

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MEDFORD DISTRICT OFFICE

**NEPA CATEGORICAL EXCLUSION REVIEW & DECISION RECORD
GRANTS PASS RESOURCE AREA**

**PacifiCorp – Takilma Cell Tower
Serial No. OR 66634**

Right-of-Way Grant under Title V of the Federal Land Policy and Management Act (as Amended), P.L. 94-579, and the regulations at 43 CFR 2800

DOI-BLM-OR-M070-2011-010-CX

Location of Proposed Action: The right-of-way includes three segments crossing BLM lands near the intersection of Bridgeview-Takilma road and Elder Creek, approximately 1.5 miles east of the town of Takilma. Together, the three new right-of-way segments total approximately 1.52 acres. The width of the right-of-way is 20 feet wide and 3,300 feet long. The legal description is E½NE¼ Section 23 of Township 40 South, Range 8 West, W.M. within lands managed by the Grants Pass Resource Area, Bureau of Land Management, within Josephine County, Oregon.

Land Use Allocations: The Medford District 1995 Resource Management Plan (RMP) land use allocations for this Proposed Action are Matrix and Riparian Reserve. The Medford District 2008 RMP land use allocations are Timber Management Area, Riparian Management Area, and Timber Production Capability Classification (TPCC) Suitable-Restricted for Non-Commercial extraction.

Proposed Action: The proposed federal action is to issue one Right-of-Way Grant (OR 66634) pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 USC 1761) for the three new electrical conductor line segments to be installed under the road surface of existing BLM roads #40-8-23, #40-8-23.1 and #40-8-23.2. This electrical line will provide service to a new cell tower in Takilma. Two electrical vaults would be installed as shown on Map 2 (see attached). All activities associated with maintaining the line segments would be in compliance with the terms and conditions of Right-of-Way Grant OR 66634 (see attached) and any additional Design Features listed below. The requested period for the grant is for a term of 50 years, which would be reviewed by the Authorized Officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Work is requested to begin in the fall 2011.

PROJECT DESIGN FEATURES

All activities associated with the operation, use, maintenance and termination/removal of the line segments would be in compliance with the terms and conditions of Right-of-Way Grant OR 66634 including Exhibit A (see attached). As noted in Exhibit A (y), 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.

- All ground disturbing operations would be limited to May 15 through Oct 15 of the same calendar year, to minimize soil disturbance and sedimentation. If soils are sufficiently dry outside this season, the Authorized Officer may approve a provisional off-season agreement.
- Underground conduit installation would be at least 18 inches underground the BLM road surface.
- No construction would occur in the cut-slope of BLM roads.
- All trenches and pits to install the electrical line would be backfilled and compacted.
- Disturbed portions of BLM roads #40-8-23 and #40-8-23.1 would be surfaced full width with 6 inches of compacted ¾ inches minus crushed aggregate, prior to Oct 15th.
- Disturbed portions of BLM road #40-8-23.2 would maintain its natural surface condition, if PacifiCorp would use the road during the dry season (generally between May 15 through Oct 15th of the same calendar year). However, use of BLM road #40-8-23.2 during the wet season (generally Oct 15th through May 15th of the same calendar year) would require the road to be surfaced full width with 6 inches of compacted ¾ inches minus crushed aggregate, prior to Oct 15th.
- Areas excavated, trenched, or plow trenched would be back filled and compacted to original ground lines. Areas would be repaired to match existing drainage of the road. Depressions dips or trenches that may exist after backfill and compaction would be filled and re-compacted with ¾ inches minus crushed aggregate. Compaction would be deemed acceptable when a truck is driven over repair areas without visual evidence of tire depression.

PLAN CONFORMANCE REVIEW

The Proposed Action is consistent with the Medford District's 1995 Record of Decision (ROD) and Resource Management Plan (RMP) and 2008 ROD/RMP. Following the March 31, 2011 decision by the United States District Court for the District of Columbia in Douglas Timber Operators et al. v. Salazar, which vacated and remanded the administrative withdrawal of the Medford District's 2008 ROD and RMP, we evaluated this project for consistency with both the 1995 RMP and the 2008 ROD and RMP. Based upon this review, the Proposed Action contains some design features not mentioned specifically in the 2008 ROD and RMP. The 2008 ROD and RMP did not preclude use of these design features, and the use of these design features is clearly consistent with the goals and objectives in the 2008 ROD and RMP. Accordingly, this project is consistent with the Medford District's 1995 RMP and the 2008 ROD/RMP.

The Proposed Action is consistent with court orders relating to the Survey and Manage mitigation measure of the Northwest Forest Plan, as incorporated into the Medford District Resource Management Plan.

COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT

The Proposed Action qualifies as a categorical exclusion under Department of Interior Manual 516 DM 11.9, E (16), which allows for “Acquisition of easements for an existing road or issuance of leases, permits, or rights-of-way for the use of existing facilities, improvements, or sites for the same or similar purposes”.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in CFR § 46.215 apply.

NEPA CATEGORICAL EXCLUSION REVIEW

Extraordinary circumstances (CFR § 46.215) provides for a review of the following criteria for categorical exclusion to determine if exceptions apply to the Proposed Action based on actions which may:

1. Have significant impacts on public health or safety.
 Yes No
Remarks: None

2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources, park, recreation, refuge, lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands (Executive Order 11990); floodplains (Executive Order 11988); ecologically significant or critical areas (including those listed on the Department's National Register of Natural Landmarks).
 Yes No
Remarks: None

3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources (NEPA section 102(2)(e)).
 Yes No
Remarks: None

4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.
 Yes No
Remarks: None

5. Establish a precedent for future action or represent a decision in principle about a future actions with potentially significant environmental effects.
 Yes No
Remarks: None

6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.
 Yes No
Remarks: None
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either bureau or office.
 Yes No
Remarks: None
8. Have significant impacts on species listed, or proposed for listed, on the List of Threatened Species, or have significant impacts on designated Critical Habitat for these species.
 Yes No
Remarks: None
9. Violate a Federal law, or State, local, or tribal law requirements imposed for the protection of the environment.
 Yes No
Remarks: None
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).
 Yes No
Remarks: None
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
Remarks: None
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area 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
Remarks: None

**U.S. DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
MEDFORD DISTRICT**

**GRANTS PASS RESOURCE AREA
DOI-BLM-OR-M070-2011-010-CX**

NEPA CATEGORICAL EXCLUSION DECISION

DOCUMENTATION PROPOSED ACTION

The proposed federal action is to issue a Right-of-Way Grant pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 USC 1761). The Proposed Action would authorize three new line segments along one electrical line under Right-of-Way Grant OR 66634. The lines will be placed under the road surface of existing BLM roads #40-8-23, #40-8-23.1 and #40-8-23.2. All activities associated with the operation, use, maintenance, termination/removal of the subject electrical line would be in compliance with the terms and conditions of attached Right-of-Way Grant OR66634.

DECISION AND RATIONALE

I have reviewed this Plan Conformance, Categorical Exclusion Determination and attached NEPA Categorical Exclusion Review and have determined that the proposed project is in conformance with the approved land use plans and would not involve any significant environmental impacts. No further environmental analysis is required. It is my decision to implement the project, as described, with the Project Design Features identified above.



