

# Decision Record

## Categorical Exclusion High Plains Power ROW Renewal Application WYW-070497

**BLM**

Worldland Field Office, Wind River/Bighorn Basin District, Wyoming

April 2011



The BLM's multiple-use mission is to sustain the health and productivity of the public lands for the use and enjoyment of present and future generations. The Bureau accomplishes this by managing such activities as outdoor recreation, livestock grazing, mineral development, and energy production, and by conserving natural, historical, cultural, and other resources on public lands.

**DOI-BLM-WY-R010-2010-0024-CX**

**DECISION RECORD**  
**Categorical Exclusion**  
**DOI-BLM-WY-R010-2010-0024-CX**  
**WYW-070497**  
**Right-of-Way: Power Line -- Renewal**

It is my decision to authorize renewal of right-of-way, serial number WYW-070497, for High Plains Power for a 14.4/24.9 kV overhead distribution line that serves various wells in the Little Buffalo Basin Oil Field as described in the proposed action, Categorical Exclusion No. DOI-BLM-WY-R010-2010-0024-CX. This Authorization will be granted subject to the Terms and Conditions as attached.

**Authorities:** Title V of The Federal Land and Policy Management Act of 1976 as Amended; 43 CFR § 2800.

**Compliance and Monitoring:** Designated Bureau of Land Management personnel will monitor and review project operations as needed to ensure that mitigation measures are in compliance with the terms and conditions of the grant.

**Terms / Conditions / Stipulations:** Attached

**PLAN CONFORMANCE AND CONSISTENCY:**

The proposed action and alternatives have been reviewed and found to be in conformance with one or more of the following BLM Land Use Plans and the associated decision(s):

**Name of Plan:** Grass Creek Resource Management Plan **Date Approved:** September 1998  
This plan has been reviewed to determine if the proposed action conforms to the land use plan as required by 43 CFR § 1610.5. The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s): GCRMP ROD pg 12; "The planning area will be open for rights-of-way development. Proposals will be addressed on an individual basis with emphasis on avoiding certain conflict or sensitive areas." This proposal would be within an area available for linear right-of-way generally open to rights-of-way, and thus it would be in conformance with the land use plan.

**Rationale for the Decision:** This project, when implemented with the terms and conditions as described, will result in no long term impacts to the environment. Authorization will allow the holder continued use of the right-of-way.

**Appeals:**

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 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 (BLM, Worland Field Office, P.O. Box 119, 101 South 23rd Street, Worland, WY 82401) within 30 days from receipt of this decision. The appellant has the burden 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.

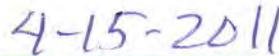
#### Standards for Obtaining a Stay

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.



Don Krump  
Assistant Field Manager, Minerals and Lands  
Worland Field Office



Date

Attachments:  
DOI-BLM-WY-R010-2010-0024-CX

## Categorical Exclusion Documentation

### Background

BLM Office: Worland Field Office Lease/Serial/Case File No: WYW-070497

**Proposed Action Title/Type:** Renewal of Right-of-Way: Powerline

**Location of Proposed Action:** 6<sup>th</sup> PM, Hot Springs/Park County, Wyoming, T. 47 N., R. 99 W., sec. 7, lots 2-3; sec. 18, lot 1, NE $\frac{1}{4}$ NW $\frac{1}{4}$ ; T. 47 N., R 100 W., sec. 1, S $\frac{1}{2}$ NW $\frac{1}{4}$ ; sec. 13, NE $\frac{1}{4}$ SE $\frac{1}{4}$ .

### Description of Proposed Action:

High Plains Power has requested renewal of an existing power line ROW. The right-of-way was originally issued March 19, 1980 and expired in 2010. The line consists of various segments of 14.4/24.9 overhead distribution lines that serve various wells in the Little Buffalo Basin Oil Field. The total distance of the power line authorized covers approximately 3,196– feet length, 30-foot width for 2.199 acres more or less. Two segments of the overhead distribution line have been relinquished, the remaining line to be renewed is approximately 2298.0 –feet length, 30 feet width for 1.582 acres more or less. The power line is in compliance with the terms and conditions of the grant.

### Project Design Features:

1. This permit is issued subject to the Holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations parts 2800.
2. This right-of-way renewal will be authorized for the power line as it currently exists.

### Persons or Agencies Contacted

The Bureau of Land Management completed internal scoping with BLM resource specialists. Staff specialists reviewed the proposal and identified impacts and appropriate mitigation measures. No conflicting issues were identified in their review. The public was not involved in the development of this project proposal.

### Land Use Plan Conformance

Grass Creek Resource Management Plan

Date Approved: September 1998

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s): GCRMP ROD pg 12; “The planning area will be open for rights-of-way development. Proposals will be addressed on an individual basis with emphasis on avoiding certain conflict or sensitive areas.”

