

WAOR 67872
2800 (ORW030)

September 30, 2013

CERTIFIED MAIL - Return Receipt No. _____

DECISION

Benton Rural Electric Association :
402 7th Street, P.O. Box 1150 : Right-of-Way Grant WAOR 67872
Prosser, WA 99338 :

Right-of-Way Grant WAOR 67872 Issued
Rental Declaration
Monitoring Fee Determined

I have reviewed the documentation for this proposal (DOI-BLM-OR-135-2012-036), and have determined that authorizing a right-of-way for this use would be categorically excluded from NEPA. Under authority of Title V of the Federal Land Policy and Management Act of 1976, a right-of-way grant will be issued to Benton Rural Electric Association approving the authorization of a 7.2 kV distribution line on public land in Benton County, Washington. The aerial electrical distribution line operation and maintenance granted herein is 20 feet wide, 3,039.5 feet long and contains 1.4 acres.

Enclosed is a copy of your executed right-of-way (ROW) grant, serial number 67872, which allows the authorized use of an existing road on public land. The right-of-way grant was approved by the Bureau of Land Management (BLM) on September 30, 2013.

No advance rent was collected at this time pending the expected approval of Rural Utility Service (RUS) certification. Rent exemption is contingent upon this certification. The grant will expire on December 31, 2042. A monitoring fee for the ROW was determined to be Category 2, resulting in a fee of \$410.00. This amount has been received and a receipt is enclosed.

The issuance of this right-of-way grant may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of proof of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulation 43 CFR 2801.10 or 43 CFR 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, 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.

If you have any questions about this decision or the enclosed right-of-way grant, please contact Heidi Lee Honner, Realty Specialist at (509) 536-1216.

SS//Linda Clark

Linda Clark
Field Manager
Border Field Office

3 Enclosures

- 1 - Right-of-way grant, map, and stipulations
- 2 - Receipt for the monitoring fee
- 3 - Form 1842-1

Categorical Exclusion Documentation

Department of the Interior
Bureau of Land Management, Spokane District
1103 North Fancher Road
Spokane Valley, WA 99212

A. Background

BLM Office: Border Field Office

Lease/Serial/Case File No.: WAOR 67872

NEPA Log Number: OR-135-2012-036-CX

Proposed Action Title: Authorize a renewal for power line right-of-way (ROW) for Benon Rural Electric Association (Benton REA).

Location of Proposed Action: Benton County, Washington, Willamette Meridian at:

T. 5 N., R. 28 E., sec. 4, E $\frac{1}{2}$ E $\frac{1}{2}$.

Description of Proposed Action: The BLM received an application from Benton REA requesting a renewal of their right-of-way for an existing 7.2 kV distribution line and access road (Previously WAW 03335). This grant was previously authorized under the Act of March 4, 1911 for an electrical transmission line right-of-way. BLM Policy requires that all authorizations granted prior to 1976 needing renewal will be converted to a Federal Land Policy and Management Act (FLPMA) of 1976 authorization and subject to the terms and conditions stated. As such, a new right-of-way serial number WAOR 67872 has been assigned to this case. The distribution line was originally constructed and approved in 1958 on Silusi Butte along the Columbia River in Benton County, Washington.

This distribution line supplies a domestic pump which provides water from the Columbia River for livestock.

The right-of-way is approximately 3,039.5 feet long and 20 feet wide for a total of 1.4 acres. No new rights will be issued or new ground disturbance approved as a result of this administrative action. The term of the grant will be 30 years.

The proposed action is to authorize a right-of-way grant for a 7.2 kV distribution line for Benton REA.

B. Land Use Plan Conformance

Land Use Plan Name: Spokane Resource Management Plan

Date Approved/Amended: Approved 1987/Amended 1992

Option 1 (conforms with LUP): The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s): Keep public lands open for exploration/development of mineral resources, rights-of-way, access, and other public purposes with consideration to mitigate designated resource concerns (BLM 1987, p. 12).

OR

(Option 2: not explicitly provided for in the LUP) The proposed action is in conformance with the applicable LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (*objectives, terms, and conditions*):

C. Compliance with NEPA:

The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with

516 DM 11.9.E (9): Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations.

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 43 CFR 46.215 apply, as shown in the following table:

CX EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION The proposed categorical exclusion action will:	YES	NO
(a) Have significant impacts on public health or safety.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
There are no impacts on public health or safety.		
(b) 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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
This is an existing distribution line. There will be no additional disturbance and no significant impacts to natural or cultural resources.		
(c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].	<input type="checkbox"/>	<input checked="" type="checkbox"/>
There are no highly controversial environmental effects identified or unresolved conflicts.		
(d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
There are no uncertain and potentially significant environmental effects or risks involved with the existing 7.2 kV distribution line renewal as no new rights will be granted.		
(e) 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"/>
This type of action is a typical right-of-way and therefore would not set a precedent for future		

action.		
(f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Renewing the distribution line does not have a relationship to other actions insignificant or cumulatively significant environmental effects.		
(g) Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
This is a renewal of a right-of-way on an existing distribution line. No new rights will be authorized than what was previously granted in the original authorization and no new impacts.		
(h) 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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
No federally listed species or critical habitat is present within the right-of-way area.		
(i) 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"/>
All applicable laws (NEPA, FLPMA, NHPA, ESA) are being followed in processing this right-of-way.		
(j) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The implementation of this right-of-way will not effect low income or minority populations in anyway. The implementation of this right-of-way will not effect low income or minority populations in anyway.		
(k) 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"/>
There will be no access limitations to any populations.		
(l) 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).	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Standard right-of-way stipulations address the control of weeds or invasive species.		