Katrina Symons, Field Manager
Grants Pass Resource Area

Date 9/26/11

ADMINISTRATIVE REMEDIES

Administrative review of right-of-way decisions requiring National Environmental Policy Act (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 (a) – (c)). Other than the applicant/proponent for the right-of-way action, 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 that they have a “legally cognizable interest” and the decision on appeal has caused or is substantially likely to cause injury to that interest (See 43 CFR § 4.410(d)).

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 (See 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. Thus, 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 the date of service. Only signed hard copies of a notice of appeal that are delivered to

*BUREAU OF LAND MANAGEMENT
GRANTS PASS INTERAGENCY OFFICE
Grants Pass Resource Area
2164 NE Spalding
Grants Pass, OR 97526*

will be accepted. Faxed or e-mailed appeals will not be considered.

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 and the Regional Solicitor 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 IBLA will review any petition for a stay and may grant or deny the stay. If the IBLA 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 IBLA makes a final ruling on the case.

HOW TO FILE AN APPEAL

For additional information contact:

Katrina Symons, Field Manager, Grants Pass Resource Area
Grants Pass Interagency Office
Bureau of Land Management
2164 NE Spalding
Grants Pass, OR 97526
(541) 471-6653

Or Michelle Calvert, Planning and Environmental Coordinator, Glendale and Grants Pass Resource Areas, at (541) 471-6505

Additional contact addresses include:

- U.S. Department of the Interior
Office of Hearings and Appeals
Interior Board of Land Appeals
801 N. Quincy Street, MS 300-QC
Arlington, Virginia 22203
- Regional Solicitor
Pacific Northwest Region
U.S. Department of the Interior
805 S.W. Broadway, Suite 600
Portland, Oregon 97205
- PacifiCorp
825 NE Multnomah Street, Suite 1700
Portland, OR 97232

Attachments:

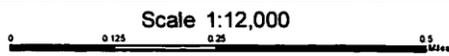
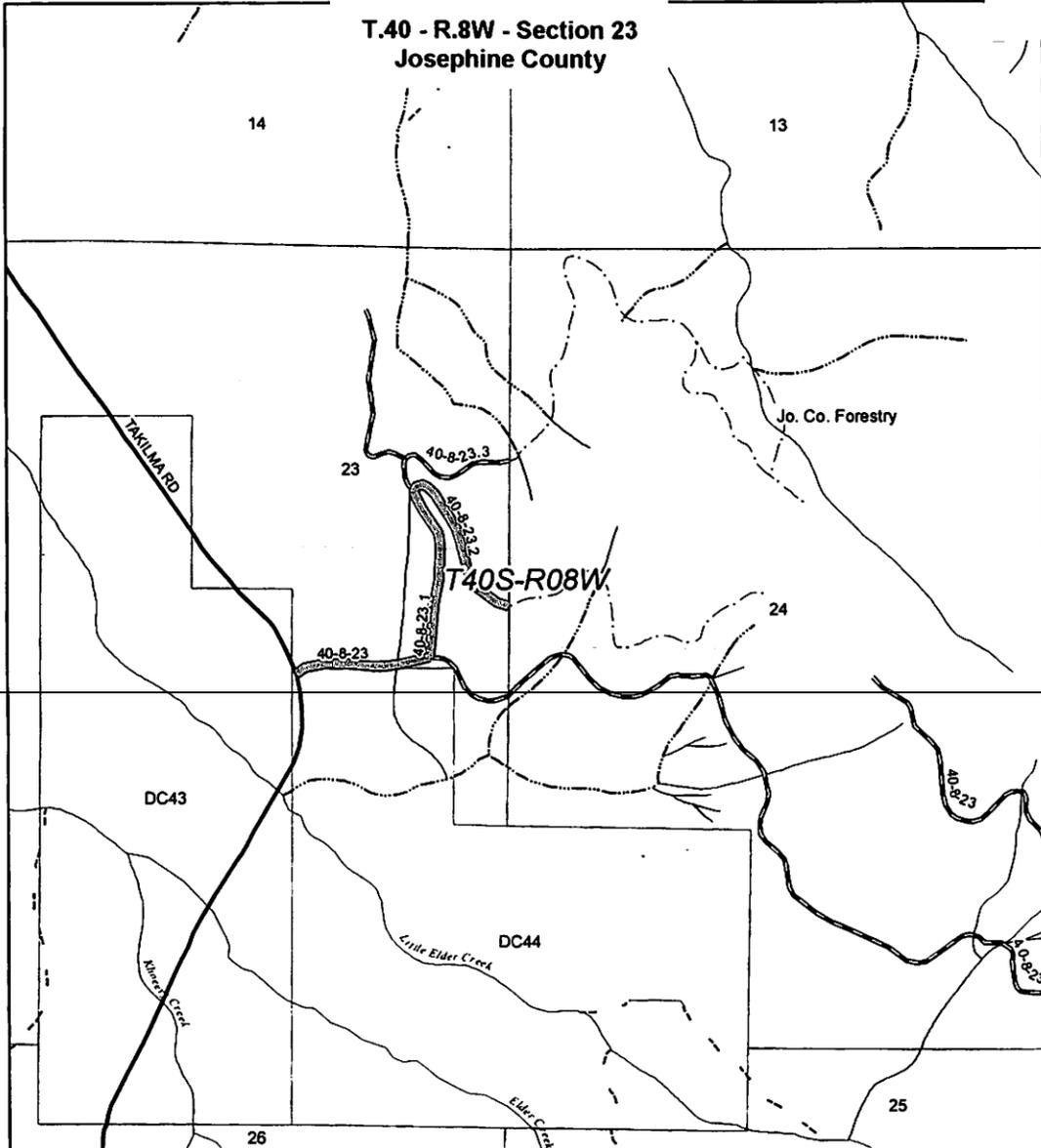
Map 1: Location Map

Map 2 : Site Plan

Draft Right-of-Way Grant

Map 1: Location Map

T.40 - R.8W - Section 23
Josephine County



T.40S., R.8W., Section 23
W.M. Josephine County, OR

Legend	
Proposed R/W	Ownership
County route	Federal
BLM	Non-Federal
Access Road	

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.

