

**NORTHWEST PIPELINE  
PROPOSED RIGHT OF WAY  
Serial Number OR-66823**

**Environmental Assessment DOI-BLM-OR-V040-2011-062**



**Prepared by:  
U.S. Department of the Interior  
Bureau of Land Management  
Jordan/Malheur Resource Area  
100 Oregon Street  
Vale, Oregon 97918  
October, 2012**



**As the Nation's principal conservation agency, the Department of the Interior has responsibility for most of our nationally owned public lands and natural resources. This includes fostering the wisest use of our land and water resources, protecting our fish and wildlife, preserving the environmental and cultural values of our national parks and historical places, and providing for the enjoyment of life through outdoor recreation. The Department assesses our energy and mineral resources and works to assure that their development is in the best interest of all our people. The Department also has a major responsibility for American Indian reservation communities and for people who live in Island Territories under U.S. administration.**

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## **1 INTRODUCTION**

### **1.1 Background**

On or about April 11, 2011 Northwest Pipeline (NWP) applied to install a Cathodic Protection System (CPS) to their existing natural gas pipeline (OR ORE 0 004620). This will be an addition to the existing authorized facility; therefore this project will be handled as a stand-alone project and separate from the existing pipeline. The general location of Northwest Pipeline's (NWP) existing liquefied natural gas (LNG) pipeline is in Malheur County, Oregon and can be found on the Moores Hollow, Oregon U.S. Geological Survey (USGS) 7.5' series quadrangle map. The legal land description of the project is Willamette Meridian, T. 16 S., R. 46, Section 27, SE $\frac{1}{4}$ SW $\frac{1}{4}$  (See Figure 1 and 2). In order to install the new equipment, Northwest Pipeline (NWP) filed a Right-of-Way (ROW) Application (SF-299) and Plan of Development (POD) with the BLM. Northwest Pipeline is required by the U.S. Department of Transportation to operate and maintain a Cathodic Protection System (CPS) along its entire pipeline system. Cathodic protection provides a low voltage current across the pipeline and, along with specialized pipeline coatings, helps to prevent corrosion of the pipeline. A new Cathodic Protection Station (CPS) for the Ignacio Sumas 1400 Pipeline (ORORE 0 004620) an additional 320' x 30' temporary extra work space (TEWS) will be used during the construction and rehabilitated upon completion of the project.

Also to be analyzed is an application from Idaho Power Company to amend their existing ROW OROR-56382. Idaho Power needs to amend its ROW to include 145 feet of new 7.2kV underground distribution line. The line will tap into the existing underground power line that runs parallel to an existing road in the SW $\frac{1}{4}$  of section 27. The new line will serve an anode bed for Northwest Pipeline. At the tap point, Idaho Power will also install a new pad-mount transformer within the existing authorized corridor. This line is necessary to the cathodic protection system to provide the current for the anode bed and protection system to be effective.

### **1.2 Purpose and Need**

The purpose of the action is to provide access to and use of public land managed by the BLM for the purpose of installing, operating, and maintaining a cathodic protection system and electrical distribution line. The need for the action is established by the BLM's responsibility under FLPMA and MLA (Mineral Leasing Act) to respond to a request for a Right-of-Way grant that is located across BLM managed public.

On May 18, 2001, the President issued Executive Order (E.O.) 13212, "Actions to Expedite Energy-Related Projects," which established a policy that federal agencies should take appropriate actions, to the extent consistent with applicable law, to expedite projects to increase the production, transmission, or conservation of energy. Under the Federal Land Policy and Management Act (FLPMA) and its implementing regulations, BLM must respond to ROW applications. The BLM is also required to comply with the National Environmental Policy Act (NEPA) and the Council of Environmental Quality (CEQ) regulations. The BLM's Malheur

Resource Area has determined that an Environmental Assessment (EA) is necessary to evaluate and disclose the potential environmental impacts associated with this proposed action and any reasonable alternatives to the proposed action, including a no action alternative.

### **1.3 Decision to be Made**

The BLM will make the decision either to grant, and if so, under what terms and conditions, or deny a ROW to NWP for the excavation and exposure of the existing pipeline and the construction, installation, and maintenance of a CPS. In addition, the BLM will make a decision whether or not to amend Idaho Power's existing ROW grant, OROR-56382, and if so, under what terms and conditions.

### **1.4 Scoping and Public Involvement**

A Notice for the availability of the EA will be placed in local newspapers, a notification letter will be sent out to interested publics, and a copy of the EA will be posted on the BLM's Vale District website to allow for public review and comment.

This EA was prepared in accordance with the Title V of FLPMA, the CEQ regulations for implementing NEPA (40 CFR 1500), and the BLM's NEPA Handbook (H-1790-1, January 2008). The scope of this EA is based on issues and concerns identified by the BLM staff and the applicant.

### **1.5 Relationship to Laws, Regulations, Policies, and Plans**

The BLM's Jordan/Malheur Resource Area has determined that an Environmental Assessment (EA) would be needed to evaluate and disclose the potential environmental impacts associated with this proposed action and any reasonable alternatives to the proposed action, including a no action alternative. The EA has been prepared in accordance with the following statutes and implementing regulations:

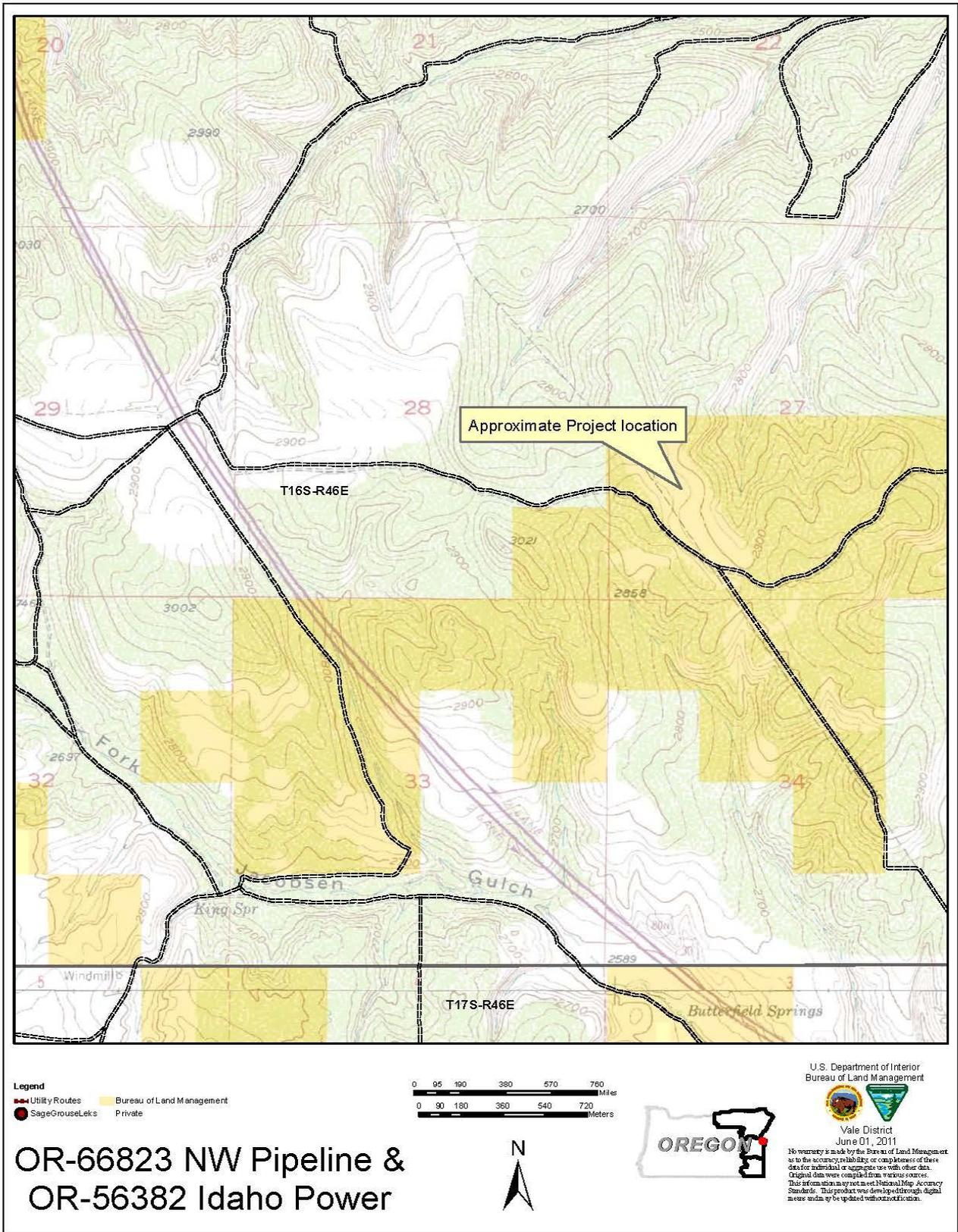
- The National Environmental Policy Act (NEPA) of 1969, as amended (Public Law [PL] 91-190, 42 U.S.C. 4321 *(et seq.)*);
- 40 CFR 1500 *(et seq.)*. Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act;
- USDI requirements (Departmental Manual 516, Environmental Quality [USDI 2004]);
- The Federal Land Policy and Management Act of 1976 (PL 94 579, 43 U.S.C. 1761 *(et seq.)*); 43 CFR 2800, Rights-of-Way, Principles and Procedures;
- Rights-of-Ways under the Federal Land Policy and Management Act and the Mineral Leasing Act; final Rule, April 22, 2005.
- BLM NEPA Handbook (H-1790 1), as updated (BLM January, 2008);
- Considering Cumulative Effects under the NEPA [CEQ 1997];

Southeastern Oregon Resource Management Plan and Final Environmental Impact Statement (BLM, 2002) (SEORMPFEIS).

### **1.6 Issues**

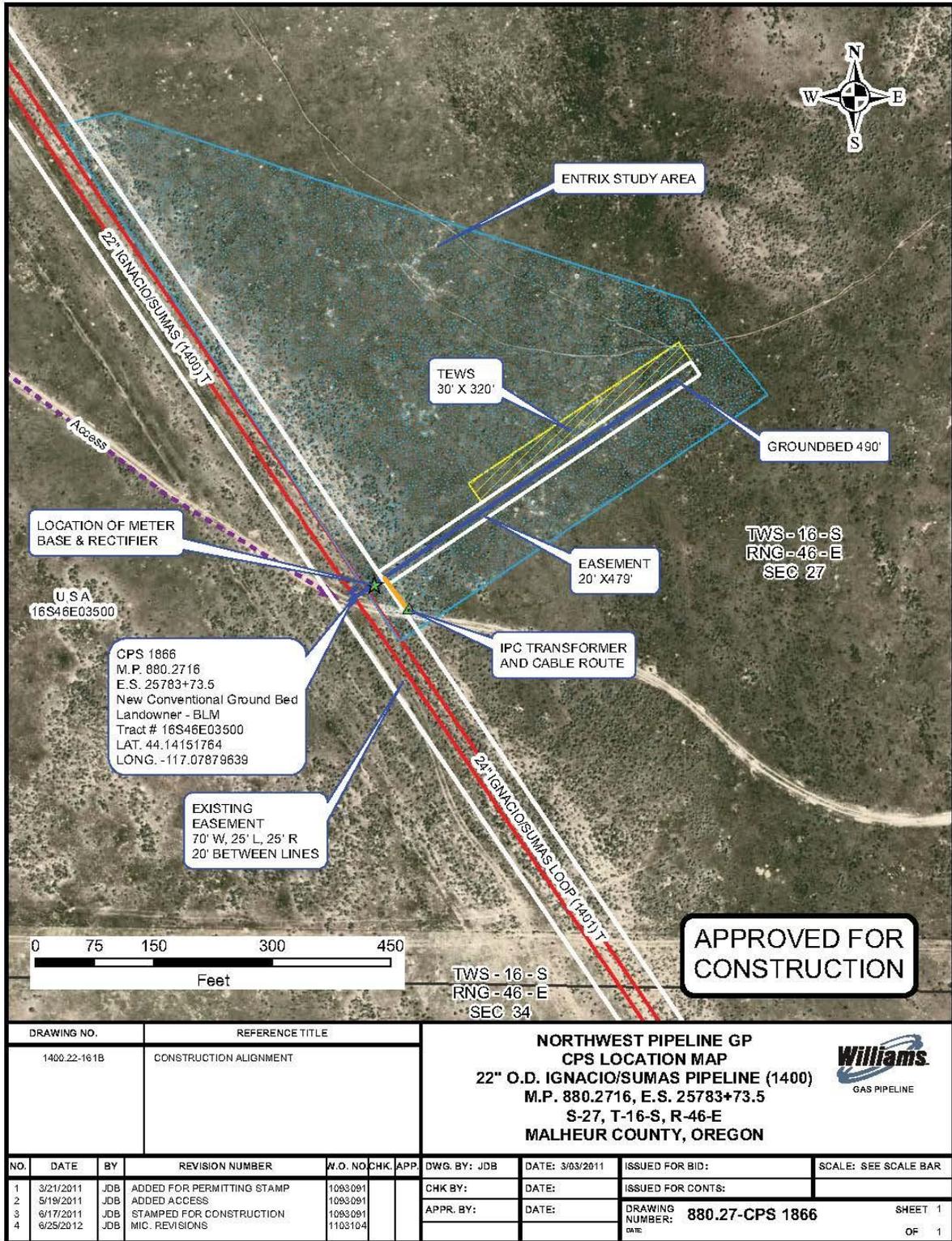
There were no preliminary issues identified through internal scoping as this is an existing project.

