	3				“
“	“	“	7				
“	“	“		NE1/4SW1/4, SE1/4SW1/4, SW1/4SE1/4			“
“	“	18		NW1/4NE1/4, NE1/4NE1/4, SE1/4NE1/4, NE1/4SE1/4			“

“	“	17		NW1/4SW1/4, SW1/4SW1/4, SE1/4SW1/4			“
“	“	20		NE1/4NW1/4, SE1/4NW1/4, SW1/4NE1/4, NW1/4SE1/4, NE1/4SE1/4, SE1/4SE1/4			
“	“	21		SW1/4SW1/4			“
“	“	28		NW1/4NW1/4, SW1/4NW1/4, SE1/4NW1/4, NE1/4SW1/4, SE1/4SW1/4, SW1/4SE1/4			“
33 S.	22 E.	11		NE1/4SW1/4		.37	BE-S-216-AR-2
35 S.	22 E.	2		NE1/4SW1/4, SE1/4SW1/4		.74	BE-S-227-AR-2
“	“	11		NE1/4NW1/4			“
“	“	23		NW1/4SW1/4		.17	BE-S-230-AR-3
36 S.	22 E.	23		SE1/4SW1/4		.11	BE-S-236-AR-1 Parcel 2
41 S.	23 E.	2		NW1/4SW1/4		.10	BE-S-264-AR-2 Parcel 2

“	“	2		SW1/4SW1/4, NW1/4SW1/4		.33	BE-S-264-AR-3
“	“	11		SW1/4SE1/4		.19	BE-S-265-AR-2
				Total Acreage		43.72	

Attachment B

Terms and Conditions of the Right-of-Way Grant

OR 67684

1. A copy of the complete ROW grant, including all stipulations and the POD, shall be made available on the right-of-way area to workers and to the Authorized Officer if present, during any permitted construction activities and any termination activities relating to the ROW. The holder will secure all relevant federal, state and local permits prior to beginning construction activities on the ROW road. Failure of the holder to comply with applicable law or any provision of this ROW grant shall constitute grounds for suspension or termination thereof. The holder shall perform all permitted construction operations on the ROW in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public. Any permitted construction on the ROW shall be at the holder's expense.

2. The holder shall be responsible for weed control on disturbed areas within the limits of the ROW. The holder shall use weed-free surface and fill material if additional road material is needed. The holder and/or contractors (herein "workers") will check clothing, tools and vehicles for plant parts before entering and leaving the ROW area. Workers will remove plant parts from clothing and dispose of such parts in a manner that will avoid the spread of noxious weeds. In addition, workers will wash all tools and vehicles if necessary to avoid the spread of noxious weeds. The holder shall instruct staff and contractors to take care where vehicles are parked and where staff and contractors will be working/walking (e.g., do no park in a patch of cheat grass); the holder will minimize soil disturbance as much as possible. The holder is responsible for consultation with an Authorized Officer or designated subject matter experts and local authorities for acceptable weed control methods for the life of the ROW. Use of pesticides shall comply with the applicable Federal and State laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Without limitation of the foregoing, only pesticides approved for use on the BLM lands in the state of Oregon shall be used. Also, Oregon law requires the

applicator to possess an Oregon Public Applicator's license when applying pesticides on public land.

3. The holder will implement erosion control and re-vegetation measures approved by the BLM Authorized Officer to insure that the lands disturbed by any permitted construction or termination activities relating to the ROW are restored to a stable, productive, and aesthetically acceptable condition. The holder shall seed all disturbed areas using an agreed upon method suitable for the location. Seeding shall be repeated if a satisfactory stand is not obtained as determined by an Authorized Officer.

4. The holder shall protect all survey monuments found within or in the vicinity of the ROW. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U. S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance or any of the above, the holder shall immediately report the incident, in writing, to the Authorized Officer and the respective installing authority if known. Where General Land Office or Bureau of Land Management right-of-way monuments or references are obliterated during operations, the holder shall secure the services of a registered land surveyor or a Bureau cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands in the United States, latest edition. The holder shall record such survey in the appropriate county and send a copy to the Authorized Officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the holder shall be responsible for the survey cost. A copy of record shall be sent to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

5. During any permitted construction activities, the holder shall provide for the safety of the public entering the ROW. The ROW road area shall be maintained in a sanitary condition at all times. The holder shall promptly remove and dispose of all waste caused by its activities at a legal and appropriate waste disposal site. The term "waste" as used herein means all discarded matter including, but not limited

to, human waste, trash, garbage, refuse, petroleum products, oil drums, ashes, materials and equipment.

