

Categorical Exclusion Determination and Decision Record for OR-61461 Right-of-Way Grant DOI-BLM-OR-M050-2013-0007-CX

Description of Proposed Action

PacifiCorp has an existing authorization (OR 61641) for the Grants Pass-Lone Pine 115kV electrical line. A portion of this line is located in T. 36 S., R. 4 W., Section 15., W.M., Jackson County, Oregon just east of Rogue River. Due to steep terrain and the need to access three power poles for repair, it is necessary to amend OR 61641 to authorize vehicle access to these poles over an existing route shown on the attached map. Pole 1/8 is accessed from Hilltop Drive, across private property and over an existing road up the east side of the hill to this structure. Poles 2/8 and 3/8 are accessed from private property on Tenney Lane in Section 14, then along the existing road, traveling west first to transmission pole 3/8 and then continuing up the hill to 2/8.

Existing grant OR 61641 has a right-of-way width of 100 feet. As a result, only that part of the road outside the existing right-of-way is being considered in this right-of-way grant for analysis as that part included in the existing grant has already been analyzed. This additional area will be added to the authorized area of OR 6164.

Plan Conformance Review

This proposal is in conformance with objectives, land use allocations, and management direction in the 1995 *Medford District Record of Decision and Resource Management Plan* (1995 ROD/RMP) and any plan amendments in effect at the time this document is published. This project also conforms with the 1994 *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl* (Northwest Forest Plan)

The proposed action was designed to be consistent with the direction given for the management of public lands in the Medford District by the Oregon and California Lands Act of 1937, Federal Land Policy and Management Act of 1976, Endangered Species Act of 1973, Clean Water Act of 1987, Safe Drinking Water Act of 1974 (as amended 1986 and 1996), Clean Air Act of 1990 (as amended), and Archaeological Resources Protection Act of 1979.

Project Design Features

- See attached 2800-14 Form

Categorical Exclusion Determination

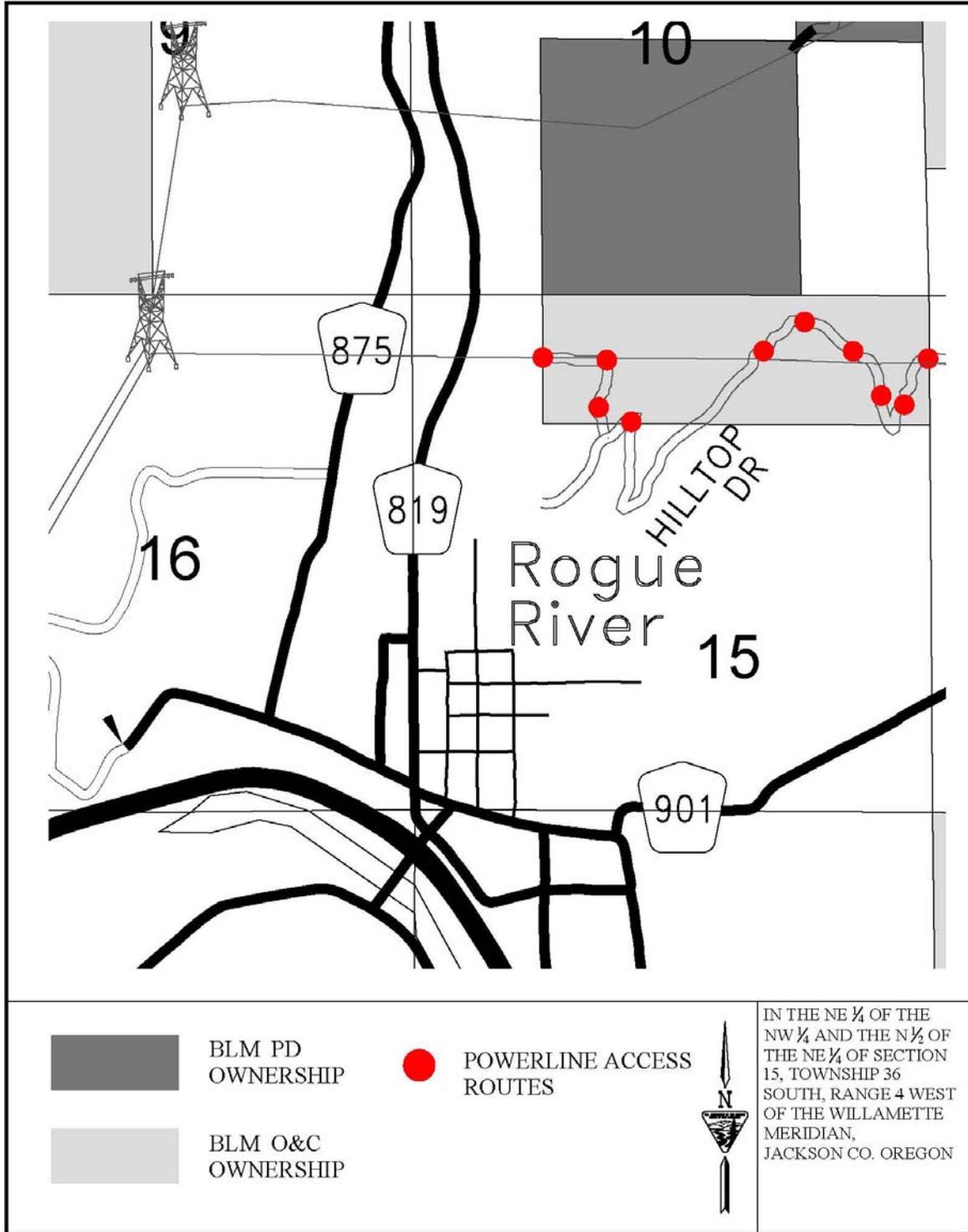
This proposed action qualifies as a categorical exclusion as provided in United States Department of the Interior Departmental Manual 516 DM 11.9, E.13. This section allows for

