

# DECISION RECORD & CATEGORICAL EXCLUSION REVIEW

(DOI-BLM-OR-M060-2012-0012-CX)

**Project Name:** PacifiCorp Right-of-Way for Mt. Isabelle Electrical Distribution Line (OR 66880) and Communications Site (OR67179)

**BLM Office:** Ashland Resource Area, Medford District. **Contact:** Leslie Voelkel (541) 618-2217

Tanya Dent (541) 618-2477

## DESCRIPTION & LOCATION OF THE PROPOSED ACTION:

This document incorporates two proposals by PacifiCorp. The first proposal is to issue a right-of-way for the installation and operation of an underground electrical distribution line to serve the Mt. Isabelle Communication Site. The second proposal is to construct a communication site located on Mt. Isabelle.

### Electrical Line Right-of-Way (OR 66880)

The proposed action is to issue a right-of-way to PacifiCorp for the installation and operation of an underground electrical distribution line to serve the Mt. Isabelle Communication Site northwest of the community of Ruch in Jackson County, Oregon. This authorization would be issued for a fifty (50) year term under FLPMA authority. This line begins at the intersection of Forest Creek Road and Oregon Belle Creek Road (BLM Road 38-3-5) on private property and runs along the 38-3-5 road. The proposed right-of-way on BLM-administered land runs along the 38-3-5 road over Segments B1 and C1-3, and along an un-numbered spur road that connects to Segment C3 and terminates at the communication site (see attached map). The remainder of the 38-3-5 road is on private property and PacifiCorp is in the process of securing utility rights.

Specific plans for this project include installation of an underground electrical line along the roadside ditchline along the main road; it may be necessary to install the electrical cable down the center of the unnamed spur road to the terminus of the line depending on resource area analysis due to the steep topography. There will be nine (9) above ground enclosures (each 36"x 22"x25") set approximately 1800 feet apart and one (1) above ground transformer (38"x 33"x 27"). These units will rest on fiberglass pads (each 38"x 48" x 15"). Each enclosure and the transformers will have an excavation area of 38"x 48"x15" below ground. These pads will sit 15" below the ground so the top of the pad is flush with final grade. The electrical cable will be plowed in and terminate at the transformer. The cable is pre-installed in 2" HDPE conduit which will be plowed in to a minimum depth of 36" along the length of the extension. The line will be installed by a plow contractor and Pacific Power line and bucket trucks. Construction time is estimated at approximately 2 weeks. The spur road needs to be brushed and renovated from the second gate to the communication site on top of the mountain.

The right-of-way is approximately 13,797 feet or 2.61 miles long, 12 feet wide and contains approximately 3.8 acres. This project is located as follows: S½S½ Section 31, T. 37 South, Range 3 West and NE¼SW¼ Section 5, S½, NW¼ Section 6, T. 38 South, Range 3 West, and SE¼NE¼ Section 1, T. 38 South, R 4 West, Willamette Meridian, Jackson County, Oregon.

### Communication Site (OR 67179)

The proposed project is to construct a communication site located on Mt. Isabelle. PacifiCorp request to install a 10' x 20' pre-fabricated equipment building, one 10'x12' pre-fabricated generator building, 120' self-supporting steel tower with foundation and two 1000 gallon propane tanks. All will be placed on concrete foundations. PacifiCorp is also proposing to reconstruct a section of the road, see the attached Plan of Development and Access Route Reconstruction Plan with drawings. The Oregon State Police plan to construct/install a modular building at

the communication site sometime in the future. The Proposed Project is located SE¼SW¼ Section 31, Township 37 South, Range 3 West and NW¼ Section 6, Township 38 South, Range 3 West., W.M., Jackson County, Oregon.

## Required Project Design Features

### Water Resources

- Restrict construction activities to dry periods. Suspend activities during precipitation events or when precipitation is imminent.
- Where installation crosses channels, as necessary, clean water shall be conveyed around the site and construction related turbid water contained below the site and pumped and discharged so that the water is infiltrated into the soil.
- Where channel disturbance occurs, as determined by the authorized officer in consultation with an aquatic specialist, additional measures may be necessary such as rock armoring, riparian planting, installation of geotextile or other erosion control fabric.
- Minimize all ground and vegetation disturbance and confine it to the existing road prism to the extent practical.
- All disturbed surfaces outside the travelway (road surface), including disturbance within the existing ditch and the cut/fillslope and other areas of loose fill shall be restored to the original configuration and seeded with an approved seed mix and mulched with weed free materials as work progresses. Consider using native mulch such as pine needles.
- Any stockpile areas of loose soil or other materials shall have perimeter control such as straw wattles or silt fence around the down slope perimeter when precipitation is occurring or is imminent.
- Permittee shall be responsible for constructing and maintaining effective drainage (rolling dips, waterbars, etc.) on access road to communication site.
- No equipment used for construction or subsequent maintenance/access shall be permitted off of the existing road prism (top of cutslope to bottom of fill).
- Permittee shall install and maintain signage that access road use is restricted to authorized vehicles only.
- Permittee shall be responsible for maintaining the two existing gates restricting access to the communication site. This includes ensuring that access around the gates is restricted to preclude vehicle use.
- Restrict road use during periods when the road is dry. If plowing becomes necessary, advise the BLM authorized officer who shall coordinate with appropriate specialists regarding the proposal. Ground disturbance during the wet season (Oct. 15 – May 15) shall be avoided.