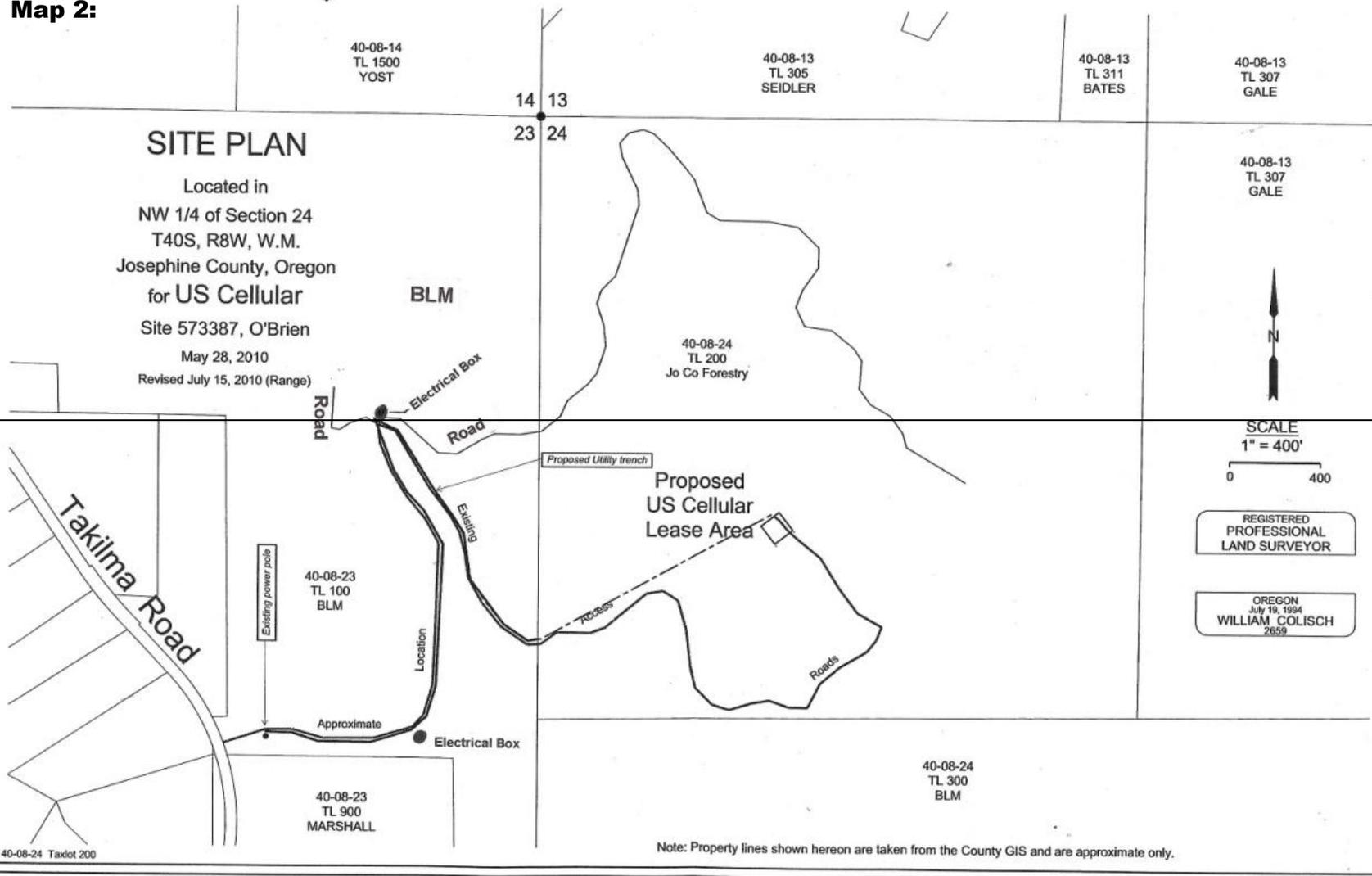
Universal Transverse Mercator Zone 10 N
North American Datum of 1983

MOX: W:\Workspace\Adboc\Projects\Ready\US Cellular_RW_ ExhibitA.mxd
Last Modified Date: 9/16/2010 11:54:26 AM

Map 2:

SITE PLAN

Located in
 NW 1/4 of Section 24
 T40S, R8W, W.M.
 Josephine County, Oregon
 for US Cellular
 Site 573387, O'Brien
 May 28, 2010
 Revised July 15, 2010 (Range)



Note: Property lines shown hereon are taken from the County GIS and are approximate only.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY GRANT

Medford

Serial Number
OR 66634

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).

2. Nature of Interest:

a. By this instrument, the Holder, PacifiCorp, receives a right to construct, install, operate, use, maintain and terminate/remove a buried/underground electrical distribution line on public lands described as follows:

E½NE¼ Section 23
Township 40 South, Range 8 West,
WM, Josephine County, Oregon

b. The total right-of-way is twenty (20) feet wide, 3,300 feet long and contains approximately 1.52 acres over the route located on those lands described in Item 2(a) above and as indicated on Exhibit A, incorporated into and made a part of this grant instrument. The Holder's activities are restricted to the right-of-way granted herein.

c. This instrument shall terminate on December 31, 2060 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. 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 (aka BLM) 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 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 B (PacifiCorp/Pacific Power Overview of Operation & Maintenance Activities for Electric Transmission and Distribution Lines (Power Lines) dated 2009)** attached hereto and made a part of this grant instrument.
- d. The Holder shall provide a written work schedule to the Authorized Officer 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. The Holder shall clean/wash motorized equipment which will be driven off system roads, including tires and undercarriages to remove noxious weed plant parts and seeds to reduce 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 801.1-1.
- j. The Holder should be aware that the BLM may grant other rights-of-way across BLM lands and may also enter into agreements for exchange or sale of BLM administered lands, conduct forest management activities such as road maintenance, timber sales, hazardous fuels reduction, etc.
- k. The Holder or his contractor shall immediately stop all operations and notify the BLM Authorized Officer upon becoming aware of, encountering, or discovery of any human remains/grave sites, paleontological resources, object or sites of cultural, historical or pre-historical value within the right-of-way or project area. Operations shall cease until a written authorization to proceed has been issued by the Authorized Officer.
- l. 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 its 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 (except Holder facility location and warning 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 protect existing roads, utility lines, communication facilities and like improvements during construction, operation, maintenance and termination of the system. 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 damage resulting from activities associated with this authorization to the satisfaction of the Authorized Officer.

- 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. Natural vegetation shall be cleared or trimmed only when necessary to provide suitable access for installation, operations, maintenance, safety and termination of the system.
- u. Unless otherwise agreed to by the BLM Authorized Officer in writing, power lines shall be constructed in accordance to standards outlined in "*Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006 (APLIC 2006)*." 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 BLM Authorized Officer. The BLM reserves the right to require modification or additions to all power line 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.
- v. 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 silvi-culture 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.
- w. 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 at the Holder's cost.
- x. The Holder shall be responsible for costs incurred for reconfiguration of Holder improvements within the right-of-way when road construction or other activities prescribed or authorized by the BLM are required.
- y. 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., December 1, 2011, deadline for calendar year 2012 action). The use of substances on or near the right-of-way shall be in accordance with the BLM approved plan. Said substances shall not be used if the Secretary of the Interior has prohibited its use. Said substances shall be used only in accordance with its registered uses and

within any other limitations imposed by the Secretary of Interior. Pesticides shall not be permanently stored on public lands authorized for use under this grant.

z. Additional Terms & Conditions:

- 1) Installation of the underground electrical conduit/line shall be within the road prism or ditch line only on BLM Road # 40-8-23, 40-8-23.1 and 40-8-23.2.
- 2) Underground conduit installation shall be at least 18 inches below the surface of BLM Road # 40-8-23, 40-8-23.1 and 40-8-23.2.
- 3) Two (2) electrical vaults may be installed at the locations noted on attached Exhibit A.
- 4) All ground disturbing operations shall be limited to May 15 through Oct 15 of the same calendar year to minimize soil disturbance and sedimentation. If soils are sufficiently dry outside this season, the Authorized Officer may approve a provisional off-season agreement.
- 5) All trenches and pits to install the electrical line shall be backfilled and compacted.
- 6) No construction shall occur in the cut-slope of BLM Road # 40-8-23, 40-8-23.1 and 40-8-23.2.
- 7) Disturbed portions of BLM Road # 40-8-23 and 40-8-23.1 shall be surfaced full width with six inches (6") of compacted ¾ inch minus crushed aggregate prior to Oct 15th.
- 8) Disturbed portions of BLM Road #40-8-23.2 shall maintain its natural surface condition in the event PacifiCorp uses the road during the dry season (generally between May 15 through Oct 15th of the same calendar year). However, use of BLM Road 40-8-23.2 during the wet season (generally Oct 15th through May 15th of the same calendar year) shall require the road to be surfaced full width with six inches (6") of compacted ¾ inch minus crushed aggregate prior to Oct 15th.
- 9) Areas excavated, trenched, or plow trenched shall be back filled and compacted to original ground lines. Areas shall be repaired to match existing drainage of the road. Depressions dips or trenches existing after backfill and compaction shall be filled and re-compacted with ¾ inch minus crushed aggregate. Compaction shall be deemed acceptable when a truck is driven over repair areas without visual evidence of tire depression.
- 10) The Holder and/or his contractor shall attend a pre-work meeting with Jim Roper Grants Pass Engineer, prior to start of project to review construction terms and conditions. Holder shall contact Jim at 541-471-6631 to schedule meeting.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.

PacifiCorp Representative Date

Field Manager Date
Grants Pass and Glendale Resource Areas

PacifiCorp OR 66634



Overview of Operation & Maintenance Activities for Electric Transmission and Distribution Lines (Power Lines)

March 2009

For additional information, please contact:
Brent Leonard, Environmental Manager
503-813-5147
<mailto:brent.leonard@pacificorp.com>

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1.0 Purpose

PacifiCorp has prepared this document to assist federal land managers with their development of Land Resource Management Plans (Resource Management Plans [RMPs] and Forest Plans), or other plans, and with their issuance of right of way (ROW) grants, easements or other permits and authorizations. This document describes typical operational and maintenance activities performed by PacifiCorp personnel, or its contractors, on existing transmission and distribution power lines and poles/structures; hereafter referred to as power lines. Since many of these power lines are located on federal lands it is important for land managers to understand operational requirements and maintenance activities, what type of equipment is utilized, and how often the work is performed. It is also important to understand PacifiCorp's ongoing need to access its power lines in order to perform necessary and required maintenance activities.

2.0 PacifiCorp and Its Commitment to the Environment

PacifiCorp is a large electric utility serving approximately 1.7 million customers in six western states. PacifiCorp's service territory covers about 136,000 square miles. Approximately 750 communities are served by Pacific Power or Rocky Mountain Power via 60 operations centers located throughout WY, UT, ID, OR, WA and CA. Its infrastructure includes over 16,000 miles of transmission lines (the larger structures with larger diameter wire and many insulators, typically steel towers or 2-pole configuration); 44,000 miles of overhead distribution lines (wires and poles found in neighborhoods); 13,000 miles of underground distribution lines; 1,222 substations; and 130 interconnects with other utilities.

PacifiCorp has committed to operating and maintaining its power lines in ways that minimize impacts to the environment. To that end PacifiCorp and its contractors, will during the course of normal work:

- Conduct all maintenance activities with due regard to preventing damage to vegetation, timber, soil, crops, roads and improvements, and preventing water and soil pollution.
- Not hunt, trap, pursue, harass, intentionally harm or injure biological resources.
- Respect cultural and historic properties.
- Restore the soil disturbed by necessary activities to as near as possible to its original condition at the completion of maintenance activities.
- Remove any waste material generated because of its maintenance operations.
- Fully comply with the provisions of all applicable environmental laws and regulations.

2.1 Reliability and Needed Upgrades

A key factor in providing reliable electricity is regular inspection and maintenance. Congress has recognized the fact that many power lines are in need of repair or upgrade as illustrated by language contained in the Energy Policy Act of 2005. Among other things, the Act establishes mandatory reliability standards for power lines and provides incentives to transmission companies to upgrade and maintain existing facilities. Various

State Public Service Commissions have also imposed inspection and corrective maintenance requirements upon utilities doing business within their states. Mid American Energy Holding Company, who has acquired PacifiCorp, has also committed to upgrading PacifiCorp's existing power lines and other facilities as well as to construct additional power lines and generating capacity.

3.0 Existing and Future Utility Corridors

The value and necessity of regional transmission lines was recognized in the 1992 Western Utility Group study of strategic utility corridors in the western United States. That study identified all existing electric transmission lines located across the western United States and, with the cooperation of numerous federal and state agencies, designated new transmission corridors or existing lines as strategically important because of their significance in providing intrastate and interstate energy services to the western US. Many of the utility corridors identified as strategically important contain one or more of PacifiCorp's power lines.

- Activities generally excluded from or restricted within transmission (high voltage) utility corridors include mining, materials storage and disposal, range and wildlife habitat improvements involving facility construction, non-linear energy project development, blasting, excavation, and high profile (tall) facility development.

Identification of new energy corridors on western federally managed lands is required in the Energy Policy Act. This includes placement of new facilities and designation of energy corridor siting opportunities through the region on BLM and Forest Service-administered lands, except wilderness study areas and some special management areas (including areas of critical environmental concern). PacifiCorp has provided comment and identified potential corridors during the Western Energy Corridor Programmatic EIS process. New facilities would be placed in or adjacent to existing infrastructure within designated energy corridors, when possible, but not adjacent to each other if safety, reliability or resource conflict issues were identified. Areas with important or sensitive resource values would be avoided. Specific proposals would require site-specific environmental analysis and compliance with established permitting processes.

4.0 Access to Power Lines

Federal land managers administer ROW grants and issue easements on federal lands for construction, operation and maintenance of power lines. Pre FLMPA grants and easement language may or may not be clear on access to the power lines but is either directly expressed or implicitly understood in each grant or easement. In many cases, PacifiCorp's ROW grants and easement were granted to permit the construction, operation and maintenance of an "Electric Power Line" and required continued access to the power line. Most federal land managers recognize the need for PacifiCorp to access its power lines since the operation, maintenance and emergency repair of the power lines cannot be accomplished without reasonable access for vehicles and personnel. In most situations, this will be accomplished by using historical or existing roads and trails but in some cases, the use of overland travel or improvement to historic access routes will be required.

The current condition of many access roads is adequate for routine line maintenance activities, while others may need to be reworked (generally site-specific activities) or relocated. Reworking or relocating access roads will not be conducted without the expressed authorization of the land managing agency.

Most RMPs restrict the use of off road vehicles, including over the snow, in areas of sensitive resources or special management areas. PacifiCorp does have power lines that provide power to facilities within some special management areas or has power lines that run through or adjacent to them. PacifiCorp must be allowed access to inspect or repair its structures and facilities in these sensitive areas.

In the event of an emergency PacifiCorp must respond as quickly as possible to restore power and may be required to take actions beyond those authorized in its ROW grant. This may include construction of new access routes or reworking access roads without prior review or approvals. However in these cases, land manager will be notified of the emergency and actions taken in concurrence with responding to the emergency. Appropriate restoration or remedial measures will be identified after emergency has been addressed.