6. This right-of-way grant is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations (CFR) part 2800. The holder shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of public lands under this grant to the fullest extent that the appropriate statutes and/or regulations of the United States of America and the State of Oregon provide as of the date of this grant, and any statutes or regulations enacted subsequent to the date of this grant and in effect at the time damage or injury occurs. Without limitation of the foregoing, the holder of this ROW shall be liable for damage or injury to the United States to the extent provided by 43 CFR Sec. 2807.12.

7. Any human remains, cultural and/or paleontological resource (historic or prehistoric or vertebrate fossil site or object) or archaeological resource discovered by the holder, or any person working on his behalf, on public or Federal lands shall be immediately reported by telephone to an Authorized Officer. Any such discovery shall remain in the property of the United States. The holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by an Authorized Officer. An evaluation of the discovery will be made by an 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 any decision as to proper mitigation measures will be made by an Authorized Officer after consulting with the holder. In some cases it may be necessary to suspend authorized operations in the area of the discovery for 30 days or more.

8. The holder shall take such measures for prevention and suppression of fire on the ROW grant area and adjacent public lands or public lands used or traversed by the holder in connection with operations as are required by applicable laws and regulations. Without limitation of the foregoing, the holder shall adhere to basic fire safety rules, which includes adhering to the Industrial Fire Precaution Levels (IFPL). The holder is responsible for calling 1-541-947-6259 for Lakeview District and 1-800-523-4737 for Prineville District to obtain the current IFPL

during the months of May through October. If a fire waiver is granted for an IFPL 3, the holder must adhere to the restrictions in the fire waiver or the IPFL whichever restrictions are greater.

9. The ROW area will be inspected and monitored at such times and to the extent that the BLM determines necessary or advisable to assure compliance with the grant terms and conditions for the protection of the resources, the environment and the public health, safety and welfare. If the Authorized Officer determines it is needed, the holder will take corrective action as required by the Authorized Officer. Ninety (90) days prior to termination of the ROW, the holder shall contact the Authorized Officer to arrange a joint inspection of the ROW. This inspection will be held to agree to an acceptable termination (and rehabilitation) plan. This plan shall include, but is not limited to removal of facilities, drainage structures, or surface material, re-contouring, top-soiling, or seeding. The Authorized Officer must approve the plan in writing prior to the holder's commencement of any termination activities.

10. The holder shall ensure gates are closed if livestock are in the area during construction. Repair/reconstruct any fences that are impacted during construction activities.

11. The holder shall use water trucks to minimize fugitive dust during project construction. Do not use petroleum-based products for dust abatement.

12. The holder shall coordinate the routing and scheduling of construction traffic with ODOT and county road staff, as appropriate.

13. The holder shall post signs along roads warning of construction activity where needed.

14. In areas defined as environmentally sensitive (i.e. Oregon Department of Fish and Wildlife (ODF&W) greater sage-grouse low and core density habitat and BLM Preliminary Priority Habitat (PPH) and Preliminary General Habitat (PGH) areas, winter range for deer and elk, and rare plant populations) the holder shall not make improvements outside of the existing 15-foot roadbed.

15. The holder shall identify existing noxious weeds along access roads and control them before construction equipment moves into weed-free areas. Flag all weed populations to be avoided during construction activities.

16. The holder shall build vehicle and equipment washing stations at each staging yard where vehicles and equipment in use will be washed daily prior to entering and leaving the project area. Power wash all vehicles and equipment at an approved cleaning facility prior to entering construction work areas to remove any residual sediment, petroleum, or other contaminants, prohibit discharge of vehicle wash water into any stream without pretreatment to meet state water quality standards; inspect equipment and tanks on a weekly basis for drips or leaks and promptly make necessary repairs.

17. The holder shall perform additional noxious weed treatment until restored areas are weed free. Monitor all seeded sites for 3 years for weed infestation. Treat all weeds adjacent to newly seeded areas prior to planting and treat planted areas for weeds in the first growing season.

18. The holder shall prepare a storm water pollution prevention plan, addressing measures to reduce erosion and runoff and stabilize disturbed areas.

19. The holder shall develop a spill prevention control and countermeasure plan to minimize the potential for spills of hazardous materials.