### Fish

- In the event flowing water is encountered at any of the project sites, the contractor shall be responsible for obtaining any necessary fill/removal permits from the Division of State Lands and the Army Corps of Engineer, is obligated to follow in-stream work guidelines, and must provide a means of diverting water around the project site(s) when conducting ground disturbing activities which cross actively flowing streams.
- Disturbed fine sediment should be removed from all affected channels and channel adjacent areas, regardless of if they are actively flowing or not, and all stream beds and banks shall be returned to their pre-disturbance shape and substrate composition.
- Disturbed soil in the ditch line should be stabilized from the channel crossing point upgrade to at least the first cross drain(s) to reduce the probability of fine sediment transport from the ditch to aquatic habitats during subsequent precipitation events.

### Botany

- All equipment to be used off system roads shall be washed prior to entering, and immediately after leaving the project area at a site where any mud or debris from the equipment will not contribute to the spread of noxious weeds.

- Time, budget, and personnel permitting, monitoring, native seeding, and weed treatments (as needed) will occur until the infestation is eradicated.

## PLAN CONFORMANCE

The proposed action is in compliance with the 2008 Medford District Record of Decision and Resource Management Plan (RMP) which states to “Provide needed rights-of-way, permits, leases, and easements over BLM-administered lands in a manner that is consistent with federal and state laws”(RMP, p.49). This proposed action is also in compliance with the 1995 Medford District Resource Management Plan, which incorporated the Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl and the Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl (Northwest Forest Plan) (USDA and USDI 1994).

This proposed action is also consistent with the 2001 Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (2001 ROD), as modified by the 2011 Settlement Agreement.

The proposed action is also in conformance with the direction given for the management of public lands in the Medford District by the Oregon and California Lands Act of 1937 (O&C Act), Federal Land Policy and Management Act of 1976 (FLPMA), the Endangered Species Act (ESA) of 1973, the Clean Water Act of 1987, Safe Drinking Water Act of 1974 (as amended 1986 and 1996), Clean Air Act, the Archaeological Resources Protection Act of 1979, and the National Historic Preservation Act of 1966 as Amended (NHPA). The site was reviewed for archaeological resources and a verbal notice to proceed was received from State Historic Preservation Officer (SHPO) on July 2, 2012 (see file).

## CATEGORICAL EXCLUSION REVIEW

Department of the Interior Regulations (43 CFR § 46.205(c)) require that any action that is normally categorically excluded must be evaluated to determine whether it meets any of the extraordinary circumstances listed in 43 CFR § 46.215. An action would meet one of the extraordinary circumstances if the action may:

<u>Yes</u>	<u>No</u>	<u>Categorical Exclusion Exception</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	1. Have significant adverse effects on public health or safety.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resource; 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.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)] not already decided in an approved land use plan.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	4. Have highly uncertain and potentially significant environmental effects or unique or unknown environmental risks.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	6. Have a direct relationship to other actions with individually insignificant, but significant cumulative environmental effects. (40 CFR 1508.7 and 1508.25(a)).
<input type="checkbox"/>	<input checked="" type="checkbox"/>	7. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places.

- (X) 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) 9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.
- (X) 10. Have disproportionate significant adverse impacts on low income or minority populations (Executive Order 12898).
- ( ) 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) 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).

**COMPLIANCE WITH NEPA**

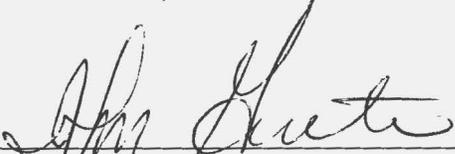
In accordance with 43 CFR §§ 46.205(c) and 46.215, the proposed action has been reviewed against the twelve criteria above and I have determined that none of the extraordinary circumstances described in 43 CFR § 46.205(c) apply to this project. The project qualifies as a categorical exclusion under 516 DM 11.9, E (16) which allows for the *“issuance of leases, permits, or rights-of-way for the use of existing facilities, improvements, or sites for the same or similar purposes.”*

**DOCUMENT PREPARATION AND REVIEW**

Ted Hass	Assistant Field Manager	7-02-2012
_____ Name	_____ Title	_____ Date

**DECISION**

I have determined that the proposed action qualifies as a categorical exclusion under 516 DM 11.9, E (16) and involves no significant impact to the human environment and that no further environmental analysis is required. It is my decision to authorize the issuance of the requested right-of-way grant, OR 66880, and Communication Site, OR 67179, to PacifiCorp as described above in the Proposed Action above.

	7-2-12
_____ John Gerritsma, Field Manager, Ashland Resource Area	_____ Date

**ADMINISTRATIVE REMEDIES**

Notice of this decision will be posted on the District internet website. In accordance with 43 CFR 2801.10, this decision is in effect immediately and will remain in effect pending any appeal to the Interior Board of Land Appeals under 43 CFR Part 4, unless a stay is granted under 43 CFR § 4.21(b).