Amendments to existing rights-of-way, such as the upgrading of existing facilities, which entail not disturbances outside the right-of-way boundary.

Before any action described in the list of categorical exclusions may be used, the “extraordinary circumstances,” included in the Code of Federal Regulations at 43 CFR 46.205(c) must be reviewed for applicability. After review, the BLM determined no extraordinary circumstances exist that would cause the proposed action to have a significant environmental effect. The action will not require additional analysis.

Contact Person

For additional information concerning this project, contact Leslie Voelkel, Project Leader, at 541-618-2217.



NEPA Categorical Exclusion Review

Proposed Action:

The proposed project is to amend Right-of-Way Grant OR 61461 to authorize the use of existing roads to access the Grants Pass-Lone Pine 115kV electrical line located in T. 36 S., R. 4 W., Section 15, W.M., Jackson County, Oregon.

The Code of Federal Regulations at 43 CFR 46.205(c) requires that "any action that is normally categorically excluded must be evaluated to determine whether it meets any of the extraordinary circumstances in section 46.215" (listed below). Additional analysis and environmental documents must be completed for any normally categorically excluded action which may

- 1. *Have significant impacts on public health or safety.*

Yes No

Initial JW Remarks:

- 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.*

Yes No

Initial JW Remarks:

- 3. *Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].*

Yes No

Initial JW Remarks:

- 4. *Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.*

Yes No

Initial JW Remarks:

- 5. *Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.*

Yes No

Initial JW Remarks:

- 6. *Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.*

Yes No

Initial SL Remarks:

7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.

Yes No

Initial AW Remarks:

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.

Plants Yes No

Initial MW Remarks:

Animals Yes No

Initial DR Remarks:

Fish ~~S~~ Yes No

Initial JS Remarks:

9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.

Yes No

Initial JW Remarks:

10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

Yes No

Initial JW Remarks:

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).

Yes No

Initial JW Remarks:

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).

