

# **Decision Record**

## **Pacific Direct Current Intertie Upgrade Project**

### **Introduction and Project Background**

On February 4, 2013, the Bonneville Power Administration (BPA) submitted a right-of-way (ROW) application to the Bureau of Land Management (BLM) to upgrade their 265-mile Pacific Direct Current Intertie (PDCI) project that extends from the Celilo Converter Station in The Dalles, Oregon, south to the Nevada-Oregon border (see Figure 2.1-1 in the EA). This upgrade would improve the reliability of the aging line. In addition, this upgrade would increase the north to south transfer capability of the BPA portion of the PDCI from its current transfer capability of 3,100 to 3,220 megawatts (MW). The upgrade would allow the line to be operated at  $\pm 520$  kilovolts (kV) in order to increase the transfer capability. The upgraded transmission line would generally be similar to the existing PDCI line in design and appearance, but would authorize additional road access and installation of four new dead-end towers.

### Compliance with National Environmental Policy Act (NEPA)

Since approximately 137.4 miles of the PDCI utility line ROW crosses BLM-administered lands within the Prineville and Lakeview Districts (see Table 2.1-3 of the EA), BLM agreed to act as a cooperating agency and assisted BPA in preparing an environmental assessment (EA) in accordance with the requirement of the National Environmental Policy Act (NEPA). BPA completed the EA in August of 2014.

### Alternatives

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

#### *No Action Alternative*

The No Action Alternative served as the baseline for purposes of comparing the potential impacts of the Proposed Action Alternative (see EA Chapter 3). Under the No Action Alternative, BPA would not perform a systematic upgrade of the existing PDCI transmission line, would continue to operate and maintain the transmission line in its current state using existing access roads only, and would not include installation of four new dead-end towers.

#### *Proposed Action Alternative*

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

Installation and replacement of tower components, such as new hardware assemblies, insulators, dampers, and shunts.  
 Replacement (reconductoring) of a 1.8-mile section of conductor to match the remaining line conductor between towers 166/5 and 168/3.  
 Installation and replacement of corrosion protection anodes at the base of about 160 existing towers to protect against tower corrosion  
 Improvement of about 210 miles of existing access roads.  
 Construction of 0.6 mile of new permanent access roads (on private land).  
 Continued use of existing access roads that do not require improvement.  
 Acquisition of access road easement rights and end easement rights where changes are needed.  
 Establishment of temporary staging areas for storage of materials.  
 Removal of vegetation where rocking is needed.  
 Revegetation of areas disturbed by construction activities.  
 Installation of four new dead-end towers along the existing transmission line.

August 2014 FLPMA Access Road Right-of-Way Decision

On August 22, 2014, BLM issued a decision authorizing BPA to implement most of the proposed action alternative described above where the project crossed BLM-administered lands. However, this decision did not authorize construction of the 4 new dead-end towers. That decision also contained approval of a new FLPMA ROW to the BPA to use, maintain, and improve approximately 17 miles of additional, existing access service roads on BLM-administered lands. (The legal descriptions for the access road ROW were listed in Attachment A of the 2014 Decision and were shown on Map Sheets 6-14 of Appendix C of the EA).

**Current Decision**

My current decision is to issue a new ROW grant to BPA to authorize construction of 4 new dead-end towers on BLM-administered lands. The ROW grant is being issued under Title V of the Federal Land Policy Management Act (FLPMA). The potential impacts of tower construction were adequately analyzed in the 2014 EA and were not significant. The towers will be located along the existing BPA transmission line between towers 141/2 and 141/3, 159/2 and 159/3, 175/1 and 175/2, and 199/2 and 199/3 (see attached Figure 3.2-1 from the EA; see also Map Sheets 8-11 of Appendix C of the EA). Legal descriptions for these tower locations are:

<u>Tower</u>	<u>District</u>	<u>Appendix C Map Sheet#</u>	<u>Legal Description</u>
1	Prineville	8	T 22 S, R 17 E, Section 9 SW 1/4
2	Lakeview	9	T 24 S, R 18 E, Section 35 SE 1/4
3	Lakeview	10	T 27 S, R 20 E, Section 7 NW 1/4
4	Lakeview	11	T 30 S, R 21 E, Section 25 NW 1/4

Mitigation and Monitoring

BPA-proposed mitigation measures for the entire project, including the 4 dead-end towers, are summarized in Table 2.1-7 of the EA and would be implemented where appropriate to minimize potential impacts to land uses and recreation, geology and soils, upland vegetation, wildlife, fish and water, wetlands, floodplains, visual quality, air quality, socioeconomics and public services, cultural resources, noise, public health, and safety.

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

### Terms, Conditions, and Stipulations

BPA will be required to comply with additional terms, conditions, and stipulations attached to the FLPMA ROW grant.

### **Conformance with the Federal Land Policy and Management Act (FLPMA) and the Governing Land Use Plans**

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

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

The PDCI project crosses lands administered by the Prineville and Lakeview Districts of the BLM which are managed in accordance with four resource management plans (RMPs). The four dead-end towers fall within two of these planning areas. Conformance with these two plans is discussed below.