This renewal proposal would be within an area available for linear right-of-way generally open to rights-of-way, and thus it would be in conformance with the land use plan.

### 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: 5.4E(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 516 DM2 apply.

**Legal and Administrative Framework**

Federally owned lands are managed by the U.S. Department of the Interior under Public Law 94-579, *Federal Land Policy and Management Act of 1976, as amended* (FLPMA); specifies that public lands are to be managed in a manner that recognizes the need for “multiple use” of the public lands and their various resource values. Sec. 501(a) [43 U.S.C.1761] (a) “The Secretary, with respect to the public lands (including public lands, as defined in section 103(e) of this Act, which are reserved from entry pursuant to section 24 of the Federal Power Act (16 U.S.C. 818)) [P.L. 102-486, 1992] and, The Secretary of Agriculture, with respect to lands within the National Forest System (except in each case land designated as wilderness), are authorized to grant, issue, or renew rights-of-way over, upon, under or through such lands for” various uses.

Regulations for rights-of-way BLM-administered public lands is contained in the Code of Federal Regulations 43 CFR§ 2800 and 2880. Other relevant guidance includes BLM Manual 2800 and 2801.

The RMP provides opportunities for the long-term use of public lands consistent with current laws, regulations, and policies, including those related to environmental protection.

Required protective measures, best management practices (BMPs), or Terms and Conditions of the right-of-way, relative to the BLM lands, pertain to protection of all lands that may be potentially affected by the activity on federal lands.

The authorization was designed to meet the needs of the holder and to protect natural resources based on the topographic conditions.

**Signature**

Authorizing Official: Don Krump Date: 4-15-2011  
(Signature)

Name: Don Krump  
Title: Assistant Field Manager, Minerals and Lands

**Contact Person**

For additional information concerning this CX review, contact Carol Sheaff, Realty Specialist, Worland Field Office, P.O. Box 119; Worland, WY 82401, 307-347-5137.

## Terms and Conditions

The following terms and conditions of approval are in addition to standard terms and conditions associated with the renewal of right-of-way grant WYW-070497.

**This right-of-way is granted for the power line as it currently exists. Normal maintenance such as removing a weakened pole and replacing it in the same hole or replacing sections of wire may be conducted under this grant. However, no blading or other new surface disturbance, or rerouting may be done without specific written permission from the authorized officer.**

**Holder shall maintain the right-of-way in a safe, usable condition, as directed by the authorized officer. No refuse, discarded poles, hardware, wire or other waste material is allowed on the right-of-way.**

**The power line facilities shall be constructed in accordance to standards outlined in Suggested Practices for Raptor Protection of Power Lines, "Raptor Research Foundation, Inc. 1996," or to a newer or more improved standard. The BLM reserves the right to require modifications or additions to all power line structures placed on this right-of-way, should they be necessary to ensure the safety of large perching birds. Such modification and/or additions shall be made by the holder without liability or expense to the United States.**

**The operator is responsible for informing all persons in the area who are associated with this project that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are uncovered during construction, the operator is to immediately stop work that might further disturb such materials, and contact the authorized officer (AO). Within five working days the AO will inform the operator as to:**

- whether the material appears eligible for the National Register of Historic Places;**
- the mitigation measures the operator will likely have to undertake before the site can be used (assuming in situ preservation is not necessary); and,**
- a timeframe for the AO to complete an expedited review under 36 CFR 800.11 to confirm, through the State Historic Preservation Officer, that the findings of the AO are correct and that mitigation is appropriate. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction measures.**

**Prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination (and rehabilitation) plan. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.**

