

DECISION RECORD & CATEGORICAL EXCLUSION REVIEW

Project Name: PacifiCorp Right-of-Way Application OR 13745 (OR-M040-2009-002-CX)

Prepared By: Leslie Voelke **Title:** Realty Specialist

BLM Office: Ashland R.A., Medford District **Phone:** (541) 618-2217

DESCRIPTION & LOCATION OF THE PROPOSED ACTION

The proposed action is to authorize a Federal Land Policy and Management Act (FLPMA) right-of-way (R/W) grant to PacifiCorp for the continued use of an existing aerial 500 kV electrical transmission line providing service to southwest Jackson and Klamath Counties in Oregon. This authorization (OR 13745) would be granted for a fifty (50) year term. This line runs from Meridian Substation east of the city of Medford in Jackson County through portions of the Cascade-Siskiyou National Monument and on to the Malin substation in Klamath County. The Medford District BLM will review that portion of the line located within Jackson County in the Ashland Resource Area. The right-of-way on BLM administered lands within the Ashland Resource area is 175 feet wide, 10.27 miles long and includes approximately 217.7 acres. This transmission line was originally authorized in 1978. (See Exhibit A Legal Description, general route map and specific township maps for additional information).

TERMS and CONDITIONS

The following terms and conditions will be included in the proposed authorization.

- 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 BLM Authorized Officer.
- c. The Holder shall be prepared to conduct all maintenance concerning the use of this authorization at the Holder's 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. Reference is hereby made to **Exhibit A (*PacifiCorp/Pacific Power Overview of Operation & Maintenance Activities for Electric Transmission and Distribution Lines (Power Lines) dated February 2007*)** attached hereto and made a part of this grant instrument.
- d. The Holder shall provide a written work schedule specifically detailing activities for all maintenance and repair of the right-of-way (vegetative, roads, structural equipment, etc) authorized through this grant six (6) months prior to the proposed commencement of activities. Said written schedule shall describe in detail the type of site specific activity proposed, equipment and work methods to be used, debris disposal options proposed, beginning and ending dates of operation, etc. 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.

- e. As necessary to respond to Emergency Conditions, the Holder may, at anytime and without prior authorization, enter onto and conduct repairs or adjustments within the right-of-way area governed by this authorization. As used in this stipulation, the term "Emergency Condition" shall mean a condition or situation that is imminently likely to endanger life or property or that is imminently likely to cause a material adverse effect on the security of, or damage to the Holder's electrical system. Concurrently, or as soon as reasonably possible, the Holder shall notify BLM via Medford Interagency Communication Center at 541-618-2510 of any emergency repairs or adjustments undertaken in conjunction with this stipulation. The BLM shall provide the Holder a list of agency contacts. The Holder acknowledges that depending upon the scope of the emergency action, BLM may be required to conduct post emergency analysis and review, including that required under NEPA, ESA, Clean Water Act or other laws, regulations and policy. The Holder shall be responsible for the cost and implementation of actions needed to stabilize and/or restore resources following emergency activities.
- 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 BLM 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 BLM Authorized Officer for acceptable weed control methods, such as mechanical or chemical. All equipment 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.
- h. 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.
- i. The United States reserves the right to grant subsequent use pursuant to 43 CFR 2801.1-1.
- j. The right-of-way Holder is aware that 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.

- k. 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. No installation machinery or ground disturbing activity shall be allowed outside the designated right-of-way.
- m. The Holder or his contractor shall contact and receive either a permit or notification from the Oregon State Forestry prior to use of mechanized equipment by the Holder or their contractor in the installation and maintenance of this right-of-way grant.
- n. 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.
- o. The Holder shall promptly remove and dispose of all waste caused by its activities as directed by the BLM 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.
- p. The Holder shall not place signs, gates, or barricades on public land, its resources or improvements without prior written approval from the BLM Authorized Officer.
- q. 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.
- r. Within sixty days of the issuance of the new grant, updated maps shall be submitted to the BLM Authorized Officer. Electronic copies of the maps shall accompany hard copies for the right-of-way files.
- s. The Holder shall not use dirt roads as access routes during non-emergency use when such use would cause severe rutting or erosion, as determined by the BLM Authorized Officer. Use, maintenance, and termination activities shall be suspended on public lands if soil condition warrants, as determined by the BLM Authorized Officer. The Holder shall repair any environmental damage resulting from activities associated with this authorization.
- t. The Holder shall notify the BLM Authorized Officer when it is necessary to cut/remove any tree eight inches (8") in diameter or over at breast height during the exercise of the rights granted through this authorization.
- u. Power lines and power poles shall be constructed and maintained to protect raptors from electrocution following guidelines and standards outlines in "Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006 (APLIC 2006)." The spotted owl is the only forest-dwelling raptor that would not likely come in contact with power lines or poles. This project design feature compensates for that unlikely event. The BLM reserves the right to require modification or additions to all power line structures placed on/within 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.

