Categorical Exclusion Review

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Boise District Office
Four Rivers Field Office

Idaho Power Jim Rogers RoW Amendment

CE No.: DOI-BLM-ID-B010-2010-0008-CE Lease/Serial/Case File No.: IDI-20019

Purpose and Need for Action: Idaho Power received an application from Jim Rodgers to provide power to his private land. Since BLM land would need to be crossed to tap into the nearest existing line, Idaho Power applied for this amendment on May 21, 2009. BLM is authorized under Title V of the Federal Land Management and Policy Act (October 21, 1976; 43 CFR 2800) to authorize rights-of-way for this type of land use.

Description of Proposed Action: Idaho Power has requested a right-of-way amendment to allow an extension of a 19.9 kV overhead powerline to better serve their customers. The extension would be 5249.9 feet long by 10 feet wide for a total of 1.205 acres(Exhibit A). The right-of-way would be located within the boundaries of other existing rights-of-way. The new line would be amended to the existing right-of-way and would be subject to Boise District Standard Right-of-Way and Powerline Stipulations(Exhibits B and C). In addition the grant would be amended to include LEPA stipulations(Exhibit D).

Project Location: Sec 15, T2S, R4E

Applicant (if any): Idaho Power

Part I – Plan Conformance Review

This proposed Action is subject to the following land use plan: Kuna MFP
Date Plan Approved: 1983

The proposed action is in conformance with the applicable LUP even though it is not specifically provided for. Uses such as the one proposed are analyzed on a site specific basis and authorized under FLPMA guidance to provide for multiple use of the land.

Part II – NEPA Review

A. Categorical Exclusion Review: This proposed action qualifies as a categorical exclusion under 516 DM 11.9 E (12). Category description: Grants of right-of-way wholly within the boundaries of other compatibly developed rights-of-way.

B. Exceptions Review (Departmental List of Extraordinary Circumstances Review): Review the 12 exceptions which apply to individual actions within categorical exclusion. Environmental documents (EA or EIS) must be prepared for any actions involving these exceptions. (The following Departmental List of Extraordinary Circumstances apply to individual actions. Departmental instructions mandate that environmental documents MUST BE PREPARED for actions which may: (Mark applicable answer for each item. If "yes", prepare an EA/EIS and append this form to it.))

List of Exceptions

1. Have significant impacts on public health or safety.		
Yes ☐	No ☑	Specialist Signature/Date: ***Michael Borkoski 8-24-2009***
Comments/Explanation: Based upon many right-of-ways that we have granted for similar uses, we do not anticipate any significant impact to public health and safety.		
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; or ecologically significant or critical areas, or is not in compliance with the Fish and Wildlife Coordination Act.		
Yes ☐	No ☑	Specialist Signature/Date: ***Michael Borkoski 8-24-2009***
Comments/Explanation: There would be no significant impact to natural resources or unique geographic characteristics.		
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].		
Yes ☐	No ☑	Specialist Signature/Date: Michael Borkoski ***8-24-2009***
Comments/Explanation: We issue numerous RoWs and are not aware of any highly controversial environmental effects or conflicts that would occur from such use.		
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		
Yes ☐	No ☑	Specialist Signature/Date: ***Michael Borkoski 8-24-2009***
Comments/Explanation: Based upon the many right-of-ways that we have granted for similar uses we do not anticipate significant environmental effects.		
5. Establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects.		
Yes ☐	No ☑	Specialist Signature/Date: ***Michael Borkoski 8-24-2009***
Comments/Explanation: Authorizations of this type are a typical use of the public lands and do not set a precedent for future actions.		
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant environmental effects.		
Yes ☐	No ☑	Specialist Signature/Date: ***Michael Borkoski 8-24-2009***
Comments/Explanation: The improvements would be placed in an already disturbed area within an existing powerline and pipeline right-of-way. The issuance of the right-of-way would not cause new or additional effects in the area.		
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.		
Yes ☐	No ☑	Specialist Signature/Date: ***Dean Shaw 10-07-2009***
Comments/Explanation: A clearance was obtained from the FRFO archeologist and no listed or eligible properties were identified.		
8. Have significant impacts on species listed or proposed to be listed on the List of Endangered or Threatened Species, or on designated Critical Habitat for these species.		
Yes ☐	No ☑	Specialist Signature/Date for Plants: ***Mark Steiger 10-20-2009*** Specialist Signature/Date for Wildlife: ***Jill Holderman 01-11-2010*** Specialist Signature/Date for Aquatics:
Plants *Comments/Explanation*: A survey was conducted by an Idaho Power Botanist. After review by FRFO Botanist it was determined that there would be no effects.		
Wildlife *Comments/Explanation*: A survey was conducted by an Idaho Power Biologist. After review by FRFO Botanist it was determined that there would be no effects.		