20. The holder shall provide funding for the improvement or restoration of 100 acres of priority sagebrush habitat for the benefit of sage-grouse, big game, and other sagebrush obligates as established in the Mitigation Plan.

21. The holder shall limit motorized travel to designated roads and primitive roads only. No cross-county motorized use is allowed.

22. From February 15 to May 15 the holder shall restrict road maintenance (rocking) activity until 3 hours after sunrise for road segments within 2 miles of an active lek site.

23. The holder shall avoid clearing, grading, and construction activities within 0.25 mile of identified burrows between March 1 and August 31.

24. The holder shall design and construct access roads to minimize drainage from the road surface directly into streams.

25. The holder shall maintain vehicles and equipment in good working order to prevent oil and fuel leaks.

26. The holder shall set a speed limit for construction vehicles on unpaved access roads of no greater than 15 miles per hours to minimize dust and wildlife concerns.

27. The holder shall use rock sizes recommended by United States Fish and Wildlife Service for ford improvements in the Warner Basin.

28. The holder shall inspect and maintain access roads, culverts, and other facilities after construction to ensure proper function and nominal erosion levels.

Finding of No Significant Impact
for
Pacific Direct Current Intertie Upgrade

U.S. Department of the Interior
Bureau of Land Management
Lakeview and Prineville District Offices, Oregon

Introduction

The Bureau of Land Management (BLM) has adopted the Bonneville Power Administration's (BPA) environmental assessment (EA) (DOI-BLM-OR-L050-2014-0001-EA) which analyzes the effects of BPA's proposal for a Federal Land Management and Policy Act (FLPMA) right-of-way (ROW) on approximately 17 miles of existing road (see Appendix C of EA) and road maintenance. While not explicitly stated in the EA, the effects of BPA's ROW and road maintenance proposals are analyzed in BPA's one action alternative to upgrade the existing Pacific Direct Current Intertie transmission line by the building of new access roads and improving existing access roads. The EA is incorporated by reference in this Finding of No Significant Impact (FONSI).

BLM was a cooperating agency in the creation of the EA and a BLM interdisciplinary team has evaluated the information contained in the EA and has concluded that the EA satisfies the BLM's National Environmental Policy Act (NEPA) procedures. All of BLM's concerns that were raised during the process of preparing the EA have been adequately addressed.

Significance Determination

The Council on Environmental Quality (CEQ) regulations state that the significance of impacts must be determined in terms of both context and intensity (40 CFR 1508.27). If the proposed action is found to have significant effects as defined by CEQ regulations (40 CFR 1508.27) the BLM would need to create an Environmental Impact Statement before signing a decision.

Context

I have considered the potential context and scale of the impacts from the anticipated implementation of a decision on the EA and found that the effects of the approximately 17 mile FLPMA ROW and road maintenance are limited in context. The effects of the action are limited because the act of granting approximately a 17 mile FLPMA ROW would have "low" to "moderate" local effects, thus the geographic and temporal scope of granting the FLPMA ROW would not be significant.

Intensity

I have considered the potential intensity and severity of the impacts anticipated from implementation of a Decision on this EA relative to each of the ten areas suggested for consideration by the CEQ. With regard to each:

1. **Would the proposed alternative have significant beneficial or adverse impacts (40 CFR 1508.27(b)(1)?** No.

   Rationale: A summary of effects is presented in Chapter 2 of the EA. BPA's proposed action, which included additional actions beyond the granting of a FLPMA ROW for existing roads by BLM, would result in "low" to "moderate" adverse effects. Thus, permitting a subset of activities than those that were analyzed in BPA's proposed action (i.e. granting a FLPMA ROW) would have even less than "low" to "moderate" adverse effects that would not be significant.

2. **Would the proposed alternative have significant adverse impacts on public health and safety (40 CFR 1508.27(b)(2)?** No.

   Rationale: Adverse public health and safety effects from the BLM granting a FLPMA ROW to BPA include increased traffic and noise (EA, Section 3.13.2); however; after the public health and safety mitigation measures are taken into consideration (EA, Section 3.13.3), the resulting adverse public health and safety effects are "low" to "moderate" and would not be significant (EA, Section 3.13.4).

3. **Would the proposed alternative have significant adverse impacts on unique geographic characteristics (cultural or historic resources, park lands, prime and unique farmlands, wetlands, wild and scenic rivers, designated wilderness or wilderness study areas, or ecologically critical areas (ACECs, RNAs, significant caves)) (40 CFR 1508.27(b)(3)?** No.