Figure 1 Project Location Map



OR-66823 NW Pipeline &  
OR-56382 Idaho Power

Figure 2 Site Location Map



## **2 DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES**

### **2.1 Proposed Action**

The proposed action is for BLM to grant a 1-acre Right-of-Way (ROW) to Northwest Pipeline (NWP) in accordance with the applicant's POD. The acreage under the ROW includes a temporary extra work space (TEWS).

The CPS site would include a temporary work area of 320 feet by 20 feet, encompassing .15 acres. This area would parallel the CPS installation and be used for general construction needs. Approximately 490 feet of positive cable and anodes leading from a new rectifier, electrical cable and 20 buried anodes. An underground cable and anode bed would be placed using a trencher for the cable and a backhoe for the anode bed at a depth of roughly 6 feet. A wooden pole would be placed at the pipeline with a rectifier enclosed in a metal box which would be attached to the pole.

Soil would be stored within the existing or proposed rights-of-way and used to rebury the pipeline and cable following maintenance activities. A permanent 20 feet wide ROW is requested for the actual cable. A temporary 30' x 320' area is proposed as a temporary work area. This area would be reclaimed upon completion of the construction. One groundbed and associated electrical connection, rectifier, and power drop would be installed for the cathodic protection facility.

NWP construction is proposed to take place fall of 2012. The location of the existing, permanent pipeline right-of-way, repairs, and temporary work areas would be flagged prior to construction. NWP would comply with all applicable federal, state, county, and local laws and regulations as they relate to public health and safety, environmental protection, construction operation, and maintenance. No toxic substances would be stored or used on the right-of-way. NWP would have an inspector on site during construction and reclamation to insure Federal and state regulations and requirements are adhered to. Any accidents to persons or property on federal lands would be reported immediately to the authorized officer.

A biological survey has been completed and submitted with the application. Water trucks would be used, as needed, for dust suppression. The disturbed areas would be reclaimed, as close as possible, to their original condition and above-ground appurtenances would be painted to blend with the surrounding area. Vehicles would use existing highways, county road, dirt roads, and the pipeline ROW.

All construction and surface improvements would be maintained throughout the term of the ROW.

### **2.2 Alternative 1 – The No Action Alternative**

The No Action alternative would result from the denial of NWP's ROW application which would preclude surface use and access for installation of a cathodic protection system to an existing natural gas pipeline.

### 2.3 Alternatives Considered but Not analyzed in Detail

The NEPA Handbook directs the BLM to “study, develop, and describe appropriate alternatives to recommended courses of action in any proposal that involves unresolved conflicts concerning alternative uses of available resources...”<sup>1</sup>

No unresolved conflicts involving alternative uses have been identified. Therefore, no alternatives (other than the required "No Action Alternative") will be analyzed in detail in this Environmental Assessment.

### 2.4 Plan Conformance

The proposed action is in conformance with the goals and objectives of the SEORMP/ROD dated September, 2002. The SEORMP/ROD (page 6 – 7) describes the need “To make public lands available for the siting of public and private facilities through the issuance of applicable land use authorizations, in a manner that provides for reasonable protection of other resource values.”

### 2.5 Vegetation

Vegetation in the project area historically supported a sagebrush steppe plant community. Disturbance factors such as wildfires, domestic livestock grazing use, and invasive plants have converted a large portion of the shrub and perennial grass rangeland to annual grasses and local common weed species.

The dominant vegetation type on the surrounding hill slopes is Wyoming big sagebrush (*Artemisia tridentata* ssp. *wyomingensis*) and cheatgrass (*Bromus tectorum*) with a weak understory of perennial grass species, primarily crested wheatgrass, and occasionally, bluebunch wheatgrass (*Pseudoroegneria spicata*). Isolated sites of basin wildrye (*Elymus cinereus*) are also present. Forbs scattered across the landscape include lupine (*Lupinus* spp.) and arrow-leaf balsamroot (*Balsamorhiza sagittata*). The entire project area and much of the adjacent landscape has been converted to a native perennial, Sandberg bluegrass (*Poa secunda*), cheatgrass, and curlycup gumweed (*Grindelia squarrosa*), with medusahead rye (*Tianetherum caput-medusiae*) along the roadsides. Brush species are a 50/50 mix of Wyoming big sagebrush and gray rabbitbrush (*Ericameria nauseosus*).

### 2.6 Noxious Weeds

A variety of noxious and/or invasive weeds are scattered throughout the project area. Much of the area is disturbed and has large blocks of invasive annual/winter-annual grasses including cheatgrass/downy brome (*Bromus tectorum*) and medusahead rye (*Tianetherum caput-medusiae*). Other invasive annuals include tumble mustard (*Sisymbrium altissimum*) and flixweed (*Descurainia sophia*). Curlycup gumweed (*Grindelia squarrosa*), a bi-ennial or short-lived perennial is plentiful in disturbed areas around and within the project area.

