

WAOR 68016
2800 (ORW030)

February 27, 2015

CERTIFIED MAIL - Return Receipt No. _____

DECISION

Benton Rural Electric Association :
402 7th Street, P.O. Box 1150 : Right-of-Way Grant WAOR 68016
Prosser, WA 99338 :

Right-of-Way Grant WAOR 68016 Issued
Rental Declaration
Monitoring Fee Determined

I have reviewed the documentation for this proposal (DOI-BLM-OR-135-2014-014), 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 underground electrical distribution line installation, operation, and maintenance granted herein is 10 feet wide, 342 feet long and contains .08 acres.

Enclosed is a copy of your executed right-of-way (ROW) grant, serial number 68016, which allows the authorized use of the underground 7.2 kV distribution line. The right-of-way grant was approved by the Bureau of Land Management on February 27, 2015.

On January 29, 2015, the Rural Utility Service certified that this facility was financially eligible pursuant to the Rural Electrification Act and approved for rental exemption. The Department of Interior approved of the rental exemption on February 5, 2015 therefore no rent will be collected for the term of the grant. This grant will expire on December 31, 2045. A monitoring fee for the ROW was determined to be Category 1, resulting in a fee of \$121.00. 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 appealed, 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.

/s/ Kerrin Doloughan, Acting

Dennis Strange
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 68016

NEPA Log Number: OR-135-2014-014-CX

Proposed Action Title: Authorize a 7.2 kV buried power line right-of-way (ROW) for Benton Rural Electric Association (Benton REA).

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

T. 9 N., R. 28 E., sec. 6, lot 155.

Description of Proposed Action: The BLM received an application from Benton REA requesting a right-of-way for a new underground 7.2 kV power line right-of-way within an existing road right-of-way for the City of West Richland, WAOR 34586 in Section 6 of Willamette Heights area in the City of West Richland, Washington.

This power line supplies power to residences in the Willamette Heights area, an area that has seen exponential growth. The right-of-way is approximately 342 feet long and 10 feet wide for a total of .08 acres. The term of the grant will be 30 years.

The proposed action is to authorize a right-of-way grant to install, operate, and maintain an underground 7.2 kV power line for Benton REA within an existing road, Bombing Range Road, to the residences in Section 6 of the Willamette Heights area.

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 rights-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:

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"/>
Installation of the buried power line will be within the boundaries of a road right-of-way; there will be no disturbance outside the current road width, and therefore no new or 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 underground power line within the road right-of-way.		
(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 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"/>
Installation and operation of this 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 right-of-way within an existing road right-of-way. This new right-of-way will not fall within areas that are 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"/>
Standard right-of-way stipulations address the control of weeds or invasive species.		

F: Signature

/s/ Dennis Strange

January 16, 2015

(Authorizing Official Signature)

(Date)

Name: Dennis Strange
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 REA, WAOR 68016
Buried Power Right-of-Way**

R28E



USDA, BLM and FS Personnel

January 12, 2015



Willamette Meridian,
Benton County, Washington
T. 9 N., R. 28 E., sec. 6, lot 155
342 feet long, 10 feet wide, .08 acres
- Within existing road right-of-way.



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

-  Buried Power Line
-  BLM Lands