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DECISION RECORD
Environmental Assessment
DOI-BLM-ES030-2014-03-EA
Winnebago Island Right-of-Way

The Bureau of Land Management (BLM) received an application from MidAmerican Energy Company to re-authorize an existing 65 foot wide tower and double circuit 69,000 volt three-phase electric transmission line on Winnebago Island, Illinois that has been in operation on withdrawn public land for over 50 years. The proposed action to re-authorize the existing right-of-way (ROW) grant 200 feet wide across Winnebago Island for a distance of 115 feet under current regulations and the provisions of the Federal Land Policy and Management Act (FLPMA) of 1976 for a period of 20 years is the selected alternative. The selected alternative will allow the continued transmission of electric energy to 300,000 residential, commercial and industrial customers in the Quad-Cities Area. The grant may be renewed if the holder continues to be in compliance with all applicable laws, regulations, terms and conditions at the time of renewal.

Authorities: The authority for this decision is contained in 43 Code of Federal Regulations (CFR) Part 2800.

Compliance and Monitoring: Because this is an existing electric transmission line that requires no new ground disturbance or modification to the current facility, there will be no additional construction associated with the re-authorization, and only limited compliance will be required. The ROW has been in operation for the past 50 years and has required only minor hardware and aircraft warning light repair. The existing tower and transmission line will be authorized for an additional 20 year period with the option for renewal subject to regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public and the environment. During the current authorization period, BLM will conduct occasional site visits at 5 year intervals to ensure compliance with the terms and conditions of the grant. Additional periodic monitoring can be coordinated with the Army Corps of Engineers who regulate activities in pool #15 where Winnebago Island is located on the Mississippi River. If issues of non-compliance are identified, MidAmerican Energy Company will be contacted to address corrective actions. Failure of MidAmerican Energy Company to comply with applicable law or provisions of the ROW grant can be grounds for suspension or termination of the grant.

Terms / Conditions / Stipulations: Standard ROW terms and conditions have been included in the ROW grant. Because the grant re-authorizes an existing electric power

transmission line, no new construction or ground disturbance will be allowed in the re-authorization of the grant. Maintenance will be limited to occasional hardware repair and replacement of aircraft warning lights. There is no requirement to control vegetation around the tower because the island is not in a location visited by the general public and access for maintenance will be minimal. To ensure the safety of large perching birds, a stipulation has been included in the grant that requires the placement of raptor nesting deterrents if any nesting activity is observed on the tower.

PLAN CONFORMANCE AND CONSISTENCY:

The proposed action and alternatives have been reviewed and found to be in conformance with the Illinois Planning Analysis and Record of Decision dated September 30, 1987.

Alternatives Considered:

Two additional alternatives were considered in the EA, a No Action Alternative and an Alternative that was considered but eliminated from further consideration. The No Action Alternative was not chosen because the transmission line and tower are existing facilities in compliance with the original terms and conditions of the grant issued in 1962 that continues to provide essential electric energy transmission to the Quad Cities area along the Mississippi River. It is BLM policy to renew grants under current regulations when the holder of a grant is in compliance with the terms and conditions of the original grant and re-authorizing the grant is in the public interest. Under the No Action Alternative the existing facilities would not be re-authorized and would be in trespass on Federal land without proper permit. The tower and line would need to be removed. The No Action alternative would not meet the purpose and need of the proposed action to authorize the continued use of Federal land for appropriate transmission of electric energy.

The alternative to relocate the existing transmission line to avoid Federal land was considered but eliminated from further consideration in the EA because the economic and environmental impacts of removing the existing tower and crossing the Mississippi River at a different location would be significantly greater than re-authorizing the continued use of a tower that has been in place for 50 years. Winnebago Island lines up with the existing land route and substations of the transmission line midway across the Mississippi River. Re-routing the existing line would require more than just the removal and re-construction of the facilities in the immediate area because the lines on either side of the Mississippi River would also need to be relocated.

Rationale for Decision:

The selected alternative to re-authorize an existing transmission power line and tower for an additional 20 year term under current laws and regulations was chosen because the continued use of public land across Winnebago Island for the transmission of electric energy to meet the electrical needs of the Quad Cities area along the Mississippi River was found to have no significant impacts and is a beneficial and appropriate use of Federal land. The No Action Alternative was not chosen because without proper authorization, the tower and transmission lines would need to be removed. The economic and financial costs to remove the facilities and the impacts from the loss of electrical transmission capacity to the Quad Cities area cannot be justified when the right-of-way has been operated in compliance with the terms and conditions of

the initial right-of-way grant for the past 50 years without resulting in a significant impact on the environment.

The selected alternative is in conformance with the land use plan for the State of Illinois and is consistent with Federal regulations, policy, and objectives. The selected alternative meets the purpose and need for the project. The tower and transmission lines crossing the island will not impact the use of the island as wildlife habitat for migratory and native birds. The land will not be disturbed with the re-authorization of the right-of-way grant to MidAmerican Energy Company because no new construction or future maintenance will change the natural state of the land. Consultations with local and Federal agencies with responsibility and jurisdiction in the area did not identify any issues related to the use of the land for electric power transmission.

Protest/Appeal Language:

This decision shall take effect immediately upon the date it is signed by the Northeastern States Field Office Manager and shall remain in effect while any appeal is pending unless the Interior Board of Land Appeals (IBLA) issues a stay (43CFR 2801.10). Any appeal of this decision must follow procedures set forth in 43 CFR Part 4. Within 30 days of the decision, a notice of appeal must be filed in the Northeastern States Field Office, 626 East Wisconsin Avenue, Suite 200, Milwaukee, Wisconsin 53202. If a statement of reasons for the appeal is not included with the notice, it must be filed with the IBLA, Office of Hearings and Appeals, U.S. Department of Interior, 801 North Quincy St., Suite 300, Arlington, Virginia 22203 within 30 days after the notice of appeal is filed with the Authorized Officer.

Pursuant to 43 CFR 4.21(b)(1), a petition for stay, if filed, must 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 a petition for a stay is submitted with the notice of appeal, a copy of the notice of appeal and petition for stay must be served on each party named in the decision from which the appeal is taken and with the IBLA at the same time it is filed with the Authorized Officer.

A copy of the notice of appeal, any statement of reasons and all pertinent documents must be served on each adverse party named in the decision from which the appeal is taken and on the Office of the Solicitor, U.S. Department of Interior, Pittsburgh Field Office, Three Parkway Center, Suite 385, Pittsburgh, Pennsylvania 15220 not later than 15 days after filing the document with the Northeastern States Field Office and/or IBLA.

Authorized Officer: _____


Dean Gettinger
Field Manager
Northeastern States Field Office

8/15/2014
Date

Attachments:

Environmental Assessment

Maps

Right-of-Way Grant with Terms and Conditions