### Brothers/La Pine RMP/ROD (1989)

My decision conforms with the *Brothers/La Pine RMP/ROD* Rights-of-Way and Utility and Transportation Corridors Management Direction which states, “*Public lands will continue to be available for rights-of-way, including multiple use and single use utility/transportation corridors following existing routes, communication sites and roads. All designated areas of critical environmental concern and wilderness study areas will be considered right-of-way exclusion areas... Public lands will continue to be available for local rights-of-way, including multiple use and single use utility/transportation corridors following existing routes, communication sites and roads*” (pages 29 and 33).

## Lakeview RMP/ROD (2003)

My decision conforms with the *Lakeview RMP/ROD*. Specifically, the dead-end towers fall within a designated utility corridor (see Map L-8). Further, “*applicants for electrical transmission lines greater than 69 kilovolts, all mainline fiber optics facilities, and pipelines greater than 10 inches in diameter will be encouraged to locate their facilities within designated corridors. A width of 2,000 feet (1,000 feet each side of centerline) is considered an appropriate/reasonable width to provide engineering flexibility, system compatibility, and reliability factors, and will be used for purposes of this plan*” (page 94).

Authorizing the dead-end towers also conforms to the Lands and Realty Management Goal 2 to “*meet public needs for land use authorizations such as rights-of-way, leases, and permits*” (page 93). The management direction states, “*applications for rights-of-ways, leases, permits, and other forms of land use authorization, with exception of rights-of-way corridors within WSAs and SMAs (which are addressed separately) will be processed in a timely fashion, on a case-by-case basis, in compliance with the NEPA process*” (page 94).

## **Tribal Consultation**

BPA identified 10 tribes that may have a potential interest in the proposal, based on their historic or current use of the land in the project area: the Burns Paiute Tribe, Cedarville Rancheria Northern Paiute Tribe, Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of the Warm Springs Reservation, Cow Creek Band of Umpqua Tribe of Indians, Fort Bidwell Indian Community, Fort McDermitt Paiute-Shoshone Tribe, Confederated Tribes and Bands of the Yakama Nation, Summit Lake Paiute Tribe, and the Klamath Tribes. BPA initiated consultation by requesting comments from these tribes regarding their concerns and potential impacts to cultural resources in the project area. BPA received only one response from the Cow Creek Band of the Umpqua Tribe, which deferred comments to other interested tribes.

## **Public Outreach and Comments**

### Scoping

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

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

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

### Review of EA

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

### Notification of 2014 Decision Record

In August of 2014, BLM sent a decision to the proponent (BPA), 9 tribes, and all those who commented on the EA. In addition, this decision and the Finding of No Significant Impact (FONSI) were posted on both the Lakeview and Prineville District's websites.

### Notification of Current Decision

BLM has sent this current decision to the proponent (BPA), 9 tribes, and all those who previously commented on the EA. In addition, this decision has been posted on both the Lakeview and Prineville District's websites.

### **Appeal Procedures**

This decision constitutes my final decision and may be appealed to the Interior Board of Land Appeals (IBLA), in accordance with 43 C.F.R. Part 2804.1(a) and Part 4. Your notice of appeal must be filed in this office (BLM District Manager, 1301 South G Street, Lakeview, OR 97630) within 30 days from receipt of this decision and should include a clear statement of reasons. The notice of appeal must be in written paper form and sent via certified mail. A notice of appeal transmitted electronically (e.g. email, facsimile, or social media) will not be accepted.

If you choose to file a statement of reasons separately from your notice of appeal, you must file it with the Interior Board of Land Appeals, Office of Hearings and Appeals, 801 North Quincy Street, Arlington, VA 22203, within the same 30-day appeal period. You have the burden of showing that the decision is in error.

### Stay of the Final Decision

This decision shall remain effective pending appeal in accordance with 43 C.F.R. Part 2804.1(b). If you wish to file a petition for a stay (suspension) of this decision during the time that your appeal is being reviewed by the IBLA, this petition must be filed with the Office of Hearings and Appeals (U.S. Department of Interior, Departmental Hearings Division, South Main Street, Suite 400, Salt Lake City, UT 84111). A copy of your petition for stay must also be submitted to me.

If you request a stay, you have the burden of proof to demonstrate that a stay should be granted, based on the following standards.

### Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

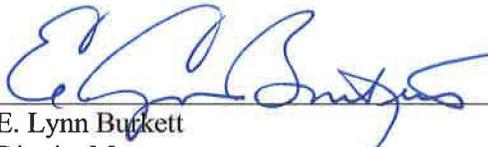
- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and,
- (4) Whether the public interest favors granting the stay.

