

U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
SALEM DISTRICT, TILLAMOOK RESOURCE AREA, OREGON

## CATEGORICAL EXCLUSION DOCUMENTATION

### A. Background

**Project Name:** WOEC Transmission Line Permit Renewal and Amendment      **Date:** 5/3/2010

**Categorical Exclusion Number:** DOI-BLM-OR-S060-2010-0012-CX

**Location:** The project area includes the following locations:

Columbia County – T.4N., R.2W., section 7, T.4N., R.3W., sections 7, 15, 17  
Washington County – T.1S., R.5W., section 3, T.3N., R.3W., section 21  
Yamhill County – T.3S., R.5W., section 17

### B. Description of Proposed Action

West Oregon Electric Cooperative, Inc. (WOEC) currently holds six permits with the Salem District BLM (ORE02811, OR02875, ORE06093, OR050868, OR045302, OR023030) for buried and overhead transmission lines. Many of these permits are coming up for renewal in the near future. The proposed action is to renew the permits that have expired or are about to expire, until 12/31/2033 (the expiration date of ORE02811) and amend ORE02811 to add the additional transmission lines that are authorized under the different permit numbers. No additional rights will be conveyed beyond those already granted.

Consolidating the authorizations into one (ORE02811) will reduce work load in the future. This consolidation only affects the case files; there will not be any ground disturbing activities.

### Project Design Features

There are no project design features because the proposed action is not a ground disturbing activity.

### C. Land Use Plan Conformance

The proposed action is in conformance with the *Salem District Record of Decision and Resource Management Plan* (ROD/RMP, 1995), and consistent with the RMP decision to make BLM-administered lands available for needed rights-of-way where consistent with local comprehensive management plans (ROD/RMP p.55).

### D. Compliance with NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with Department of Interior Manual 516 DM 11, 11.9, D. Realty, (9), which allows for “*Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations*”, and

(13) “Amendments to existing rights-of-way, such as the upgrading of existing facilities, which entail no additional disturbances outside the right-of-way boundary”.

The proposed action is consistent with the requirements of these categorical exclusions for the following reasons: (1) the action involves renewal of existing permits, and no additional rights will be conveyed beyond what was in the original authorizations, (2) the action also involves amending one permit to include the transmission lines currently authorized under the other five permits, (3) there would be no additional ground disturbance from this action.

**E. Survey and Manage**

This project is consistent with the 2001 Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines, as incorporated into the Salem District Resource Management Plan.

On December 17, 2009, the U.S. District Court for the Western District of Washington issued an order in *Conservation Northwest, et al. v. Rey, et al.*, No. 08-1067 (W.D. Wash.) ( Coughenour, J.), granting Plaintiffs’ motion for partial summary judgment and finding a variety of NEPA violations in the BLM and USFS 2007 Record of Decision eliminating the Survey and Manage mitigation measure.

Judge Coughenour deferred issuing a remedy in his December 17, 2009 order until further proceedings, and did not enjoin the BLM from proceeding with projects.

This project may proceed even if the District Court sets aside or otherwise enjoins use of the 2007 Survey and Manage Record of Decision. This is because the WOEC Transmission Line Permit Project meets the provisions of the last valid Record of Decision, specifically the 2001 Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (not including subsequent Annual Species Reviews). For the WOEC Transmission Line Permit Project, surveys are not required because it is not a ground-disturbing activity.

**Categorical Exclusions – Extraordinary Circumstances Documentation**

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment as documented in the following table. The proposed action is reviewed below, and none of the extraordinary circumstances described in 516 DM 2 apply.

<b>THE PROPOSED CATEGORICAL EXCLUSION ACTION WILL:</b>	<b>Yes</b>	<b>No</b>
<b>2.1 Have significant impacts on public health or safety</b>		<b>X</b>
<b>Rationale:</b> The proposed action is to renew and consolidate existing rights-of-way and would have no impact on public health or safety.		