Yes No

Initial MW Remarks:

Categorical Exclusion Reviewers:

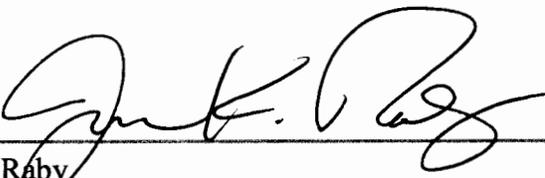
Name	Title	Date	Initials
Jean Williams	NEPA Coordinator	4/23/13	JW
Marcia Wineteer	Botanist	4/22/13	mw
Dave Roelofs	Wildlife Biologist	4/10/13	D.R.
Dale Johnson	District Fisheries Biologist	4/12/13	JS - for Dale Johnson
Shawn Simpson	Hydrologist	4/23/13	SLS
Amy Meredith	Soil Scientist	4/11/13	AM
Al Mason	Fire/Fuels Specialist	4/9/13	APM
Lisa Brennan	Archaeologist	04/09/13	LR
Leo Kalvels	Engineer	4-22-13	LK
Trish Lindaman	Outdoor Recreation Planner	04/09/13	TL

Decision

It is my decision to authorize the proposed amendment to Right-of-Way Grant OR 61461 to authorize the use of existing roads to access the Grants Pass-Lone Pine 115kV electrical line located in T. 36 S., R. 4 W., Section 15, W.M., Jackson County, Oregon, as described in the Proposed Action.

Decision Rationale

The proposed action has been reviewed by BLM staff. 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.



Jon K. Raby
Field Manager
Butte Falls Resource Area

5/1/13
Date

Administrative Review or Appeal Opportunities

In accordance with BLM's Rights-of-Way regulations (43 CFR § 2801.10), administrative review of right-of-way decisions requiring NEPA assessment will be available under 43 CFR Part 4 to those who have a "legally cognizable interest" to which there is a substantial likelihood that the action authorized would cause injury, and who have established themselves as a "party to the case" (see 43 CFR § 4.410). Other than the applicant for the right-of-way, in order to be considered a "party to the case" the person claiming to be adversely affected by the decision must show that they have notified the BLM of their alleged injury through their participation in the decisionmaking process (see 43 CFR § 4.410(b) and (c)). The latest date that any affected parties received the Notice of Decision will establish the date initiating a 30-day appeal period.

Effective Date of Decision

This is a land decision on a right-of-way application. **All BLM decisions under 43 CFR Part 2800 remain in effect pending an appeal** (43 CFR § 2801.10) unless the Secretary rules otherwise. Rights-of-way decisions that remain in effect pending an appeal are considered as "in full force and effective immediately" upon issuance of a decision; therefore, this decision is now in effect.

Right of Appeal

This decision may be appealed to the U.S. Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals (Board) by those who have a "legally cognizable interest" to which there is a substantial likelihood that the action authorized in this decision would cause injury, and who have established themselves as a "party to the case" (see 43 CFR § 4.410). If an appeal is taken, a written notice of appeal must be filed with the BLM officer who made the decision in this office by close of business (4:30 p.m.) not more than 30 days after this decision is approved (or the date the affected parties received notice of the decision). Only signed hard copies of a notice of appeal that are delivered to the BLM Medford District Office, 3040 Biddle Road, Medford, Oregon 97504 will be accepted. **Faxed or e-mailed appeals will not be considered.**

In addition to the applicant, anyone who has participated in the National Environmental Policy Act process for this project will qualify as party to the case (43 CFR § 4.410(b)). However, in order to qualify as an appellant, a "party to the case," you also have the burden of showing possession of a "legally cognizable interest" that has a substantial likelihood of injury from the decision (43 CFR § 4.410(d)). Furthermore, you may raise on appeal only those issues you raised in comments on the environmental document or that have arisen after the opportunity for comments closed (43 CFR § 4.410(c)).

The person signing the notice of appeal has the responsibility of proving eligibility to represent the appellant before the Board under its regulations at 43 CFR § 1.3. The appellant also has the burden of showing that the decision appealed from is in error. The appeal must clearly and concisely state which portion or element of the decision is being appealed and the reasons why the decision is believed to be in error. If your notice of appeal does not include a statement of reasons, such statement must be filed with this office and with the Board within 30 days after the notice of appeal was filed.

According to 43 CFR Part 4, you have the right to petition the Board to stay the implementation of the decision. Should you choose to file one, your stay request should accompany your notice of appeal. You must show standing and present reasons for requesting a stay of the decision. A petition for 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.