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<sup>1</sup> BLM NEPA Handbook H-1790-1, January 2008, Section 6.6.1

Scotch thistle (*Onopordum acanthium*), a noxious bi-ennial, is common and scattered across the rangeland. Two noxious, perennial weeds are within close proximity of the project area. Rush skeletonweed (*Chondrilla juncea*) is highly invasive and has been identified as close as ¼ mile from the area near the cellular tower. Russian knapweed (*Acroptilon repens*) and whitetop (*Lepidium ssp.*) sites have been found in the Moores Hollow area within a 10-mile radius of the area.

## **2.7 Special Status Plants**

Special Status Plants are: 1) species listed as threatened or endangered under the Endangered Species Act, 2) Sensitive species designated by the BLM OR/WA State Director, or 3) Strategic species designated by the BLM OR/WA State Director. Strategic species are not special status species for management purposes and are not required to be analyzed in NEPA, therefore they will not be discussed further in this document (BLM 2007).

The BLM Geographic Biotic Observations database (GeoBOB) data base and the Oregon Biodiversity Information Center rare plants data base were searched for known special status plant locations in the project area. No know sites of threatened or endangered or sensitive plant species were located in the project area. An expanded search found multiple locations of the sensitive species *Stanleya confertiflorus* (Malheur Prince's plume) and *Hackelia cronquistii* (Cronquist's stickseed) located within in 10 miles of the of the project area. The closest location of *Stanleya confertiflorus* is approximately 2.8 miles northwest of the project area. This species favors clay-like soils. The closest *Hackelia cronquistii* is approximately 0.6 miles west of the project area. This species is consistently found on steep, north-facing, sandy slopes. A ground survey of the project area was conducted on June 21, 2011 by a qualified contract botanist. Results of the survey show no special status species in the project area (Findley and Kling 2011). While two special status plants are located near the project area, the habitat required for these species is not located within the project area.

## **2.8 Migratory Birds**

The proposed project is located in a sagebrush/grassland habitat type. Migratory bird species expected to occur in the area include sagebrush obligate species such as Brewer's sparrow, sage sparrow and sage thrasher. Chukar, partridge and California quail are year round residents. Other migratory birds and several raptor species common to southeastern Oregon live throughout the area.

## **2.9 Wildlife and Fish**

Small mammals found in the project area include coyotes, badgers, black-tailed jackrabbits, deer mice, and woodrats. Reptiles include bull snakes, western rattlesnakes, and several species of lizard.

Based on a review of a list of threatened, endangered, proposed, and candidate species provided by the Fish and Wildlife Service it was determined that no federally listed, proposed or candidate species are known to occur in the project area and thus would not be impacted by the proposed project.

No fishery resources are present; as such they will not be discussed further.

## **2.10 Livestock Grazing**

The area of the proposed ROW is located in the Grove Road Allotment (#10107). The BLM Malheur Resource Area administers 360 acres while 4,233 acres are private. An animal unit month (AUM) means the amount of forage necessary for the sustenance of one cow or its equivalent for a period of 1 month. The public land portion of the allotment supports 22 AUMs. On an average basis, each acre of public land in this allotment will support 0.06 animals units per month or inversely, it requires approximately 16 acres to support each animal unit month.

## **2.11 Recreation and Visual Resources**

Hunting is the predominant recreational activity in the area of the proposed action. The area is open to off-highway vehicle (OHV) use and there are no travel restrictions limiting OHVs to designated trails.<sup>2</sup> There are no trails that would indicate regular OHV use and the proposed action is not located at a trailhead or on an access route. The proposed action is consistent with the objectives of the SEORMPFEIS; as a result, recreation access will not be discussed further in the environmental assessment.

The BLM initiated the visual resource management (VRM) process to manage the quality of landscapes on public land and to evaluate the potential impacts to visual resources resulting from development activities. VRM class designations are determined by assessing the scenic value of the landscape, viewer sensitivity to the scenery, and the distance of the viewer to the landscape. These management classes identify various permissible levels of landscape alteration, while protecting the overall visual quality of the region. They are divided into four levels; Classes I, II, III, and IV. Class I is the most restrictive and Class IV is the least restrictive.

The proposed action is located in a VRM Class IV area. The objective of Class IV is to provide for management activities that require major modification of the existing landscape character. The level of change to the characteristic landscape can be high. Management activities may dominate the view and be the major focus of viewer attention. However, every attempt should be made to minimize the impact of these activities through careful location, minimal disturbance, and repeating the basic landscape elements.<sup>3</sup> The proposed action is consistent with the objectives of the SEORMPFEIS; as a result visual resources will not be discussed further in the environmental assessment.

## **2.12 Wilderness Study Areas**

Wilderness characteristics and values, described in section 2(c) of the “Wilderness Act” of 1964 (Public Law 88-577), must be protected and enhanced in all Wilderness Study Area’s (WSAs). The initial task of identifying areas suitable for wilderness preservation has been completed as mandated in FLPMA section 603, and is documented in Oregon Wilderness Final Environmental Impact Statement (OWFEIS) and Wilderness Study Report Oregon (WSRO).”<sup>4</sup> The proposed ROW is not located within or adjacent to any lands which are suitable for wilderness preservation.

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<sup>2</sup> Op.Cit. SEORMPFEIS, Appendix I and Map OHV-PRMP, 2001

<sup>3</sup> Op.Cit. SEORMPFEIS, Appendix J, 2001

<sup>4</sup> Op.Cit., SEORMPFEIS, pg. 106

## **2.13 Non –Wilderness Study Area Lands with Wilderness Characteristics**

The proposed ROW is not within a designated Wilderness Characteristics Inventory Unit which has been evaluated using current BLM wilderness characteristic inventory protocols. BLM has determined that this area does not possess naturalness, outstanding opportunities for solitude, or outstanding opportunities for primitive and unconfined recreation and, therefore, has not been designated as a unit. This area also is not part of any citizen proposed wilderness area. Therefore, since the area where this proposed action would occur does not possess wilderness characteristics, no further analysis of effects to wilderness character will be done.