5.0 Maintenance Requirements

Maintaining the thousands of miles of power lines requires the dedication of many employees and the use of various vehicles and equipment. Operations of PacifiCorp's power lines are managed by Dispatchers located in Portland, Oregon and Salt Lake City, Utah. The flow and amount of electricity on PacifiCorp's lines is dictated by market demands, generation production, price, and available capacity on the power lines themselves. Maintenance activities are field intensive.

Operation and maintenance activities can be broken down into three components: Routine (inspections, corrective and vegetation management), Major Corrective and Emergency.

- **Routine maintenance activities** - are ordinary maintenance tasks (see table 1) that have historically been performed and are regularly carried out on a routine basis and will not require new ground disturbances or additional land manager approvals.
- **Major corrective maintenance activities** - are relatively large-scale planned efforts (see table 2) that occur on an infrequent basis. Facilities may require replacement due to being damaged by man or nature, age of facility, or other factors. Specific proposals would require site-specific environmental analysis and compliance with established permitting processes.
- **Emergency maintenance activities** - are those activities necessary to repair a power line or prevent damage to a line. Such work is required to eliminate a safety hazard, prevent imminent damage to the power line or to restore service in the event of an outage.

5.1 Routine Maintenance (Inspections)

PacifiCorp conducts several types of Inspections:

1. Safety Inspection (ground and aerial)
2. Detail Inspection (ground)
3. Wood Pole Test and Treat (ground)
4. Outage Cause Inspection (aerial or ground)

5.1.1 Safety Inspection

PacifiCorp is required to perform a safety inspection of each of its transmission lines on a cycle that varies from twice per year to every other year. This inspection is performed by an inspector via a 4-wheel drive pickup, 4-wheel drive all-terrain vehicle (ATV), or from the air via a helicopter. In some cases, the inspector walks the ROW. The inspector assesses the condition of the transmission line and hardware to determine if any components need to be repaired or replaced, or if other conditions exist that require maintenance or modification activities. The inspector will also note any encroachments and trash dumping on the ROW that could constitute a safety hazard or are unauthorized. The inspector accesses locations along each line and uses binoculars and spotting scopes to perform this inspection. Safety inspections for distribution lines are conducted on an as needed basis.

5.1.2 Detail Inspection

PacifiCorp performs a detailed inspection of its transmission and distribution lines on a 1 to 10 year cycle dependent on the criticality of the line segment as determined by PacifiCorp management. The inspector will access all structures of the transmission line and check all equipment and other components to determine if repairs or maintenance is required. Inspectors performing this work use conventional 4-wheel drive trucks, 4-wheel drive ATV's, snowcats, or the inspector may walk the line. Helicopters are not utilized for detail inspections. These inspections are also done using binoculars and spotting scopes. Minor repairs to structures may also be made during detailed ground inspections.

5.1.3 Wood Pole Test and Treat (Detailed Inspection)

PacifiCorp undertakes a wood pole test and treat program. Each pole is tested on a 10 to 20 year cycle. This program includes hand excavating around the wood pole, completing a detailed inspection of the ground line of the wood pole (to determine extent of wood rot) and re-treating the ground line portion of the wood pole if necessary. Access to structures is made with four-wheel drive trucks or 4-wheel drive ATV's. All work included in the detail inspection is also performed at this time.

5.1.4 Outage Caused Inspection

In the event of an outage or interruption in the transmission and distribution of electricity on PacifiCorp's power lines, PacifiCorp will conduct an inspection (aerial or ground) to

determine the cause of the interruption. Outage cause inspections are performed utilizing similar equipment and points of access as for the other above listed inspections. In addition, trouble trucks (typically a 4-wheel drive truck with a personnel bucket to lift employees to the pole) are used by Lineman to gain access to the pole to determine the cause of the outage and make necessary repairs. This inspection may take place at any time of the day or night and result in emergency repairs.

5.2 Routine Maintenance (Corrective)

Routine maintenance activities are ordinary maintenance tasks that have historically been performed and are regularly carried out on a routine basis. The work performed is typically repair or replacement of individual components (no new ground disturbance), performed by a relatively small crew using a minimum of equipment, and usually conducted within a period from a few hours up to a few days. Work requires access to the damaged portion of the line to allow for a safe and efficient repair of the facility. Equipment required for this work may include a 4-wheel drive truck, material (flatbed) truck, bucket truck (low reach), boom truck (high reach), or man lift. This work is scheduled and is typically required due to issues found during inspections.

Examples of activities classified as routine maintenance include:

- Adding Bird Protection Devices
- Insulator Replacement
- Cross Arm Repair or Lowering
- Cross Arm Replacement
- Hardware Tightening
- Conductor Repair
- Installation of Bird Perch Discouragers
- Guy Wire Tightening
- Access Road Maintenance (removal of obstructions)
- Problem Nest Removal
- Ground and Aerial Inspections
- Pole Test and Treat
- Pole replacement (same location)
- Vegetation Management

Responsibly conducted routine maintenance activities have little or no potential to disturb or unduly affect resources within ROWs or access roads and would not require additional permitting or review from land manager.

5.3 Routine Maintenance (Vegetation Management)

The objective of PacifiCorp's Vegetation Management Program is to manage tall vegetation under or around PacifiCorp's power lines in a cost effective and environmentally conscientious manner to provide safe and reliable power to its customers. PacifiCorp uses integrated vegetation management (IVM) technique to remove trees and undesirable vegetation. The goal of IVM on utility rights-of-way is to establish sustainable stable, low-growing plant communities that are compatible with power lines and discourage undesirable tall vegetation that could pose potential safety, access, fuel load or reliability problems. IVM requires a combination of manual, mechanical and herbicide control methods. Equipment and materials used will vary with each control method selected. Access is required all along the power line ROW.

With proper IVM, the low-growing vegetation can eventually dominate the right-of-way, inhibit tall-growing vegetation, or incompatible species and reduce the need for future treatments. Other benefits include minimized soil disturbance, enhanced plant diversity and improved habitat for wildlife. Establishing native vegetation will also reduce the invasion of noxious weeds into the corridor.

Integrated Vegetation Management techniques include but are not limited to:

- Manual and mechanical cutting, where wood debris is left on site to enrich the soil. Hand-operated power tools (chainsaws), mechanical equipment and hand tools are used to cut, clear, or prune herbaceous and woody target species.
- Cover type conversion, which uses herbicides in combination with manual/mechanical cutting to remove incompatible tall-growing trees and other vegetation from the right-of-way in order to establish a stable, low-growing plant community.

5.3.1 Tree Removal

PacifiCorp would remove trees under the following circumstances.

