

2850 (ORW020)  
WAOR 66258

July 2, 2013

**CERTIFIED MAIL - Return Receipt No.** \_\_\_\_\_

DECISION

Public Utility District No. 1 of Douglas County :  
1151 Valley Mall Pkwy : Right-of-Way Grant WAOR 66258  
East Wenatchee, Washington 98802 :

Right-of-Way Grant WAOR 66258 Issued  
Rental Determined  
Monitoring Fee Determined

Enclosed is a copy of your executed right-of-way (ROW) grant, serial number WAOR 66258, which allows the authorized use of a right to install, operate, maintain and terminate a transmission line on public land in Douglas County, WA. It was approved by the BLM on July 2, 2013 and will expire on December 31, 2042.

The advance rent for the ROW was determined to be \$ 2,554.52 for the entire period of the grant to December 31, 2042. The monitoring fee for the ROW was determined to be Category 1, resulting in a fee of \$117 for a total amount due of \$2,671.52. Both of these amounts have been received and a receipt is enclosed.

I have reviewed the documentation for this proposal (DOI-BLM-OR-134-2012-033), 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 Public Utilities District No. 1 of Douglas County approving the authorization of a buried electrical distribution line. The underground electrical distribution line granted herein is 20 feet wide, 5,600 feet long and contains 2.6 acres.

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.

Sincerely,

/S/ Linda Coates-Markle

Linda Coates-Markle  
Field Manager  
Wenatchee Field Office

3 Enclosures:

- 1 - Right-of-way grant, Map and Stipulations
- 2 - Monitoring Fee Determination Form and Schedule
- 3 - Receipt for the monitoring fee and rent payments
- 4 - 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: Wenatchee Field Office*

*Lease/Serial/Case File No.: WAOR 66258*

*NEPA Log Number: DOI-BLM-OR-134-2012-033-CX*

*Proposed Action Title:* PUD No. 1 of Douglas County - Buried 13.2 kV distribution line right-of-way authorization.

*Location of Proposed Action:* Douglas County, Washington, Willamette Meridian at:

T. 23 N., R. 22 E., sec. 2, W½SW ¼ and T. 24 N., R. 22 E., sec. 34, SE¼.

*Description of Proposed Action:* An application was received from PUD No. 1 of Douglas County requesting a right-of-way to operate and maintain an existing buried 13.2 kV electrical distribution line in the Duffy Creek/Titchenal Canyon area in Douglas County, Washington. This electrical distribution line was previously installed and is not covered in an existing right-of-way. This action will authorize the right-of-way. The existing electrical line is buried approximately 3 feet below the surface and within an existing/improved road right-of-way. The line has 4 above ground junction boxes/transformer pads all installed within the existing County road right-of-way. The maintenance and operation requires a 20 foot right-of-way width. The total length of buried line is approximately 5,600 feet; 3,100 feet in section 34 and 2,500 feet in section 2. The right-of-way totals 2.6 acres. The term of the grant will be 30 years.

The proposed action is to authorize a right-of-way grant of an existing buried 13.kV electrical distribution line operation and maintenance for PUD No.1 of Douglas County.

### **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 (12): Grants of right-of-way wholly within the boundaries of other compatibly developed rights-of-way.

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:

<b>CX EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION</b> The proposed categorical exclusion action will:	<b>YES</b>	<b>NO</b>
(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"/>
The buried electrical distribution line is within an area of no cultural resources and within a road right-of-way and will not add any new disturbance 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"/>
The buried electrical line within the road right-of-way will have no uncertain and potentially significant environmental effects or risks involved.		
(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"/>
Buring the electrical cable 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"/>
A cultural inventory has determined that this right-of-way will not fall within areas that listed, or eligible for listing on the National Register of Historic Places.		
(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.		
(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"/>
Implementation of the buried electrical line is within a road right-of-way where disturbance is present. There will be no new ground disturbance.		