### Additional Service Requirements

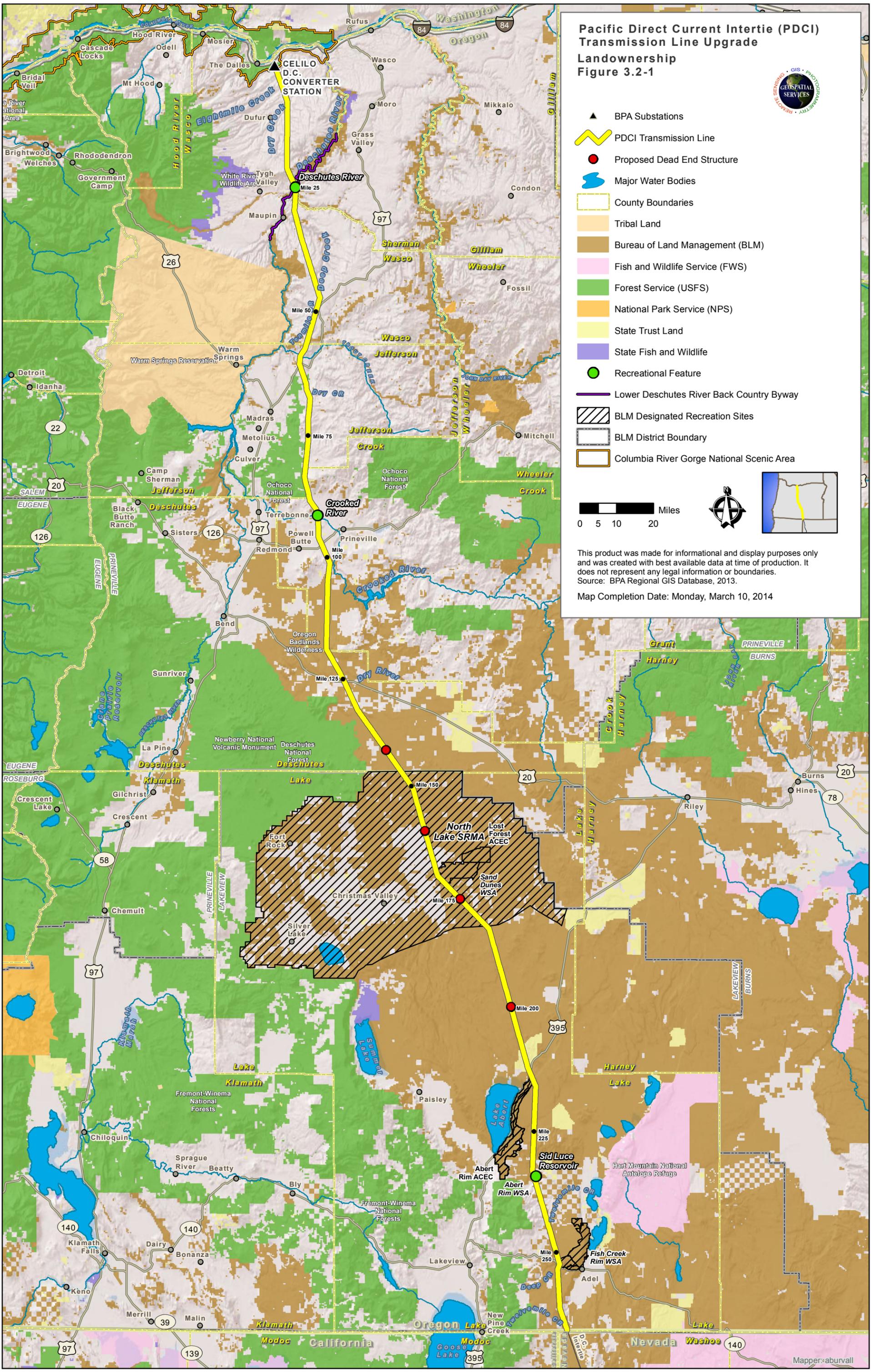
Copies of the notice of appeal, statement of reasons, and petition for a stay must also be served with the Project Proponent (Carolyn Sharp, KEC-4, BPA, P.O. Box 3621, Portland, OR 97208-3621) and with the Department of the Interior Solicitor (U.S. Department of Interior, Office of the Regional Solicitor, 805 SW Broadway, Suite 600, Portland, OR 97205) at the same time the original documents are filed with this office (see 43 C.F.R. 4.413).

### **Implementation**

Issuance of the ROW grant to BPA will follow the signing of this Decision Record. The construction of the 4 dead-end towers may commence once the ROW grant amendment has been signed by both the BPA and BLM.

  
E. Lynn Burkett  
District Manager

6/12/2015.  
Date



**Pacific Direct Current Intertie (PDCI) Transmission Line Upgrade Landownership**  
**Figure 3.2-1**



- BPA Substations
- PDCI Transmission Line
- Proposed Dead End Structure
- Major Water Bodies
- County Boundaries
- Tribal Land
- Bureau of Land Management (BLM)
- Fish and Wildlife Service (FWS)
- Forest Service (USFS)
- National Park Service (NPS)
- State Trust Land
- State Fish and Wildlife
- Recreational Feature
- Lower Deschutes River Back Country Byway
- BLM Designated Recreation Sites
- BLM District Boundary
- Columbia River Gorge National Scenic Area



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Map Completion Date: Monday, March 10, 2014