Aquatics *Comments/Explanation*: There are no aquatics in the vicinity.		
9. Violate a Federal, State, local, or tribal law or requirement imposed for the protection of the environment.		
Yes ☐	No ☑	Specialist Signature/Date: ***Michael Borkoski 8-24-2009***
Comments/Explanation: This action does not violate any known law or requirement.		
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		
Yes ☐	No ☑	Specialist Signature/Date: ***Michael Borkoski 8-24-2009***
Comments/Explanation: There would be no disproportionate affect to these populations. Idaho Power will sell power to anyone.		
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).		
Yes ☐	No ☑	Specialist Signature/Date: ***Michael Borkoski 8-24-2009***
Comments/Explanation: Access for such use would not be limited.		
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).		
Yes ☐	No ☑	Specialist Signature/Date: ***Michael Borkoski 8-24-2009***
Comments/Explanation: The holder would be responsible for preventing weeds as a condition of the right-of-way grant (Exhibit B #9).		

I certify that none of the Departmental exceptions (Extraordinary Circumstances) listed in the above Part II (516 DM 2, Appendix 2) apply to this action; therefore, this categorical exclusion is appropriate for this situation.
Remarks:

Authorizing Official: /s/Terry A. Humphrey Date: 4/21/2010

Name: Terry A. Humphrey
Title: Four Rivers Field Manager

Part III – Conclusion

I have reviewed this plan conformance and NEPA compliance record and have determined that the proposed project is in conformance with the approved land use plan and that no further environmental analysis is required. It is my decision to pursue the issuance of a right-of-way grant, as described, with the stipulation(s) described above. A final decision will be issued with the RoW and administrative remedies will be identified at that time.

Mitigation Measures/Other Remarks:

Remarks:

Authorizing Official: /s/ Terry A. Humphrey Date: 4/21/2010

Name: Terry A. Humphrey
Title: Four Rivers Field Manager

RIGHT-OF-WAY STIPULATIONS

1. The holder shall notify the authorized officer of any change of mailing address.

2. The Holder shall file proof-of-construction within 90 days of completion of construction but no later than 1 year from the date of the grant, whichever is sooner.

3. The United States retains the right to authorize use of the right-of-way for other compatible uses (including the subsurface and air space).

4. Any cultural and/or paleontological resource (fossil(s) or historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. The holder will be responsible for the cost of evaluation, and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.

5. Use of pesticides, herbicides, and rodenticides shall comply with the applicable Federal and State laws, and only in accordance with their registered uses.

6. The holder shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of public lands under this grant or permit.

7. The holder(s) shall comply with the Toxic Substances Control Act of 1976 as amended, 15 U.S.C. 2601 et seq. (1982) with regards to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation, and Liability Act, section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.

8. The holder agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, et seq. or the Resource Conservation and Recovery Act, 42 U.S.C. 6901, et seq.) on the right-of-way (unless the release or threatened release is wholly unrelated to the right-of-way holder's activity on the right-of-way), or resulting from the activity of the right-of-way holder on the right-of-way. This agreement applies without

regard to whether a release is caused by the holder, its agent, or unrelated third parties.

9. As directed by the Authorized Officer the Holder shall be responsible for control of noxious weed species that result or would result from the construction, use, or maintenance of their grant.