**F: Signature**

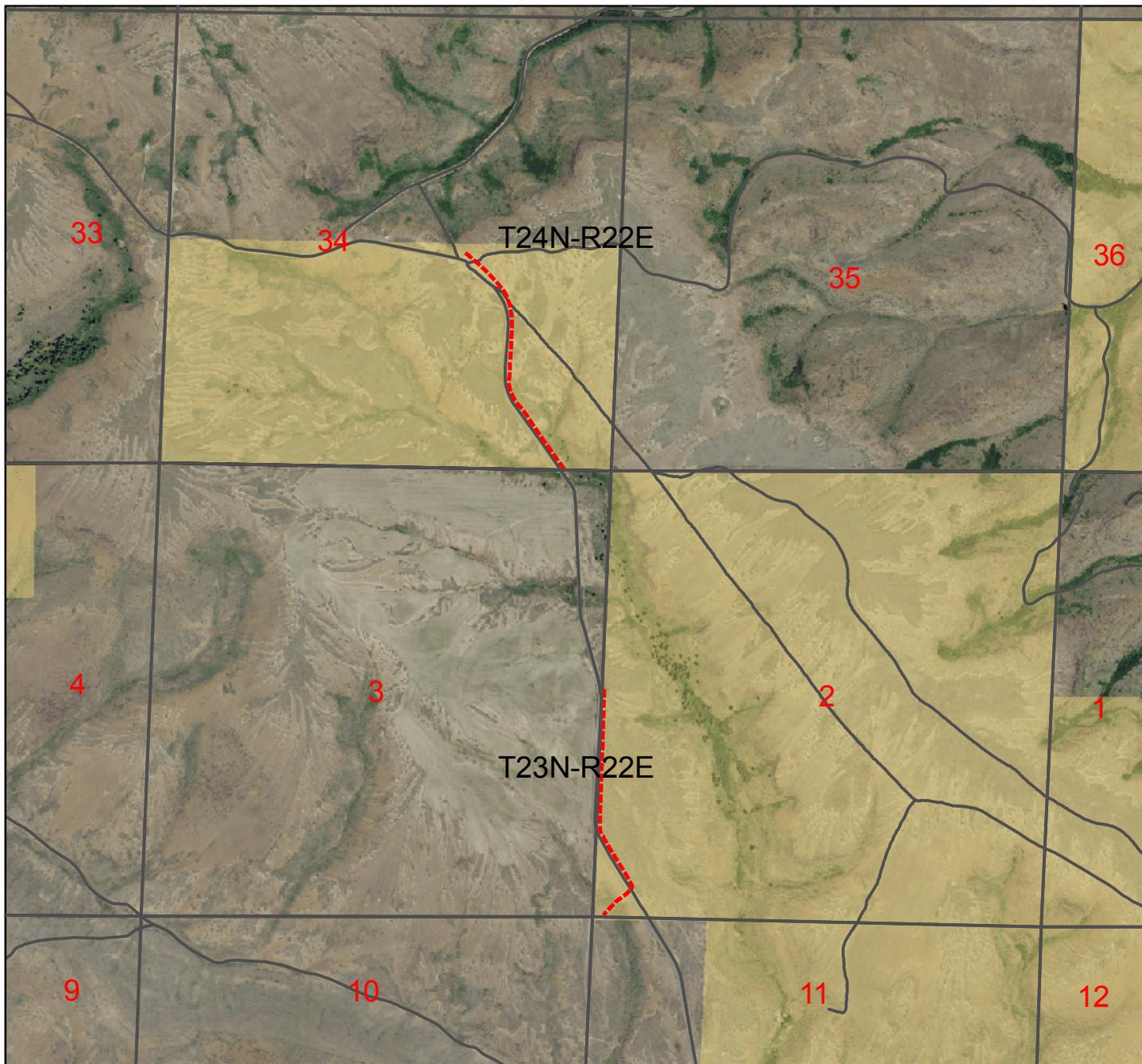
/S/ Linda Coates-Markle                      April 30, 2013  
 (Authorizing Official Signature)                      (Date)

Name: Linda Coates-Markle  
 Title: Field Manager, Wenatchee 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 - WAOR 66258  
PUD No. 1 of Douglas County  
Buried Powerline Right-of-Way**

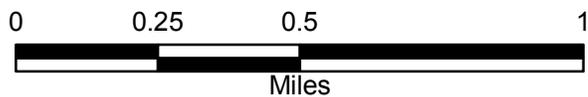
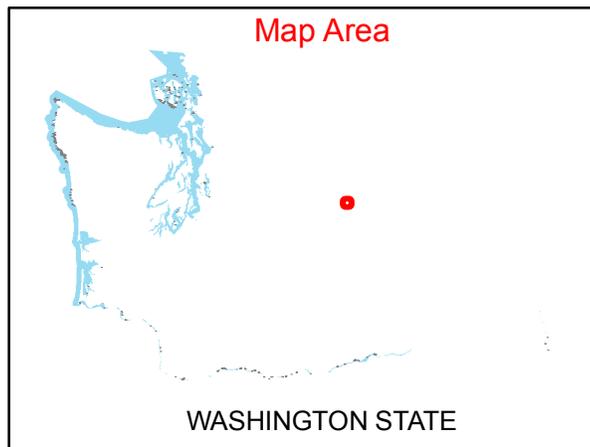
**Legend**

 20' wide powerline right-of-way

**Land Ownership:**

 Bureau of Land Management

 Private Land



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.