- v. The Holder shall follow the project design criteria (PDC) identified in **Exhibit C (*Northern Spotted Owl Mandatory Project Design Criteria*) dated June 2009** attached hereto and made a part of this grant instrument when working in documented northern spotted owl sites located along this powerline. The BLM will notify the Holder following receipt of the written work schedule as to whether the PDCs apply to the proposed work.
- w. The United States shall 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 BLM. The Holder shall indemnify the United States against any liability for damages to life or property arising from the occupancy or use of public lands under this grant.
- x. 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, the Holder or his contractor shall restore said items to the satisfaction of the BLM Authorized Officer.
- y. The Holder shall be responsible for costs incurred for reconfiguration of Holder improvements within the right-of-way when road reconstruction or other activities prescribed by the BLM are required.
- z. The Holder shall comply with applicable Federal and State laws and regulations concerning the use of pesticides, insecticides, herbicides, fungicides, rodenticides, etc. The Holder shall submit a written plan of operation and receive written approval of said plan from the BLM Authorized Officer prior to use of said substances. The plan shall 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 any other information the BLM Authorized Officer requires. Application of said substances by the Holder shall be under the supervision of an appropriately licensed applicator. The Holder's plan shall be submitted no later than October 1 of any calendar year covering the proposed activities for the next calendar year (i.e., October 1, 2008, deadline for calendar year 2009 action). The use of substances on or near the right-of-way shall be in accordance with the BLM approved plan.

PLAN CONFORMANCE

The proposed action is located on BLM-administered land and crosses in and out of the Cascade-Siskiyou National Monument. It is in conformance with and tiered to both the 2008 *Medford District Record of Decision (ROD) and Resource Management Plan (RMP)* and the 2008 *Cascade-Siskiyou National Monument ROD and RMP*. In addition, this project fully complies with the management objectives, action, and direction of the resource management plan in place prior to the 2008 RMPs, the 1995 RMP. The design of this project would not have differed under either the 1995 or 2008 plans. The proposed action is 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, and the Archaeological Resources Protection Act of 1979.

CATEGORICAL EXCLUSION REVIEW

The proposed action would not create adverse environmental effects under the categorical exclusion exceptions, unless as noted. The proposed action will:

<u>Yes</u>	<u>No</u>	<u>Categorical Exclusion Exception</u>
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| <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. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 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. |

<u>Yes</u>	<u>No</u>	<u>Categorical Exclusion Exception</u>
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| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 10. Have disproportionate significant adverse impacts on low income or minority populations (Executive Order 12898). |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 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). |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 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). |

SUMMARY OF FINDINGS

The proposed action has been reviewed against the twelve criteria listed above for an exception to a categorical exclusion and does not fall under any exception as identified in 516 DM 6, Appendix 2. The project qualifies as a categorical exclusion under under 516 DM 11.9 E (9 and 16).

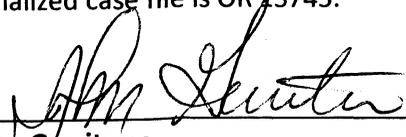
<u>Leslie Voelkel</u>	<u>Realty Specialist</u>	<u>June 2, 2009</u>
Prepared by	Title	Date

<u>Kathy Minor</u>	<u>Planning and Environmental Coordinator</u>	<u>June 5, 2009</u>
Reviewed and Edited by	Title	Date

DECISION

Based on the Categorical Exclusion Review documented above, I have determined this project proposal involves no significant impact to the human environment. Therefore, this project is categorically excluded from NEPA documentation under 516 DM 11.9 E (9 and 16), and no further environmental analysis is required.

It is my decision to authorize the requested right-of-way facility to PacifiCorp as described above. The serialized case file is OR 13745.