## **2.14 Cultural Resources**

Cultural resources in the project area are associated with landforms as transportation corridors (wagon roads), historic homesteads, early irrigation projects features, early mining activity, and remains of stage and telegraph stations.

## **2.15 Paleontological Resources**

Miocene, Pliocene, and Pleistocene fossil flora and fauna have been located in volcanic tuffs, sandstone and siltstone beds and Pleistocene gravels in areas of southeastern Oregon. Fossil fauna include fish and Miocene mammals. A wide variety of plant species have been identified by leaf fossils of trees, shrubs, herbs, and vines.

## **2.16 Air Quality**

The Project area is located within the U.S. Environmental Protection Agency, Region 10, Eastern Oregon Air Quality Control Region. The air quality in the area is generally good and typical of large rural areas within the Great Basin and Owyhee Uplands. Wind measurements for the site have not been recorded.

The mean annual monthly precipitation is approximately 10.5 inches while the average annual maximum air temperature is 49.7 degrees Fahrenheit (WRCC, 2005). The principal source of air contaminants in the project area is from wind-blown dust, both off dry rangeland in the region and from traffic along dirt roads. During the summer months dust storms and rangeland wildfires may negatively affect air quality.

Under the Clean Air Act, BLM-administered land in the proposed project area is classified as Class II. All land will be managed under Class II standards unless it is reclassified by the State of Oregon. The proposed ROW is not located in or adjacent to any mandatory Class I (most restrictive) Federal air quality areas, U.S. Fish and Wildlife Service (USFWS) Class I air quality units, or American Indian Class I air quality lands.<sup>5</sup>

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<sup>5</sup> SEORMPFEIS, pg. 29

## **2.17 Geology**

The proposed project area is hosted in Tertiary sedimentary and interbedded ashflow tuffs and tuffaceous lake sediments. The geology of the project area and region will be unaffected by the proposed action will not be discussed further in the environmental assessment. Any extraction of mineral materials such as sand and gravel or rock from public land as part of this project will be subject to a BLM purchase agreement. The mineral rights in the project area have been retained by the federal government.

## **2.18 Soils**

No soil survey data is available through the Natural Resource Conservation Service (NRCS), however, soil data is available from the BLM through a fourth order soil survey. The soils found in the area of the proposed project were surveyed and described in Oregon's Long Range Requirements for Water 1969, Appendix I-10, Malheur Drainage Basin.

Soils within the ROW are comprised of Unit 51 and Encina series. Unit 51 soils are deep, somewhat excessively drained soils formed in wind-sorted and reworked lake sediments and alluvium. These soils often occur in areas of eolian deposition on the east margins of old dry lakes and stream bottoms. Encina soils are moderately deep or deep, well-drained clay loam soils derived from old stratified sediments. The native vegetation associated with both soil types consists mostly of bluebunch wheatgrass, Sandberg bluegrass, needlegrass, big sagebrush, and rabbitbrush. Encina soils are used mostly for range. They have good potential for range seeding and are well suited for irrigation on lower slopes.

## **2.19 Hydrology and Aquatic Resources**

The Project area is located in the Brownlee Reservoir Hydrologic Subbasin, 4<sup>th</sup>-field HUC number 17050201. The watershed encompasses approximately 833,208 acres and 1,521 stream miles.<sup>6</sup>

The proposed action is located on gently sloping land ranging from 2-10%. There are no perennial surface waters, wetlands, or riparian zones located within or immediately adjacent to the proposed ROW on public lands.

## **2.20 Community and Economic Values**

An intermittent ephemeral drainage that is associated with rain events and spring runoff is located approximately .25 miles to the southwest of the proposed project. The nearest flowing perennial stream is the Snake River located 6.5 miles southeast .

The closest population center is Ontario Oregon, 6 miles southeast of the proposed ROW. Absentee landowners are common throughout the region. The local economy is based on agricultural commodities such as onion, corn, alfalfa, wheat, sugar beets, wheat, and cattle.

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<sup>6</sup> SEORMPFEIS, 2001, Table 2-9, pg. 55 and Map HYDR-3M  
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## **2.21 Lands and Realty**

Based on information contained in the master title plat maps of the area, there is one additional right-of-way in the area, a 12.46 Kv, single phase transmission line provides power to local residents and to a communication site that is in the area. The line is located both north and south of the proposed action on BLM administered lands. The proposed action is consistent with the objectives of the SEORMPFEIS, and provides the mineral owner access to patented mineral resources. Lands and realty will not be discussed further in the environmental assessment.

## **2.22 Critical Elements and Supplemental Authorities**

Critical elements of the human environment are subject to requirements specified in statute, regulation, or executive order and must be addressed in any document prepared pursuant to NEPA. The BLM NEPA Handbook (H-1790-1), as updated in January 2008 stipulates that if the resource or value is not present or is not affected by the proposed action or project alternatives, this may be documented in the EA as a negative declaration. The following fifteen (15) critical elements were taken into consideration: Air Quality, Areas of Critical Environmental Concern (ACECs), Cultural Resources, Environmental Justice, Floodplains, Invasive Nonnative Species, Migratory Birds, Native American Religious Concerns, Prime or Unique Farmland, Threatened and Endangered Species, Wastes, Hazardous or Solid, Water Quality (Surface and Ground), Wetlands and Riparian Zones, Wild and Scenic Rivers, and Wilderness. The effect of the proposed action was also reviewed in relation to 11 additional resource values.

Those Critical Elements (Table 1) or Resources (Table 2) marked as “not present” are not present within or adjacent to the ROW. Those elements or resources marked as “present not affected” may be present within or adjacent to the ROW but would not be impacted by the proposed action. Those elements or resources marked as “present affected” may be found within or are adjacent to the ROW and may be subject to direct, indirect and cumulative effects. Only those elements marked as present and affected must be analyzed within the Environmental Effects section of this environmental assessment.

