

# Categorical Exclusion

## PacifiCorp Right-of-Way Renewal Application WYW-071293

**BLM**

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

March 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-R010-2010-0073-CX**

## Categorical Exclusion Documentation

### Background

BLM Office: Worland Field Office Lease/Serial/Case File No: WYW-071293

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

**Location of Proposed Action:** 6<sup>th</sup> PM, Washakie County, Wyoming, T. 46 N., R. 92 W., sec. 2, lots 6 and 11; T. 47 N., R. 91 W., sec. 35, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ .

### Description of Proposed Action:

PacifiCorp (Rocky Mountain Power) has requested renewal of existing ROW power line that serves CC Federal 2-1 well. The ROW expired in 2010.

### 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 devolvement of this project proposal.

### Land Use Plan Conformance

Washakie Resource Management Plan

Date Approved: September 1988

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s): WRMP ROD pg 14; "The RMP delineates preferred right-of-way corridors, right-of-way avoidance areas, right-of-way exclusion area, and area available for right-of-way under certain circumstances.

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.

### 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 2881

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: Holly Ellrott Date: 3-4-11  
(Signature)

*DK* 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-071293.

**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.**

## Categorical Exclusion Rationale

The action described in categorical exclusion DOI-BLM-WY-R010-2010-0086-CX has been reviewed to determine that none of the extraordinary circumstances listed below pertain to the proposed action.

- 2.1 Have significant impacts on public health or safety.
- 2.2 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.
- 2.3 have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].
- 2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.
- 2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.
- 2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.
- 2.7 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.
- 2.8 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.
- 2.9 Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.
- 2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).
- 2.11 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).
- 2.12 Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area of actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)