A notice of appeal with petition for stay must be served upon the Board, the Regional Solicitor, and PacifiCorp at the same time such documents are served on the deciding official at this office. Service must be accomplished within fifteen (15) days after filing in order to be in compliance with appeal regulations (43 CFR § 4.413(a)). At the end of your notice of appeal, you must sign a certification that service has been or will be made in accordance with the applicable rules (i.e., 43 CFR §§ 4.410(c) and 4.413) and specify the date and manner of such service.

The Board will review any petition for a stay and may grant or deny the stay. If the Board takes no action on the stay request within 45 days of the expiration of the time for filing a notice of appeal, you may deem the request for stay as denied, and the BLM decision will remain in full force and effect until the Board makes a final ruling on the case.

Contact Information

For additional information, contact: Jon Raby, Field Manager, Butte Falls Resource Area, 3040 Biddle Road, Medford, Oregon 97504 or telephone 541-618-2200.

Additional contact addresses are:

U.S. Department of the Interior, Office of Hearings and Appeals,
Interior Board of Land Appeals
801 N. Quincy Street, MS 300-QC,
Arlington, VA 22203

U.S. Department of the Interior
Office of the Regional Solicitor
805 SW Broadway, Suite 600
Portland, OR 97205

PacifiCorp
825 NE Multnomah Street, Suite 1700
Portland, OR 97232

Form 1842-1
(September 2006)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

- 1. NOTICE OF APPEAL**..... A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the *Notice of Appeal* in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a *Notice of Appeal* in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).
-
- 2. WHERE TO FILE**
- NOTICE OF APPEAL**..... U.S. Department of the Interior, Bureau of Land Management
Medford District Office
3040 Biddle Road
Medford, OR 97504
- WITH COPY TO SOLICITOR**... U.S. Department of the Interior
Office of the Regional Solicitor, Pacific Northwest Region
805 S.W. Broadway, Suite 600
Portland, OR 97205
-
- 3. STATEMENT OF REASONS** Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary (43 CFR 4.412 and 4.413).
- WITH COPY TO SOLICITOR**..... U.S. Department of the Interior
Office of the Regional Solicitor, Pacific Northwest Region
805 S.W. Broadway, Suite 600
Portland, OR 97205
-
- 4. ADVERSE PARTIES**..... Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).
-
- 5. PROOF OF SERVICE**..... Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).
-
- 6. REQUEST FOR STAY**..... Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your *Notice of Appeal* (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and Petition for a Stay **must** also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 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.
- 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.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that **all** communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

(Continued on page 2)

43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

- Alaska State Office ----- Alaska
- Arizona State Office ----- Arizona
- California State Office ----- California
- Colorado State Office ----- Colorado
- Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
- Idaho State Office ----- Idaho
- Montana State Office ----- Montana, North Dakota and South Dakota
- Nevada State Office ----- Nevada
- New Mexico State Office ---- New Mexico, Kansas, Oklahoma and Texas
- Oregon State Office ----- Oregon and Washington
- Utah State Office ----- Utah
- Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

(Form 1842-1, September 2006)

Form 2800-14
(August 1985)

UNITED STATES
DEPARTMENT OF THE INTERIOR

Issuing Office
Medford

BUREAU OF LAND MANAGEMENT
RIGHT-OF-GRANT/TEMPORARY USE PERMIT

Serial Number
OR 61461

1. A right-of-way is hereby granted pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 USC 1761). **This right-of-way grant renews ORE 003571.**

2. Nature of Interest:

a. By this instrument, the Holder, PacifiCorp, receives a right to operate, use, maintain and terminate an aerial power distribution lines over public lands described as follows:

SW¹/₄NW¹/₄ Section 1
NE¹/₄SW¹/₄ Section 2
Lots 4 & 5 Section 3
SW¹/₄SE¹/₄ Section 3
SE¹/₄SE¹/₄ Section 4
N¹/₂NE¹/₄, NW¹/₄, NW¹/₄SW¹/₄ Section 7
Township 36 South, Range 3 West
and
N¹/₂NE¹/₄, NE¹/₄NW¹/₄ Section 15
SE¹/₄SE¹/₄ Section 17
NE¹/₄SE¹/₄ Section 19
Township 36 South, Range 4 West
Willamette Meridian, Jackson County, Oregon
and
S¹/₂SW¹/₄ Section 13
S¹/₂NW¹/₄, N¹/₂SE¹/₄ Section 14
SE¹/₄NE¹/₄ Section 15
Township 36 South, Range 5 West
Willamette Meridian, Josephine County, Oregon

b. The right-of-way granted herein is 100 feet wide, 4.36 miles long; and contains approximately 52.80 acres, more or less over the route located in Item A above and as indicated in Exhibits A and B which are attached.

c. This instrument shall terminate on December 31, 2055; unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.

d. This instrument may be renewed. If renewed, the right-of-way or permit shall be subject to regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.

e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination of the grant.

3. Rental:

For and in consideration of the rights granted, the Holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800.
- b. Each grant issued for a term of 20 years or more shall, at a minimum, be reviewed by the Authorized Officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the Authorized Officer.
- c. The map designs set forth in Detail Maps F-7715-1 (Exhibit A) and F-7715-2 (Exhibit B) attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth in their entirety.
- d. The Holder shall be prepared to conduct all maintenance concerning the use of this authorization at the Holders expense. The Holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.
- e. The Holder shall provide a written plan specifically detailing activities for all maintenance and repair of the right-of-way (vegetative, roads, etc) authorized through this grant by March 15th of any year in which maintenance is proposed. Maintenance activities and/or surface disturbance shall be prohibited during the period from October 15 to April 15 of the year or as directed by the BLM Authorized Officer for the protection of the environment and transportation systems. Any exception to this requirement requires prior written approval from the Authorized Officer. Prior to commencement of maintenance activities, the Holder shall submit a written maintenance plan to the Authorized Officer. Said plan shall describe in detail the type of activity proposed, equipment and work methods to be used, debris disposal options proposed, beginning and ending dates of operation, etc. BLM shall review the plan. Said plan is subject to modification and/or change by BLM. The Holder shall strictly adhere to any BLM requirements at the Holder's cost. The Holder shall also include the name, address and telephone number of the Holder's delegated representative. The delegated representative is the person who is authorized by the Holder to carry out the terms and conditions of the grant and act on behalf of the Holder.
- f. No hazardous materials are to be produced, transported, or stored on this right-of-way. The Holder shall notify the authorized officer if there is a significant variance from this authorization with respect to hazardous materials and their use, storage, or disposal. The Environmental Protection Agency maintains and updates a list of all hazardous substances that may present substantial danger to the public health or the environment in Title 40 of the United States Code of Federal Regulations Part 302.
- g. The Holder shall notify the Authorized Officer upon discovery of any noxious weed

species found in the right-of-way area and is responsible for immediate control and eradication. The Holder shall consult with, and obtain approval from the Authorized Officer for acceptable weed control methods, such as mechanical or chemical, or provide funds to BLM for treatment. The use of herbicides is prohibited on land managed by the BLM.