F: Signature

SS//Kerrin Doloughan, Acting For
Linda Clark

(Authorizing Official Signature)

September 19, 2013

(Date)

Name: Linda Clark

Title: Field Manager, Border Field Office

G. Contact Person

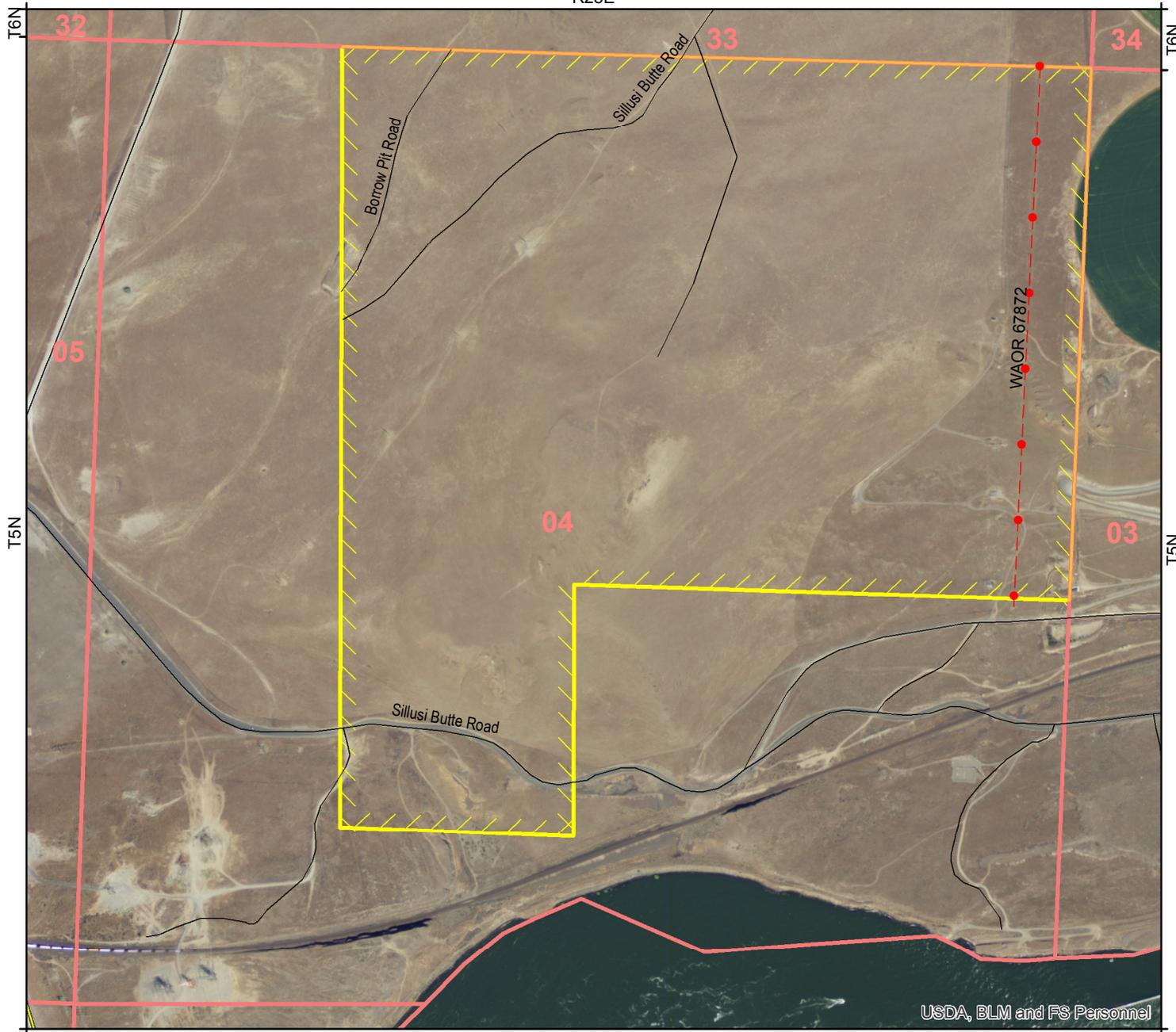
For additional information concerning this CX review, contact Heidi Lee Honner, Realty Specialist, (509) 536-1216, HHonner@BLM.GOV.

Note: A separate decision document must be prepared for the action covered by the CX.

Exhibit A

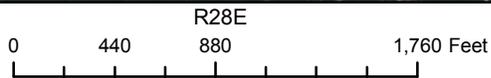
Benton Rural Electric Association (Benton REA) 7.2 kV Distribution Line Renewal - WAOR 67872

R28E



USDA, BLM and FS Personnel

August 30, 2013



Scale 1:10,000

Willamette Meridian, Benton County, Washington
T. 5 N., R. 28 E., sec. 4, lot 1 and SE1/4NE1/4
Approximately 3039.5' long by 20' wide, 1.4 Acres
7.2 kV Distribution Power Line



USDI – Bureau of Land Management
Spokane District Office
1103 N. Fancher Rd.
Spokane Valley, WA 99212
(509) 536-1200

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.

Legend

- - - 7.2 kV Power Line
- Minor road
- Section
- BLM Lands