**Table 1 Critical Elements of the Human Environment**

| <b>Critical Elements</b>           | <b>Not Present Not Affected</b> | <b>Present Not Affected</b> | <b>Present Affected</b> | <b>Reference Section</b> |
|------------------------------------|---------------------------------|-----------------------------|-------------------------|--------------------------|
| Air Quality                        | X                               |                             |                         |                          |
| ACECs                              | X                               |                             |                         |                          |
| Cultural Resources                 | X                               |                             |                         |                          |
| Environmental Justice              | X                               |                             |                         |                          |
| Floodplains                        | X                               |                             |                         |                          |
| Invasive Species                   | X                               |                             |                         |                          |
| Migratory Birds                    |                                 | X                           |                         |                          |
| Native American Religious Concerns | X                               |                             |                         |                          |
| Prime or Unique Farmlands          | X                               |                             |                         |                          |
| Threatened & Endangered Species    | X                               |                             |                         |                          |
| Hazardous or Solid Waste           | X                               |                             |                         |                          |
| Water Quality                      | X                               |                             |                         |                          |
| Wetlands & Riparian Zones          | X                               |                             |                         |                          |
| Wild & Scenic Rivers               | X                               |                             |                         |                          |
| Wilderness Study Areas             | X                               |                             |                         |                          |

**Table 2 Resource Values**

| <b>Resource</b>               | <b>Not Present Not Affected</b> | <b>Present Not Affected</b> | <b>Present Affected</b> | <b>Reference Section</b> |
|-------------------------------|---------------------------------|-----------------------------|-------------------------|--------------------------|
| Soils                         |                                 | X                           |                         |                          |
| Mineral Resources             | X                               |                             |                         |                          |
| Vegetation                    |                                 | X                           |                         |                          |
| Wildlife                      |                                 | X                           |                         |                          |
| Hydrology & Aquatic Resources | X                               |                             |                         |                          |
| Range Resources               |                                 | X                           |                         |                          |
| Visual Resources              | X                               |                             |                         |                          |
| Recreation                    | X                               |                             |                         |                          |
| Social Values                 | X                               |                             |                         |                          |
| Community & Economic Values   | X                               |                             |                         |                          |
| Lands & Realty                |                                 | X                           |                         |                          |

### **3 ENVIRONMENTAL CONSEQUENCES**

This chapter is organized by alternative to illustrate the differences between the proposed action and the “no action” alternative. This chapter identifies the direct and indirect impacts associated with the proposed right-of-way; their relative severity and duration and the design features to minimize these impacts.

#### **3.1 Proposed Action**

##### **3.1.1 Vegetation**

The proposed action would directly impact approximately three acres of existing sagebrush steppe and local weed species. The impacts would be due to road and drill pad construction. Design features would include reclamation of the area with a native seed mix approved by the BLM and necessary weed control post project. Details of these design features are described in the POD for the ROW.

##### **3.1.2 Noxious Weeds**

Because the area currently contains noxious or invasive species, ground disturbance within the project area would not increase the overall area for weed colonization; however, the diversity of invasive species could increase and additional species could become established. Indirect impacts could result from the transport of noxious or invasive species onto the site and open new areas to additional invasive species.

The POD requires washing vehicles before they first enter the area and for weed spraying. Controlled access, design features, and weed management activity provide measures to control the spread of invasive and noxious plant species. The proposed action is in keeping with the SEORMPFEIS Rangeland Vegetation Objectives #1 and #3 and incorporates all applicable portions of the noxious weed management section of Appendix O of the SEORMPFEIS (p 344). Impacts that would cause an increase in area of noxious weeds colonies are not expected to occur because of the precautions observed in the POD and Appendix O.

##### **3.1.3 Special Status Plants**

The proposed project would have no effect on federally listed threatened or endangered species or their habitat because they are not present in the project area. The proposed project would also have no impact on sensitive species because they are not present in the project area.

##### **3.1.2 Migratory Birds**

The proposed project would eliminate three acres of sagebrush steppe and grassland habitat. Construction activities and removal of vegetation could disrupt breeding behavior or destroy occupied sites. In addition, construction activity and noise is expected to cause displacement of individuals from the proposed project area and immediately adjacent habitats. However,

construction activities are temporary and therefore impacts from displacement of birds are expected to be short term, not more than two months, during this exploration stage. The proposed action would not have any significant direct or indirect impacts on migratory birds and thus would not result in a violation of the Migratory Bird Treaty Act as long as design features were implemented.

Construction activities should not occur during the breeding or nesting season (March 15-June 30) to ensure there would be no take of migratory species or active nests as a result of implementation of the proposed action.

### **3.1.3 Wildlife and Fish**

Implementation of the proposed action would result in the loss of approximately three acres of wildlife habitat. Construction activity is expected to displace individuals within and adjacent to the proposed project area. Since vegetative loss from the proposed action is expected to be minimal, only a small amount of winter range for big game and summer forage for species such as sage grouse is expected to be impacted. Some of this habitat would be restored upon reclamation with a native seed mix. In addition, construction activities are temporary and occur outside the breeding and nesting season; therefore, impacts from displacement of wildlife are short term. The proposed action would not result in any significant direct or indirect impacts to area wildlife species.

### **3.1.4 Livestock Grazing**

Under the Proposed Action construction activity would effectively remove approximately three acres of the 16,450 acre Kern Creek pasture from grazing during construction activities, so impacts to grazing would be short term. The Proposed Action would not result in the need to reduce stocking rates. Grazing values that are lost as a result of NWP's activity would be paid by NWP for the life of the ROW.

The Proposed Action meets the grazing management objectives established in the BLM's SEORMP FEIS and allows for a sustained level of livestock grazing consistent with other resource objectives and public land use allocations.

### **3.1.5 Cultural and Paleontological Resources**

Mark Druss, Ph.D., Registered Professional Archeologist and the contracted archeological consultant, conducted a literature search of known cultural resources and conducted a Class III inventory of the proposed project site using pedestrian transects spaced less than 30 meters apart. The survey for this project was designed to locate, record, and evaluate all prehistoric and historic cultural resources visible on the ground surface. No archeological sites are documented near the project area and no archeological or paleontological artifacts were observed. No direct or indirect impacts to cultural or paleontological resources have been identified.

Design features of the proposed action and pursuant to 43 CFR 10.4 require that construction activity cease and additional cultural evaluations be conducted if archeological or paleontological resources or artifacts are observed. The proposed action would conform to the objective of the BLM's SEORMPFEIS to protect and conserve cultural and paleontological resources.