1 All fast-growing trees located directly below **distribution lines** and that could continually grow back into the lines would be removed. Tree removal would be limited to the ROW corridor and would not exceed 15 feet on either side of the wires. However removal of large hazard trees would be required beyond this distance

2 Tree removal on **transmission lines** would vary depending on the height of the wires. A detailed description of PacifiCorp's BMPs for tree removal on transmission lines is provided in figure 1 below and is taken from PacifiCorp's *Transmission and Distribution Vegetation Management Program* (PacifiCorp 2005:25):

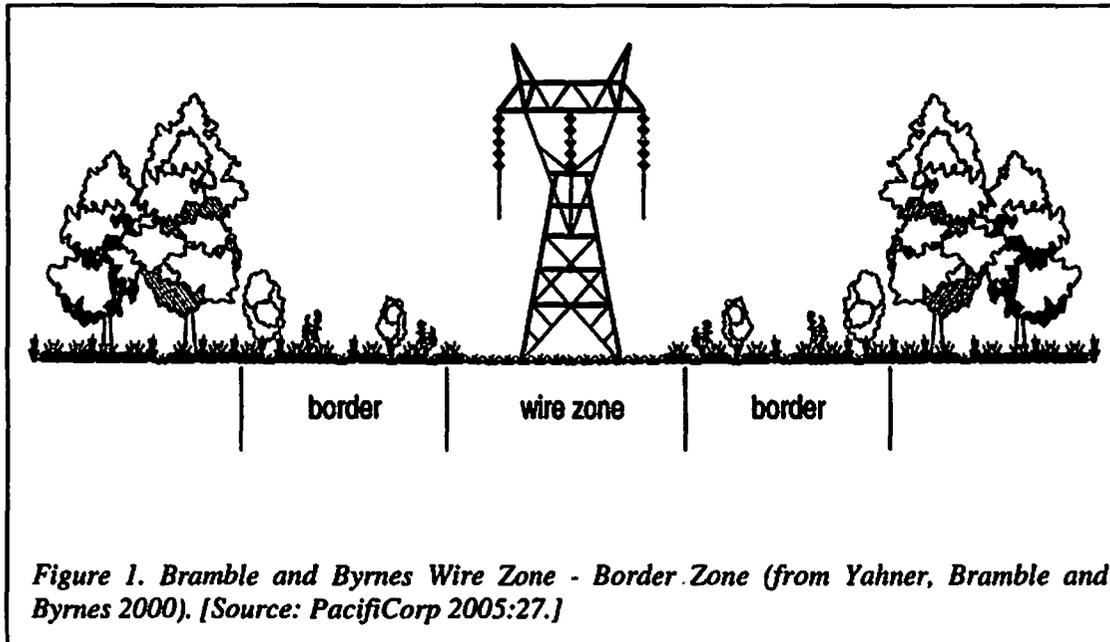


Figure 1. Bramble and Byrnes Wire Zone - Border Zone (from Yahner, Bramble and Byrnes 2000). [Source: PacifiCorp 2005:27.]

5.4 Major Corrective Maintenance Activities

Replacement or rebuild activities are relatively large-scale efforts that occur on an infrequent basis. Facilities may require replacement due to being damaged by man or nature, age of facility, or other factors. This work generally is planned and encompasses more work than defined by routine or under emergency activities. It may involve multiple structures, larger work crews, a variety of equipment, including heavy equipment, and usually take weeks or months to complete. Equipment that may be involved includes 4-wheel drive truck, man lifts, material (flatbed) truck, bucket truck, boom truck, tractor trailer, snow cat, excavator (back hoe or track hoe), grader, concrete truck, pumping equipment, crane, etc. Most major activities involve grading, excavation or disturbing soils, and vegetation removal or crushing. New access to or along the power line ROW may be required.

Examples of major corrective activities include:

- Conductor Replacement (generally many miles replaced during one project and requires the use of lay-down areas for wire and equipment)
- Access Road Improvement and/or Relocation (involves grading and repair or installation of culverts, drains, loss of vegetation, etc)
- Multiple Structure Relocation or Replacement (generally within or just outside of ROW)
- Anchor Replacement (requires excavation and setting anchor in ground)

5.5 Emergency Maintenance Activities

The implementation of routine operation and maintenance activities on power lines will minimize the need for most emergency repairs. Emergency maintenance activities are often those activities necessary to repair natural hazard, fire or man-caused damages to a line. Such work is required to eliminate a safety hazard, prevent imminent damage to the power line or to restore service in the event of an outage. In the event of an emergency PacifiCorp must respond as quickly as possible to restore power. An emergency is defined as:

“Any instance whereby disruption of the flow of electricity has occurred either momentarily or permanently and requires PacifiCorp personnel or its authorized agents to either inspect and/or repair the disruption. In the event PacifiCorp perceives a potential hazard, PacifiCorp is authorized to cross, on a temporary basis, all lands to avert an imminent emergency.”

The equipment necessary to carry out emergency repairs is similar to that necessary to conduct routine maintenance, in most cases. Emergency response to outages may require additional equipment to complete the repairs.



In the event of an emergency PacifiCorp must respond as quickly as possible to restore power and may be required to take actions beyond those authorized in its ROW grant. This may include construction of new access routes or reworking access roads without prior review or approvals. However in these cases, land manager identified in the contact list will be notified of the emergency and actions taken in concurrence with responding to the emergency. After responding to the emergency, PacifiCorp will work with the land manager to identify appropriate restoration or remedial measures. PacifiCorp will be responsible for implementation of the mutually agreed upon measures.

Table 1. Routine Maintenance Activities

Activity	Description	Equipment	Frequency
Aerial Inspection	Visual inspection of lines and poles to detect any problems	Helicopter	Annual or semi annual
Access Road Maintenance	Removal of road access obstructions	4wd truck back hoe	As needed
Guy Wire Tightening	Tightening guy wires	Bucket truck or boom truck	As needed
Bird Nest Removal	Removing bird nests that pose a fire threat, hazard to the bird or potential power outage	Bucket truck or boom truck	When problem nests are identified
Cross Arm Replacement	Installing new cross arm to pole	bucket truck or boom truck	As needed
Cross Arm Reframing	Lowering cross arms to obtain 60-inch clearance between conductors	bucket truck or boom truck	As necessary
Ground Inspection	Visual and physical inspection of lines and poles to detect any problems	ATV 4wd truck	Semi annual or annual
Hardware Tightening	Tighten existing hardware on structures	boom truck or bucket truck	As needed
Insulator Replacement or Conductor Repair	Replacement of an insulator upon failure or repair of a broken conductor	bucket truck or boom truck	As needed
Installation of Bird Perching and Nesting Discouragers	Connecting material to cross arms and poles	bucket truck or boom truck	As needed
Installing Bird Protection Measures	Installing protective covers, adding new equipment, removing ground wire, or nest platforms	bucket truck or boom truck	When problem structures are identified
Pole Testing and Treatment	Take core samples from poles and treat poles with chemical preservative	ATV 4wd truck	10-16 year cycle
Pole Replacement	Individual pole replacement in same location	bucket truck or boom truck	When problem structures are identified
Vegetation Management	Clearing of undesirable vegetation and danger trees* from ROW and hazard trees* that are within the ROW or adjacent to the ROW <i>*danger and hazard trees as defined in ANSI A300</i>	ATV 4wd truck bucket truck chainsaws mower or sprayer (herbicide use)	3-4-year cycle for distribution lines 3-10 year cycle for transmission lines