- h. The Holder shall comply with the applicable Federal and State laws and regulations concerning the use of pesticides (i.e., insecticides, herbicides, fungicides, rodenticides, and other similar Authorized Officer approval of a written plan prior to the use of such substances. The plan must provide the type and quantity of material to be used; the pest, insect, fungus, etc. to be controlled; the method of application; the location for storage and disposal of containers; and other information that the Authorized Officer may require. The plan should be submitted no later than December 1 of any calendar year that covers the proposed activities for the next fiscal year (i.e., December 1, 1979, deadline for a fiscal year 1981 action). Emergency use of pesticides may occur. The use of substances on or near the right-of-way shall be in accordance with the approved plan. A pesticide shall not be used if the Secretary of the Interior has prohibited its use. A pesticide shall be used only in accordance with its registered uses and within other limitations if the Secretary has imposed limitations. Pesticides shall not be permanently stored on public lands authorized for use under this grant
- i. The Holder shall during the life of this grant, comply with all applicable State and Federal environmental laws, regulations, and standards. The Holder shall also immediately discontinue all construction or other operations under this grant upon receipt of written notice from the Authorized Officer that such operations are in violation of said provisions.
- j. The United States reserves the right to grant subsequent use pursuant to 43 CFR 2801.1-1.
- k. The right-of-way Holder is aware that Bureau of Land Management (BLM) administered lands in western Oregon are managed in part for timber resource activities which include timber harvesting, reforestation, and tree release programs. BLM forest management activities may also include application of herbicides, firewood cutting, and prescribed burning. Logging operations cause dust and noise. Many of these activities are considered objectionable by residents living on adjacent private lands. BLM roads will be used to haul timber. Other important resources of these lands include wildlife habitat, minerals, soil and water quality, recreation opportunities, and others. The Holder should also be aware that the BLM may grant other rights-of-way across BLM lands, and also may enter into agreements for exchange or sale of BLM administered lands.
- l. The Holder or his contractor shall immediately stop all operations and notify the BLM upon becoming aware of, encountering, or discovery of any objects or sites of cultural, historical, or pre-historical value within the project area.
- m. Vehicular and/or mechanical access and/or use of the right-of-way is restricted to utility installation/repair/maintenance equipment only.
- n. No installation machinery or ground disturbing activity shall be allowed outside the designated right-of-way.

- o. The Holder or his contractor shall contact and receive either a permit or notification from the Oregon State Forestry, prior to either their or their contractor's use of mechanized equipment in the installation and maintenance of this right-of-way grant.
- p. The Holder shall undertake every reasonable measure to minimize erosion to the roads and surrounding areas, soil disturbances and turbidity to waterways, ground disturbing activity or the introduction of invasive plants.
- q. The Holder shall promptly remove and dispose of all waste caused by its activities as directed by the Authorized Officer. The term "waste" as used herein means all discarded matter including, but not limited to: human waste, trash, garbage, refuse, petroleum products, ashes, equipment and vegetative materials.
- r. The Holder shall not place signs, gates, or barricades on public land, its resources or improvements without prior written approval from the Authorized Officer.
- s. The Holder shall abide by soil and resource protection measures as may be necessary to protect and restore the land and vegetation to the satisfaction of the BLM Authorized Officer.
- t. Within sixty days of the issuance of the new grant, updated maps shall be submitted to the Authorized Officer. Electronic copies of the maps shall accompany hard copies for the right-of-way files.
- u. The Holder shall not use dirt roads as access routes when such use would cause severe rutting or erosion, as determined by the Authorized Officer. Use, maintenance, and termination activities shall be suspended on public lands if soil condition warrants, as determined by the Authorized Officer. The Holder shall repair any environmental damage resulting from activities associated with this authorization.
- v. Natural vegetation shall be cleared or trimmed only when necessary to provide suitable access for operation, maintenance and termination of the system.
- w. No tree eight inches (8") in diameter or over at breast height shall be cut without prior written approval from the Authorized Officer during the exercise of the rights granted through this authorization.
- x. Unless otherwise agreed to by the Authorized Officer in writing, powerlines shall be constructed in accordance to standards outlined in "Suggested Practices for Raptor Protection on Powerlines," Raptor Research Foundation, Inc., 1981. The Holder shall assume the burden and expense of proving that pole designs not shown in the above publication are "eagle safe". Such proof shall be provided by a raptor expert approved by the Authorized Officer. The BLM reserves the right to require modification or additions to all powerline structures placed on this right-of-way, should they be necessary to ensure the safety of large perching birds. Such modification and/or additions shall be made by the holder without liability or expense to the United States.
- y. The United States will not be held liable for any damage to the right-of-way caused by the general public or as a result of fire, wind, or other natural disasters or as a result of silviculture practices, timber harvesting operations, or other actions stemming from the land management activities of the Bureau of Land Management.

- z. The Holder shall protect all survey monuments, witness corners, reference monuments, and bearing trees within this right-of-way against disturbance during construction, operation, maintenance, and rehabilitation. If any monuments, corners, or accessories are destroyed, obliterated, or damaged during construction,
- aa. The Holder shall be responsible for costs incurred for reconfiguration of Holder improvements within the right-of-way when road reconstruction activities prescribed by the Bureau are required.