In summary, the proposed right-of-way and associated disturbance would cause minor environmental impacts but no major unavoidable impacts.

### **3.1.6 Air Quality**

Direct impacts to air quality would result from construction of the road across public land to the drilling site as well as from service and supply vehicles that would travel the road once constructed. The drilling activity itself would also have an effect on air quality.

Air quality impacts would be short term and localized and would not result in or contribute to non-attainment of any air quality standards. The proposed action would conform to the air resource management objective in the BLM's SEORMPFEIS to meet or exceed the "National Ambient Air Quality Standards" and the "Prevention of Significant Deterioration" with all authorized actions.<sup>7</sup> Dust generated from earth-moving activities and from vehicles traveling the ROW would be controlled by watering. No issues related to air quality have been identified and there would be no residual air quality impacts. No mitigation is proposed beyond the NWP proposed road watering and compliance with Best Management Practices as outlined in Appendix O of the SEORMPFEIS.

### **3.1.7 Air Quality**

Disturbed soils would be subject to increased wind and water erosion during construction activity within the ROW, and would result in effects such as soil displacement, erosion, loss of moisture holding capacity, loss of microbiotic soil forming processes, and increased runoff potential. Soil productivity and soil forming processes on approximately one acre would be altered until the disturbed areas are reclaimed and re-vegetated. Design features of the proposed action and associated construction activity are consistent with the Appendix O-Best Management Practices of the SEORMPFEIS. Upon successful completion of stabilization and rehabilitation, soil erosion and the other negatively impacted resources listed above would be localized and short term.

### **3.1.8 Hydrology and Aquatic Resources**

NWP's application calls for implementation, maintenance, and evaluation of Best Management Practices to control surface runoff and erosion from disturbed lands.

Construction activity within the ROW would result in some increased runoff and sediment transport over the short-term until the site has been stabilized or reclaimed. By adhering strictly to the BMPs listed in Appendix O of the SEORMPFEIS, the proposed ROW and project design features would have limited potential for adversely affecting surface water quality. The proposed action and design features would minimize total disturbance, prevent excessive erosion, and control runoff over the long-term. There are no perennial surface waters, wetlands, or riparian zones located within or immediately adjacent to the ROW therefore impacts to surface waters and aquatic resources will be minimal.

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<sup>7</sup> Op.Cit., SEORMPFEIS, 2001, pg. 186

## **3.2 The No Action Alternative**

None of the previously described environmental consequences associated with the proposed activity would occur.

The No Action alternative would not support Executive Order 13212, establishing a policy that federal agencies should take appropriate actions, to the extent consistent with applicable law, to expedite projects to increase the production, transmission, or conservation of energy.

The No Action alternative would not support the Energy Policy Act of 2005 (Pub. L. 109–58). Section 211 of the Act directs the Secretary of the Interior to seek to have approved non-hydropower renewable energy projects located on the public lands with a generation capacity of at least 10,000 megawatts of electricity before the end of the 10-year period beginning on the date of enactment of this Act.

The No Action alternative would not support the Department of Interior Secretarial Order 3285, signed March 9, 2009 which establishes the development of renewable energy as a priority for the Department of Interior and establishes policy to encourage the production, development and delivery of renewable energy.

### **3.2.1 Special Status Plants**

The no action alternative would have any effect on federally listed threatened or endangered species or their habitat because they are not present in the project area and the no action alternative creates no new ground disturbance. The no action alternative would also have any impact on sensitive species because they are not present in the project area.

### **3.2.2 Rangeland Vegetation**

Under the No Action Alternative, all vegetation associated with the project site would remain in its current quantity condition.

### **3.2.3 Migratory Birds**

Nesting and breeding habitat would remain unchanged with no additional direct impacts to migratory bird species.

### **3.2.4 Wildlife**

Wildlife habitat values would remain unchanged with no additional direct impacts to wildlife species.

## **4 CUMULATIVE EFFECTS ANALYSIS**

The Council on Environmental Quality (CEQ) defines cumulative effects as the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions (40 CFR 1508.7). A June 2005 CEQ memorandum states:

The environmental analysis required under NEPA is forward-looking, in that it focuses on the potential impacts of the proposed action that an agency is considering. Thus, review of past actions is required to the extent that this review informs agency decision making regarding the proposed action. This can occur in two ways:

First, the effects of past actions may warrant consideration in the analysis of the cumulative effects of a proposal for agency action. CEQ interprets NEPA and CEQ's NEPA regulations on cumulative effects as requiring analysis and a concise description of the identifiable present effects of past actions to the extent that they are relevant and useful in analyzing whether the reasonably foreseeable effects of the agency proposal for action and its alternatives may have a continuing, additive and significant relationship to those effects. In determining what information is necessary for a cumulative effects analysis, agencies should use scoping to focus on the extent to which information is "relevant to reasonably foreseeable significant adverse impacts," is "essential to a reasoned choice among alternatives," and can be obtained without exorbitant cost (40 CFR 1502.22). Based on scoping, agencies have discretion to determine whether, and to what extent, information about the specific nature, design, or present effects of a past action is useful for the agency's analysis of the effects of a proposal for agency action and its reasonable alternatives. Agencies are not required to list or analyze the effects of individual past actions unless such information is necessary to describe the cumulative effect of all past actions combined. Agencies retain substantial discretion as to the extent of such inquiry and the appropriate level of explanation (*Marsh v. Oregon Natural Resources Council*, 490 U.S. 360, 376-77 [1989]). Generally, agencies can conduct an adequate cumulative effects analysis by focusing on the current aggregate effects of past actions without delving into the historical details of individual past actions.

Second, experience with and information about past direct and indirect effects of individual past actions may also be useful in illuminating or predicting the direct and indirect effects of a proposed action. However, these effects of past actions may have no cumulative relationship to the effects of the proposed action. Therefore, agencies should clearly distinguish analysis of direct and indirect effects based on information about past actions from a cumulative effects analysis of past actions.

The following cumulative impact analysis is limited to past, present, and reasonably foreseeable future actions that involve impacts to a resource value that overlaps temporally and/or spatially with the Proposed Action's impacts to that same resource value. Thus, not all actions identified are discussed for each resource.