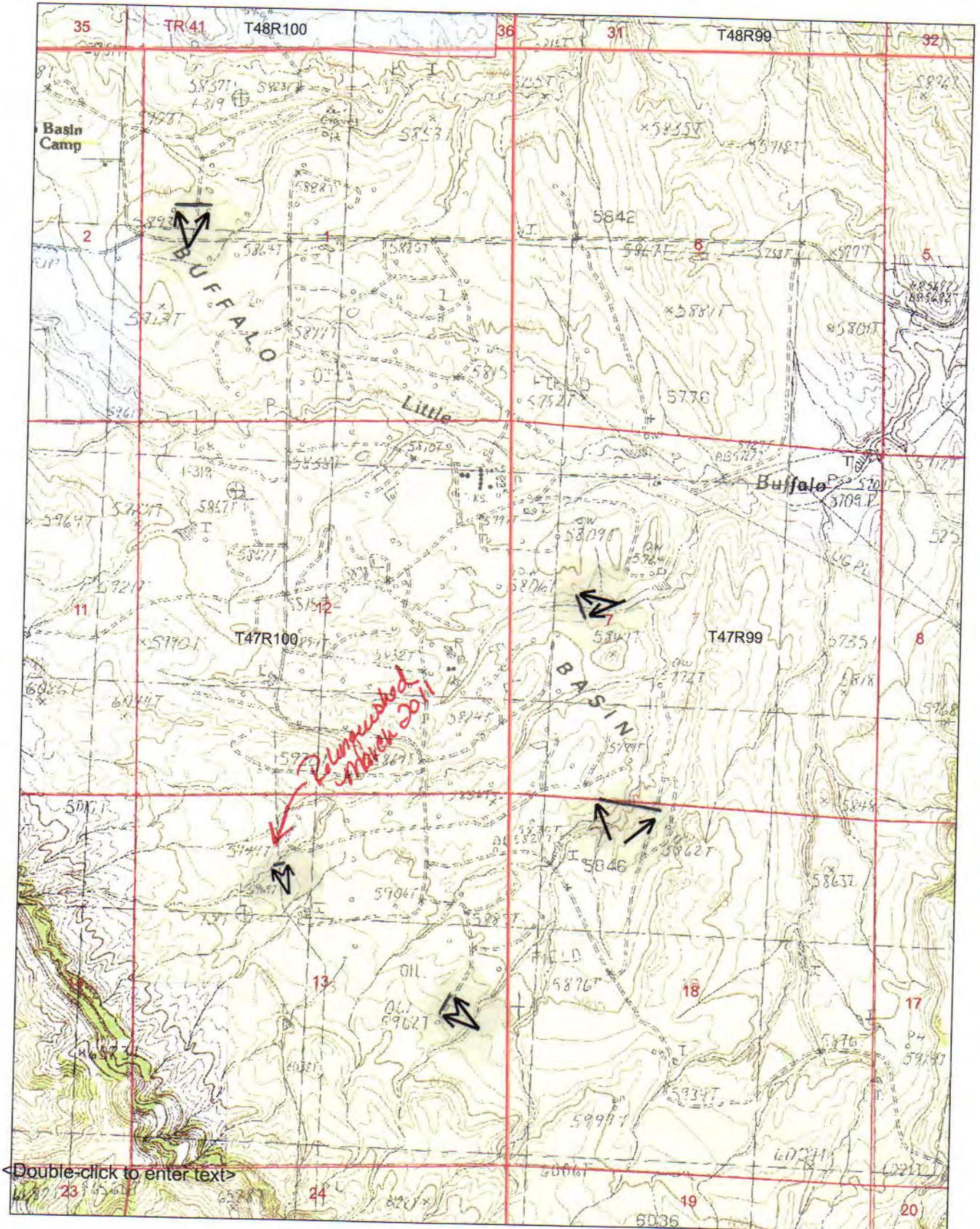
**IMPORTANT:** Appropriate staff should review the circumstances listed below, comment and initial for concurrence. Rationale supporting the concurrence should be included where appropriate.

**NOTE:** Answers to the Extraordinary Circumstances questions below will affect the level of NEPA required for this project.

1. If the answer to all Extraordinary Circumstances is NO, the use of the CX is appropriate.
2. If the answer to any one Extraordinary Circumstance is MAYBE or UNKNOWN, an EA is the appropriate NEPA document.
3. If the answer to any Extraordinary Circumstance is YES, an EIS is required.

EXTRAORDINARY CIRCUMSTANCES <i>Does the proposed action...</i>	NO/MAYBE OR UNKNOWN/ YES & RATIONALE (If appropriate)	RESOURCE/ PROGRAM SPECIALIST(S) ASSIGNED REVIEW	NAME OF TEAM MEMBER(S) ASSIGNED REVIEW	DATE
<b>1. Have significant impacts on public health and safety?</b>				
		Wastes, Hazardous or Solid		
		Operations/Engineering Review		
<b>2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness or wilderness study 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 (Executive Order 13186); and other ecologically significant or critical areas?</b>				
		Geology		
		Heritage Resources	Marit Bovee	1/28/2011
		Recreation		
		Wilderness, LWC, WSA		
		Wild and Scenic Rivers		
		National Natural Landmark		
		Water Quality		
		Prime Farmland		
		Wetlands		
		Floodplains		
		National Monuments		
		Migratory Birds	Tim Stephens	1/31/2011
		Areas of Critical Environmental Concern		
		Air Quality		
		Range	Cam Henrichsen	1/28/2011
<b>3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]?</b>				
		Biology	Tim Stephens	1/31/2011
		Lands/Realty		
		Minerals		
		Visual Resource Management		
		Wild Horses/Burros	Cam Henrichsen	1/28/2011
		Recreation		
<b>4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?</b>				
<b>5. Establish a precedent for future action, or represent a decision in principle about future actions, with potentially significant</b>				