<b>THE PROPOSED CATEGORICAL EXCLUSION ACTION WILL:</b>	<b>Yes</b>	<b>No</b>
<b>2.2 Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.</b>		<b>X</b>
<b>Rationale:</b> The proposed action is not a ground-disturbing activity and it would have no effect on any natural resources or geographic characteristics.		
<b>2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)].</b>		<b>X</b>
<b>Rationale:</b> The proposed action is not a ground disturbing activity and it would have no effect on any natural resources.		
<b>2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.</b>		<b>X</b>
<b>Rationale:</b> The proposed action is not a ground disturbing activity and it would have no effect on any natural resources.		
<b>2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.</b>		<b>X</b>
<b>Rationale:</b> The proposed action is not a ground-disturbing activity, it does not commit the BLM to future actions and would not establish a precedent or decision for future actions with potentially significant environmental effects.		
<b>2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.</b>		<b>X</b>
<b>Rationale:</b> The proposed action is not a ground disturbing activity and it would have no effect on any natural resources, therefore it would not contribute to any potential cumulative effects.		
<b>2.7 Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.</b>		<b>X</b>
<b>Rationale:</b> No properties listed, or eligible for listing, on the National Register of Historic Places are located within the project locations. The proposed action is not a ground disturbing activity and it would have no effect on any properties either listed or eligible for listing on this Register.		
<b>2.8 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.</b>		<b>X</b>
<b>Rationale:</b> The proposed action is not a ground disturbing activity, it would have no effect on any listed or proposed Endangered or Threatened Species under the ESA, nor would it have any effect on designated critical habitat.		
<b>2.9 Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.</b>		<b>X</b>
<b>Rationale:</b> The proposed action conforms to the direction given for the management of public lands in the ROD/RMP, which complies with all applicable Federal, State, local and tribal laws.		
<b>2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).</b>		<b>X</b>
<b>Rationale:</b> The proposed action involves renewing and consolidating existing rights-of-way into a single permit. It would not affect low income or minority populations.		

THE PROPOSED CATEGORICAL EXCLUSION ACTION WILL:	Yes	No
<b>2.11 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).</b>		<b>X</b>
<b>Rationale:</b> The proposed action is not a ground disturbing activity and it would have no effect on any cultural resources.		
<b>2.12 Contribute to the introduction, continued existence, or spread of noxious weeds or non-native 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).</b>		<b>X</b>
<b>Rationale:</b> The proposed action is not a ground disturbing activity and it would have no effect on noxious weeds or non-native invasive species.		

**F. Signature**

I considered the proposed action and its design features in my evaluation and I find the proposed action would not have significant impacts to the human environment.

Authorizing Official: /s/ Stephen M. Small

Date: May 3, 2010

Stephen M. Small  
Tillamook Resource Area Field Manager

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**Decision Record**

Based on the attached Categorical Exclusion Documentation DOI-BLM-OR-S060-2010-0012-CX, I have determined that the proposed action, renewing and amending existing right-of-way permits, involves no significant impacts to the human environment and requires no further environmental analysis.

It is my decision to renew the transmission line right-of-way permits that have expired or are about to expire, until 12/31/2033, and amend permit ORE02811 to add the additional transmission lines that are authorized under permit numbers OR02875, ORE06093, OR050868, OR045302 and OR023030, as described in the attached Categorical Exclusion Documentation DOI-BLM-OR-S060-2010-0012-CX.

Notice of the forest management decision to be made on the action described in this categorical exclusion will be posted on the Salem District internet website. The action is subject to protest under 43 CFR 4.450-2. A decision in response to a protest is subject to appeal to the Interior Board of Land Appeals under 43 CFR part 4.

Implementation: This proposed action will be implemented in 2010.

**Contact Person:** For additional information concerning this CX Review and Decision, contact Bob McDonald, Tillamook Resource Area, 4610 Third Street, Tillamook OR, 97141, (503) 815-1110.

Authorizing Official: /s/ Stephen M. Small

Date: May 3, 2010

Stephen M. Small  
Tillamook Resource Area Field Manager