#### **4.1 Cumulative Effects Analysis Area**

The Cumulative Effects Analysis (CEA) considers that this Proposed Action is a site specific action where impacts to a number of affected resources are confined to the acreage described within the proposed ROW. The effects to vegetation, noxious weeds, special status plants, wildlife, livestock grazing, cultural and paleontological resources, and soils, all having been analyzed in this document, would not occur beyond that area disturbed by the cathodic protection construction and the temporary work area.

While the proposed project is located in a sagebrush/grassland habitat type, the affected environment section states that the project area does not possess the vegetative qualities (contiguous canopy cover) for sage-grouse nesting. This cover is also needed to provide suitable nesting habitat for migratory birds. Additionally, and as analyzed in Section 4, construction activities would be temporary, not more than two months, and this would not occur during nesting season (March 15-June 30) should there be suitable nesting sites present. Impacts to migratory birds in the immediate area would occur at the site-specific level.

Special Status Plants are not present in the project area; therefore this project would cause no cumulative effects to threatened and endangered, or sensitive species.

#### **4.2 Past and Present Actions**

Within the geographic scope of this analysis, no other known present actions, by the BLM or other parties, are in progress and no other BLM actions are anticipated. For this reason, there are no effects from present actions that have a cumulative relationship with the effects of this proposed action.

#### **4.3 Reasonably Foreseeable Future Actions**

The BLM assumes that recreational uses, locatable minerals exploration and livestock grazing activities associated with this analysis would continue into the foreseeable future in the same manner and to the same degree as they have been conducted in the present and recent past. The BLM does not have any additional projects planned in this proposed ROW area that would have an effect on those resources analyzed in this document, nor is BLM aware of projects proposed by other entities that would affect these same resources.

#### **4.4 No Action Alternative**

Project activities would not occur on BLM administered lands if the No Action Alternative were selected. A selection of this alternative would result in no direct, indirect, or cumulative effects to the proposed project site.

#### **4.4 Irreversible and Irretrievable Commitment of Resources**

The proposal would not result in an irreversible and irretrievable commitment of resources.

### **5 MITIGATION**

Mitigation measures are developed through analysis conducted in this Environmental Assessment, review of the SEORMPFEIS, and staff discussion. The proponent must comply with Best Management Practices established within the SEORMPFEIS of 2002, Appendix O which are incorporated by reference. Special conditions or best management practices warranted under this proposal include:

- Pursuant to 43 CFR 10.4(g) the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined at 43 CFR 10.20). Further, pursuant to 43 CFR 10.4(c) and (d), the

lessee/operator shall immediately stop all activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the BLM authorized officer.

- During surface-disturbing construction and maintenance activities, the holder shall ensure all construction equipment and vehicles are cleaned of all vegetation(stems, leaves, seeds and all other vegetative parts) prior to entering or leaving public lands in areas that are known by the authorized officer of the BLM to be infested with noxious weeds.
- No hazardous materials shall be used during any phase of the operations unless prior approval has been obtained from the BLM authorized officer. All on site drilling materials and chemicals shall be properly stored to ensure the prevention of spills. No chromate or other heavy metals or environmentally harmful additives will be used.
- No chemicals, fuels, oils, lubricants, or noxious fluids shall be disposed of at the construction site.
- The lessee/operator shall be responsible for all cost associated with any releases of chemicals and/or subsurface fluids resulting from their operations and practices.
- Portable chemical toilets shall be used for human waste. The human waste shall not be buried on site.
- All equipment and machinery shall be equipped with spark arresters and mufflers.
- The lessee/operator shall be responsible for all suppression costs for any fire resulting from their operations and practices.
- Trash and other debris shall be contained on site and then hauled to an approved landfill. Burial and/or burning on site shall not be permitted.
- For a period of three years following the commencement of construction, the project site shall be inventoried by the lessee for the presences of invasive, nonnative species. Inventory data shall be reported to the BLM within thirty (30) days of receipt by the operator.
- Following the three year period, periodic inventory for the presence of invasive nonnative species would be performed at project sites, with treatment occurring as necessary. The periodic inventory and treatment would occur until the BLM determines that final reclamation of the project site is complete and acceptable.
- Construction activities should not occur during the breeding or nesting season (March 15–June 30) to ensure there would be no take of migratory bird species or active nests as a result of implementation of the proposed action.

#### **4 MONITORING**

Monitoring is needed to ensure that actions comply with the terms, conditions, and mitigation measures identified in the decision. BLM would fulfill this responsibility in conjunction with

Northwest Pipeline by monitoring the implementation of mitigation measures adopted as conditions of approval to the submitted POD and ROW application. Inspection of the ROW would be conducted after staking and flagging, after construction and as necessary until the ROW is relinquished.

## 6 COORDINATION AND CONSULTATION

### 6.1 List of Preparers

#### Bureau of Land Management, Vale District

|                   |  |
|-------------------|--|
| Trisha Skerjanec  | Realty Specialist                      |
| Brent Grasty      | Planning and Environmental Coordinator |
| Jonathan Westfall | Geologist                              |
| Rhea White        | Wildlife                               |
| Lynne Silva       | Weeds                                  |
| Diane Pritchard   | Archaeologist                          |
| Kari Points       | Recreation/WSR/Wilderness/VRM          |
| Bill Lutjens      | Range                                  |
| Susan Fritts      | Botany/T&E Plants                      |
| Garth Ross        | Fisheries                              |
| Vern Pritchard    | District Engineer                      |
| Pat Ryan          | Jordan/Malheur Field Manager           |

#### Technical Professionals

Jean Findley and Craig Kling, Cardno ENTRIX, Salt Lake City, UT  
Zachary Nelson, Ph.D. and Craig S. Smith, Cardno EXTRIX, Salt Lake City, UT

### 6.2 List of Agencies, Organizations, and Persons Notified

Permittees/Interested Publics, mandatory  
Malheur County Court Judge and Commissioners  
Oregon Department of Fish and Wildlife  
US Fish and Wildlife  
Oregon Natural Desert Association; Interested Public  
Western Watersheds Project; Interested Public

## 7 REFERENCES

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