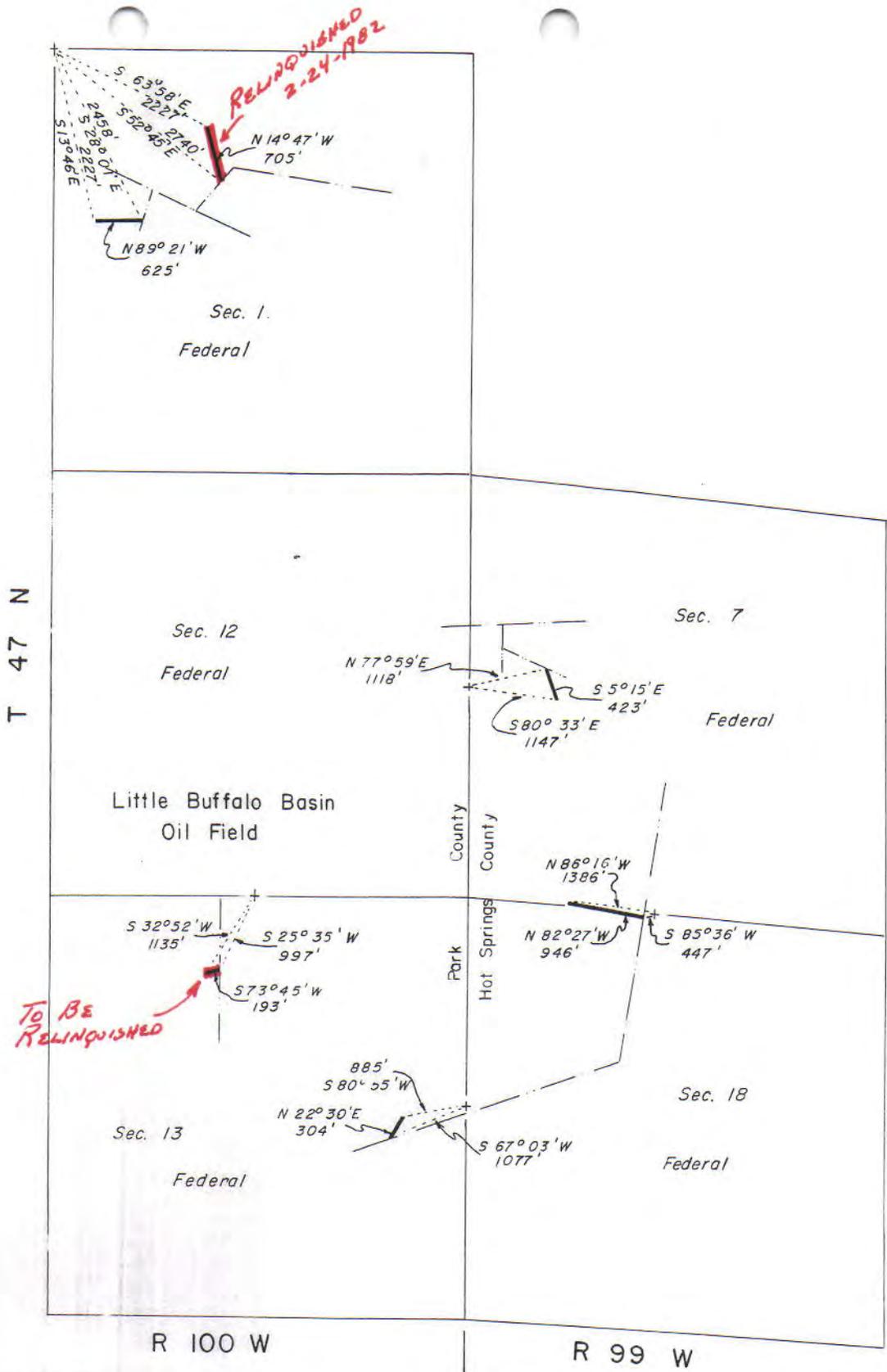
environmental effects?				
		Biology	Tim Stephens	1/31/2011
		Recreation		
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?				
7. Have significant impacts on properties listed or eligible for listing, on the National Register of Historic Places as determined by either the Bureau or office?				
		Archeology/Cultural Resources	Marit Bovee	1/28/2011
8. 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?				
		Birds/Wildlife habitat	Tim Stephens	1/31/2011
		Fisheries habitat	Tim Stephens	1/31/2011
		Plants habitat	Karen A. Hepp	1/28/2011
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?				
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?				
11. 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)?				
		Native American Coordinator/Cultural Resources	Marit Bovee	1/28/2011
12. 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)?				
		Invasive and Non-Native Weeds		



Double-click to enter text

T. 47 N., R. 99 W.,  
sec. 7, lots 2 and 3; sec. 18, lot 1, NENW;  
T. 47 N., R. 100 W.,  
sec. 1, S2NW; sec. 13, NENW, NESE.

EXHIBIT A  
WYW-070497  
April 15, 2011  
Page 1 of 1



- indicates line covered under previous application
- indicates line covered under this application