   If herbicides are used the Holder shall comply with all applicable Federal and State laws and regulations. Herbicides shall be used only in accordance with their registered uses within the limitations imposed by the Secretary of the Interior. Prior to the use of herbicides, the Holder shall obtain from the authorized officer written approval of a Herbicide Use Proposal Plan showing the type and quantity of herbicide to be used, weed(s) to be controlled, method of application, and any other information deemed necessary by the authorized officer.

   Applicator(s) shall hold a current State of Idaho applicator's license or be under the direct supervision of a licensed applicator.

   For areas and acres treated the Holder shall submit to the BLM a completed "BLM Pesticide Application Record" form.

   Other control methods include but are not limited to annual mowing.

Exhibit C
Boise District Powerline Stipulation

1. Unless otherwise agreed to by the authorized officer in writing, power lines shall be constructed in accordance to standards outlined in Avian Power Line Interaction Committee (APLIC). *Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006.* Edison Electric Institute, APLIC, and the California Energy Commission. Washington DC and Sacramento CA. The holder shall assume the burden and expense of proving that pole designs not shown in the above publication are "eagle safe." Such proof shall be provided by a raptor expert approved by the authorized officer. 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 modifications and/or additions shall be made by the holder without liability or expense to the United States.

Stipulations

To be used in all use authorizations at the earliest opportunity where appropriate.

Consideration Zone

► As directed by the Authorized Officer the Holder shall be responsible for control of noxious weed species that result or would result from the construction, use, or maintenance of their grant.

If herbicides are used, the use shall comply with all applicable Federal and State laws. Herbicides shall be used only in accordance with their registered uses within limitations imposed by the Secretary of the Interior. Prior to the use of the herbicides, the Holder shall obtain from the Authorized Officer, written approval of a Herbicide Use Proposal Plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, locations of storage and disposal of containers, and any other information deemed necessary by the Authorized Officer.

Applicator(s) shall hold a current applicator's license.

For areas and acres treated the Holder shall submit to the BLM no later than 14 days after application a completed "BLM-LSRD Pesticide Application Record Form."

Other control methods include but are not limited to annual mowing.

The holder shall seed all disturbed areas, using an agreed upon method suitable for the location. Seeding shall be repeated if a satisfactory stand is not obtained as determined by the authorizing officer upon evaluation after the growing season. Goal is to establish a (40 – 60%, specifiy) perennial cover.

Seed shall be planted using a drill equipped with a depth regulator to ensure proper depth of planting where drilling is possible. The seed mixture shall be evenly and uniformly planted over the disturbed area (smaller/heavier seeds have a tendency to drop to the bottom of the drill and are planted first). The holder shall take appropriate measures to ensure this does not occur. Where drilling is not possible, seed shall be broadcast and the area shall be raked or chained to cover the seed. When broadcasting the seed, the pounds per acre noted below are to be doubled. The seeding will be repeated until a satisfactory stand is established as determined by the authorized officer. Evaluation of growth will not be made before completion of the growing season after seeding. The authorized officer is to be notified a minimum of days prior to seeding of the project. Goal is to establish a (40 – 60%, specify) perennial cover.

Seed Mixture

Species	Pounds/acre PLS
Vavilov	5 lbs/ac
Bannock Thickspike Wheatgrass	3 lbs/ac
Secar Snakeriver Wheatgrass	3 lbs/ac
Mountain Home Sandberg Bluegrass	.5 lb/ac
scarlet glovemallow	.2 lb/ac
Palmers penstemon	.2 lb/ac

Pure Live Seed (PLS) formula: % of purity of seed mixture times % germination of seed mixture = portion of seed mixture that is PLS.

The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.

All equipment shall be washed prior to entry to the construction site and anytime the equipment re-enters the site if it has been moved from the immediate location.

Prior to any ground disturbing maintenance activities within LEPA Management Areas, the holder shall contact the authorized officer.

In emergency situations holder can start work immediately, but will notify BLM as soon as possible. Every effort will be made to limit disturbance and every attempt will be made to avoid slickspots during these operations.