Table 2. Major Corrective Maintenance Activities

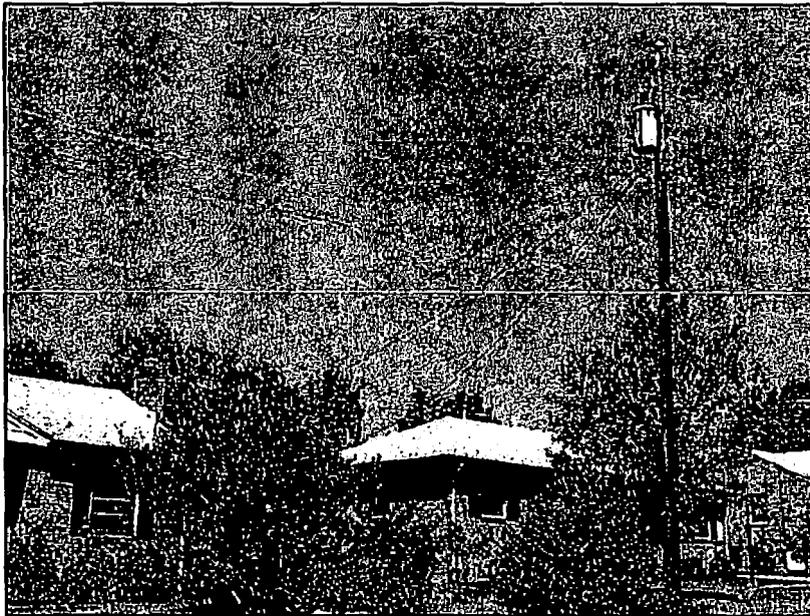
Activity	Description	Equipment	Frequency
Multiple Structure Relocation or Replacement	Create landing pad and pole laydown area, dig new pole holes and anchor holes, frame structure, remove old pole	4wd truck, boom truck, excavator, bulldozer or other tracked vehicle, bucket truck, helicopter or crane, material truck	As needed
Anchor Replacement	Installation of new anchor	4wd truck, back hoe	As needed
Conductor Replacement	Replacing conductor typically associated with a non-emergency pole change-out	4wd truck, boom truck, bucket truck, material truck, crane or helicopter	As needed
Access Road Improvement and Relocation	Altering the alignment of any existing access routes, creating replacement access, substantial grading, installing additional culverts	4wd truck, bulldozer, grader, excavator, material truck	As needed

6.0 PHOTOS

Transmission and Distribution Lines

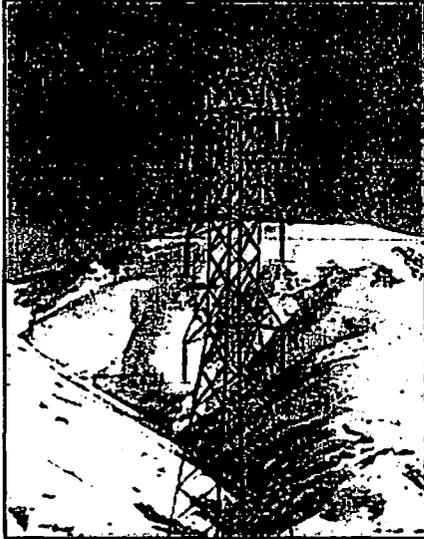


Transmission lines carry electricity from generating plants to substations. Transmission lines generally go “cross-country”.

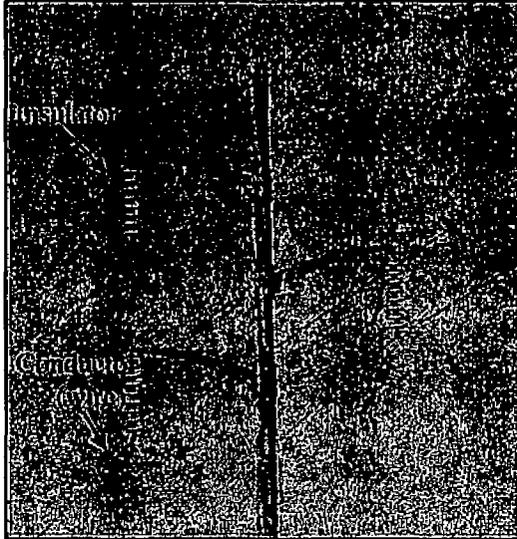


Distribution lines deliver electricity from substations to homes, businesses, farms, and are much smaller than transmission lines.