   Rationale: There are no unique geographic characteristics within the previously disturbed existing road beds that BPA is seeking a FLPMA ROW for. Additionally, all of the proposed maintenance of the existing road ROW would have local effects, thus any unique geographic characteristics outside of the road bed would not be affected from BPA's proposed actions.

4. **Would the proposed alternative have highly controversial effects (40 CFR 1508.27(b)(4)?** No.

   Rationale: Both the BPA and BLM have extensive expertise planning, analyzing impacts, and implementing management actions such as those proposed by the alternatives addressed in the EA. The methods that BPA is going to use to maintain the existing road as described in Chapter 2 of the EA (i.e. blading to shape existing road surfaces and turnouts; placement of surfacing aggregate to maintain or restore existing road surfacing; removal of overgrown vegetation; cleaning existing ditches and culverts; replacing culverts; and installing water bars and drain dips as needed to manage stormwater runoff) have agreed upon effects.

5. **Would the proposed alternative have highly uncertain effects or involve unique or unknown risks (40 CFR 1508.27(b)(5)?** No.

   Rationale: Both the BPA and BLM have extensive expertise planning, analyzing impacts, and implementing management actions such as those proposed by the alternatives addressed in the EA. All of the road maintenance actions that BLM is allowing BPA to perform have well understood effects (EA, Chapter 3). There are no actions which BLM would allow BPA to undertake that would result in uncertain effects or involve unique or unknown risks.

6. **Would the proposed alternative establish a precedent for future actions with significant impacts (40 CFR 1508.27(b)(6)?** No.

   Rationale: Any future proposals by BPA, outside of those road maintenance actions described in Chapter 2 of the EA (i.e. blading to shape existing road surfaces and turnouts; placement of surfacing aggregate to maintain or restore existing road surfacing; removal of overgrown vegetation; cleaning existing ditches and culverts; replacing culverts; and installing water bars and drain dips as needed to manage stormwater runoff) would require additional review by the BLM, thus BLMs granting of a FLPMA ROW to BPA would not establish a precedent for future actions by BLM.

7. **Is the proposed alternative related to other actions with potentially significant cumulative impacts (40 CFR 1508.27(b)(7)?** No.

   Rationale: BPA's request for a FLPMA ROW from the BLM is related to a larger transmission line upgrade that BPA is considering; however, as Chapter 3 of the EA states, even when the effects to resources from the ROW request are considered along with all of BPAs other proposed actions in Chapter 2, the effects are still "low" or "low" to "moderate". Cumulative effects are addressed further in Section 3.15 of the EA and would not be significant.

8. **Would the proposed alternative have significant adverse impacts on scientific, cultural, or historic resources, including those listed or eligible for listing on the National Register of Historic Resources (40 CFR 1508.27(b)(8)?** No.

   Rationale: A cultural review of the road that BPA is seeking approval to maintain found two cultural sites; however the material that comprises these sites is thought to have been brought in from another location and thus would not be eligible for listing on the National Register of Historic Resources. Thus there would be "low" to "moderate" (EA, Chapter 2) effects to scientific, cultural, or historic resources and these effects would not be significant adverse impacts on scientific, cultural, or historic resources from BLM's granting of a FLPMA ROW to BPA.

9. **Would the proposed alternative have significant adverse impacts on threatened or endangered species or their critical habitat (40 CFR 1508.27(b)(9)?** No.

   Rationale: There are no threatened or endangered species or their critical habitat located in or immediately adjacent to the road bed of the existing roads that BPA is seeking a FLPMA ROW for. Furthermore, the effects of road maintenance would be local and have only "low" to "moderate" effects on threatened or endangered species or their critical habitat located near the roads proposed for maintenance (EA, Chapter 2).

10. **Would the proposed alternative have effects that threaten to violate federal, state, or local law or requirements imposed for the protection of the environment (40 CFR 1508.27(b)(10)?** No.

    Rationale: The proposed alternative would not have any effects that violate any laws.

Finding

On the basis of the analysis contained in the EA, the consideration of intensity factors described above, and all other information available to me, it is my determination that neither alternative would constitute a major federal action having a significant effect on the human environment. Therefore, an EIS is not necessary and will not be prepared.

E. Lynn Burkett
District Manager

8/22/2014
Date