John Gerritsma
Field Manager
Ashland Resource Area

6/16/09

Date

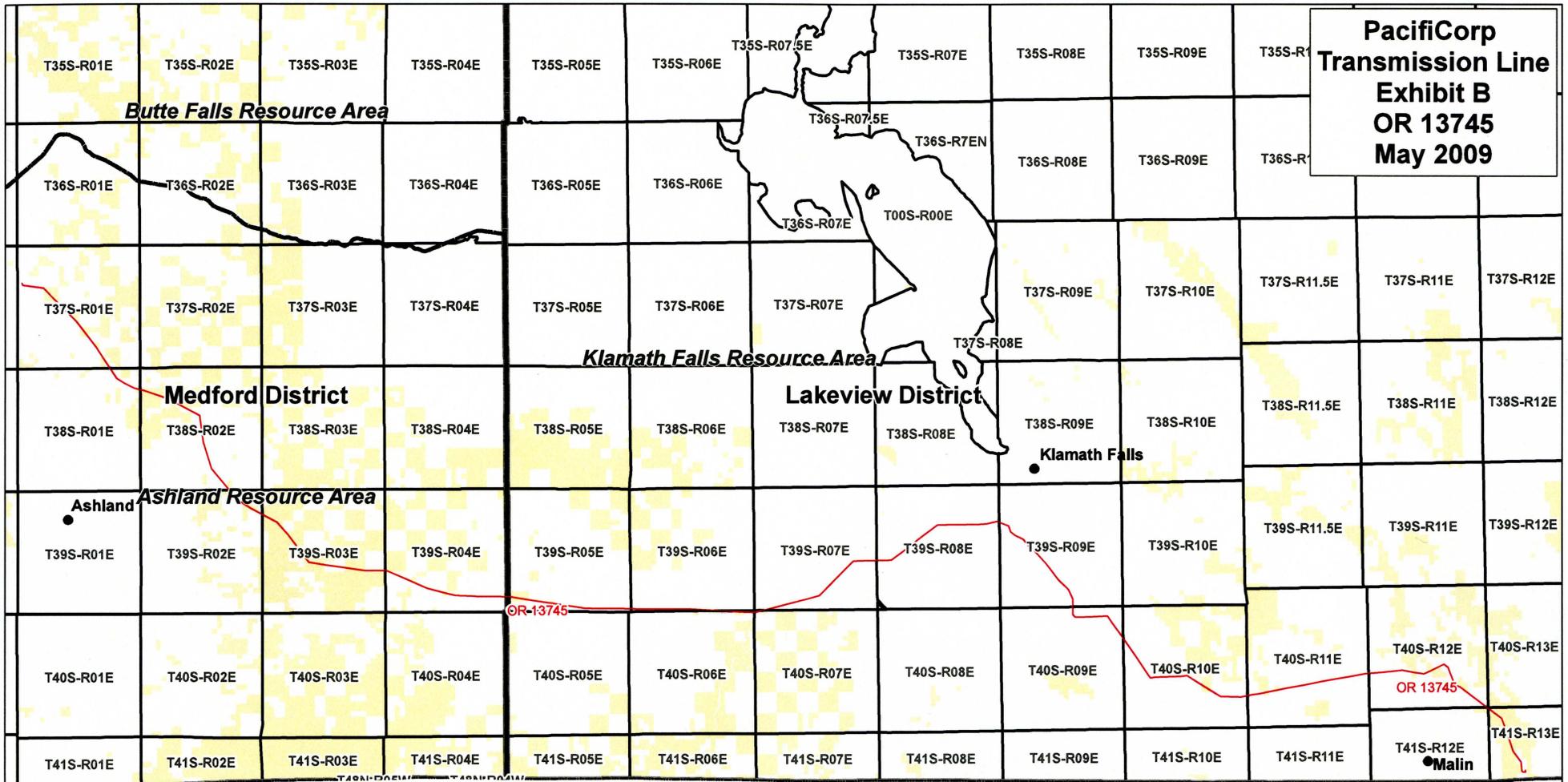
EFFECTIVE DATE OF DECISION

This decision is effective upon signing by the authorized officer and shall remain in effect pending any appeal (43 CFR 4 and 43 CFR 2801.10).

REFERENCES

Avian Power Line Intersection Committee (APLIC). 2006. *Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006*. Edison Electric Institute, APLIC, and the California Energy Commission, Washington, D.C. and Sacramento, CA.

**PacifiCorp
Transmission Line
Exhibit B
OR 13745
May 2009**

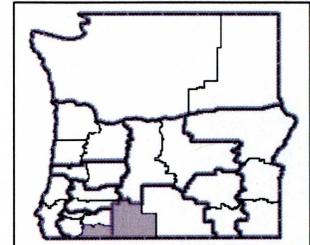


Legend

- PacifiCorp Transmission Line & 175' ROW
- Resource Area Boundary
- BLM_Ownership
- District Boundary
- Cities



No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources and may be updated without notification.



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