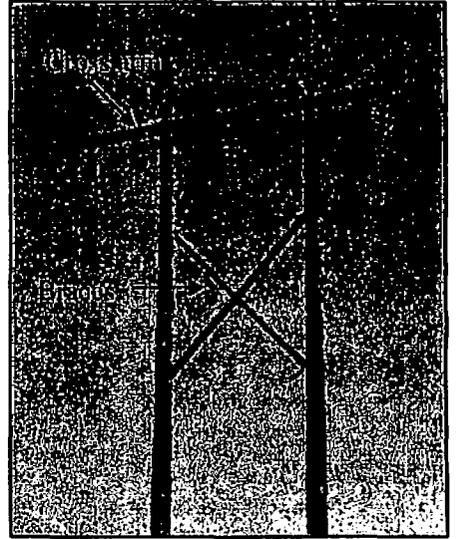
Examples of Transmission Configurations



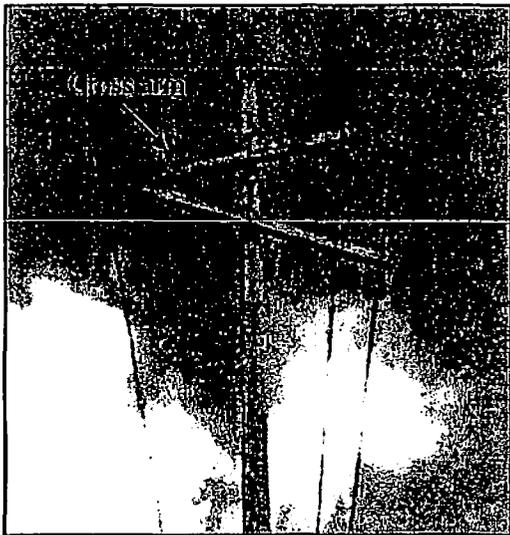
Steel lattice



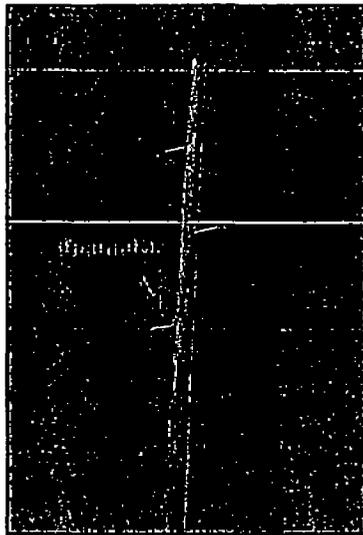
Suspended insulators



H-frame

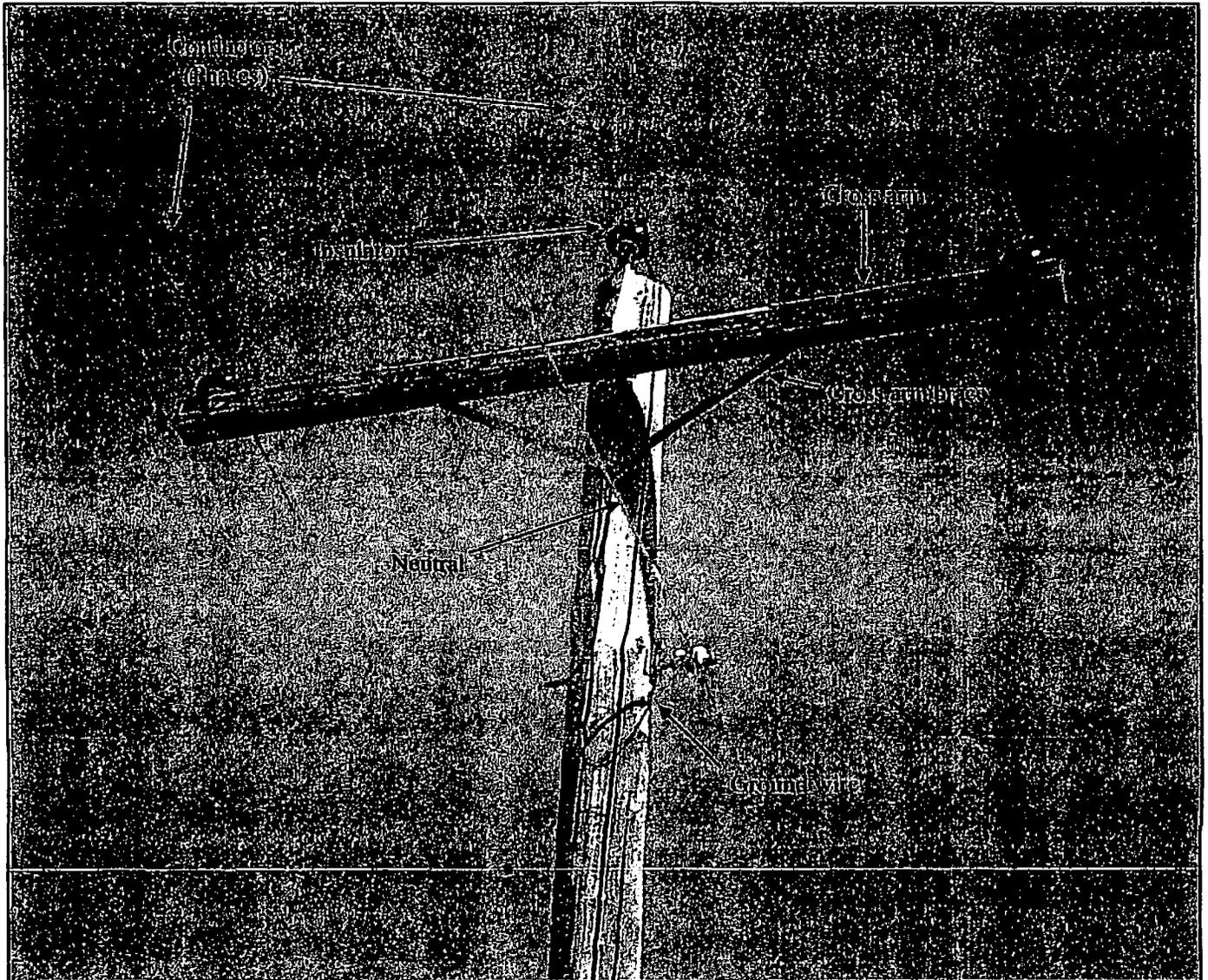


YS or wishbone

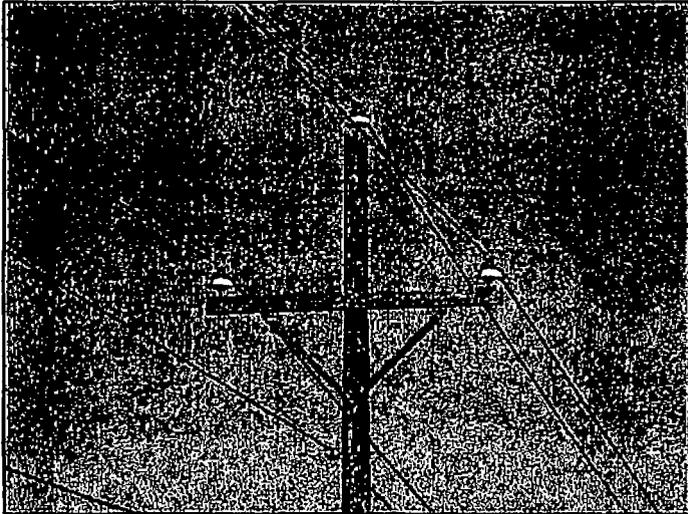


Post-mounted insulators

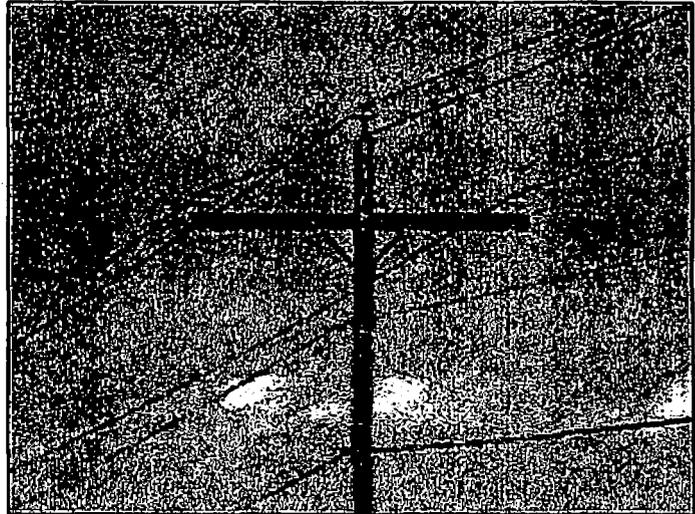
Terminology



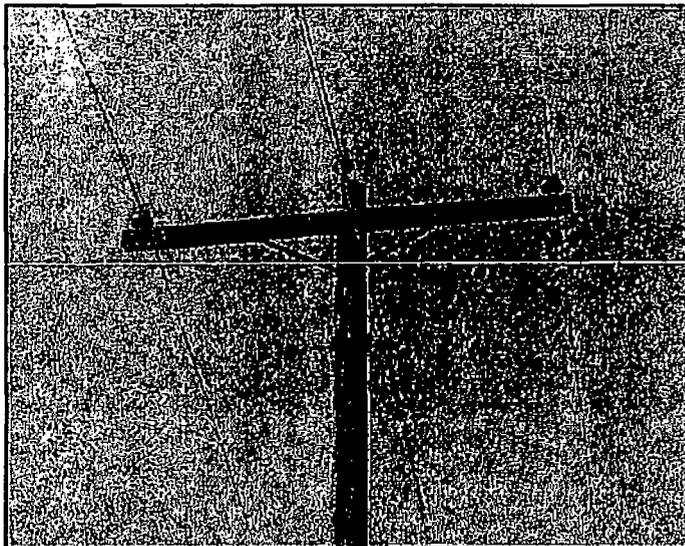
Examples of Distribution Configurations



Three phase tangent, lowered 8-foot arm
(Raptor-safe construction)



Three phase tangent, 10-foot arm
(Raptor-safe construction)



Three phase tangent
8-foot arm



7.0 Best Management Practices - (to be developed)

8.0 Specific Agency Permit Restrictions or Conditions – (added as required)