

CATEGORICAL EXCLUSION

Project Name/ Applicant: Idaho Power 12.5kV Pocatello Valley Fire District fire station power line ROW Renewal

Project/Case File Number: IDI-017260

Project Lead: Heather Schlenker

CX Number: DOI-BLM-ID-I020-2014-0019-CX

Date of Preparation: April 7, 2014

PROPOSED ACTION:

On September 17, 2010, Idaho Power Company submitted an application (SF-299) requesting a renewal of an existing right-of-way (ROW) authorization for a 12.5kV electric power line. The line is located in Bannock County as described below:

Boise Meridian, Idaho

T. 7 S., R. 35 E., sec. 20, NW¼SW¼.

The power line ROW, serial number IDI-017260, provides power to Pocatello Valley Fire District fire station. The ROW line is approximately 1,478.40 feet in length, 10 feet in width, and encumbers 0.340 acres of public land.

The original ROW was issued February 06, 1981, under Public Law 94-579 (Federal Land Policy and Management Act of October 21, 1976) (90 Stat. 2776; 43 U.S.C. 1761), for a period of 30 years expiring on February 05, 2011.

The proposed action is to issue a grant of right-of-way authorization to Idaho Power Company for a period of approximately 30 years, expiring on December 31, 2040. The issuance of the grants of right-of-way is authorized under Public Law 94-579 (Federal Land Policy and Management Act of October 21, 1976) (90 Stat. 2776; 43 U.S.C. 1761), and the current regulations found at 43 CFR 2800.

No additional rights would be granted beyond those of the original grant. Standard BLM terms and conditions will be included in the FLMPA grant.

There is currently a Recreation and Public Purposes (R&PP) lease on the area to Pocatello Valley Fire for purpose of the fire station. Issuance of the power line is consistent with the use of the lease.

CONSULTATION AND COORDINATION:

On April 7, 2014, this project was brought before an Interdisciplinary Team consisting of Bureau of Land Management (BLM) specialists. A description of the proposed action was posted to the online NEPA register. This is available to members of the public through the Pocatello Field Office webpage. No comments were received and no issues/conflicts were identified for this project.

FINDING AND RECOMMENDATION:

The proposed action is categorically excluded as outlined in 516 DM 11.9 E (9). This exclusion states that renewing and assigning permits or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations may be excluded from further environmental review. None of the extraordinary circumstances described in 43 Code of Federal Regulations (CFR) 46.215 apply.

Standard stipulations currently used for rights-of-ways would be incorporated into the grant to bring this authorization to current standards.

I recommend that the right-of-way authorization, IDI-017260 be granted for approximately 30 years, expiring on December 31, 2040. The grant would be issued with the right to renew, subject to current terms and conditions and the attached stipulations (Exhibit B). The right-of-way would be granted under the authority of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761) and current Bureau regulations found at 43 CFR 2800. Rent will be collected in accordance with 43 CFR 2806.10.

DECISION AND RATIONALE FOR THE DECISION:

It is my decision to issue a grant of right-of-way to Idaho Power Company for IDI-017260, authorizing the continued use of an existing 12.5kV power line on public land, under the authority of Title V of Public Law 94-579 (Federal Land Policy and Management Act). The right-of-way encumbers approximately 1.17 acres. The grant would be issued for approximately 30 years, expiring on December 31, 2040, with the right to renew, subject to the current terms and conditions found at 43 CFR 2800 and the attached stipulations (see Exhibit B). Rent will be collected in accordance of 43 CFR 2806.10.

The subject action qualifies as a Categorical Exclusion and meets the criteria contained in 516 DM 2, 11.9 E (9). None of the exceptions found in 43 Code of Federal Regulations (CFR) 46.215 apply.

LAND USE PLAN CONFORMANCE:

The Proposed Action is located in Bannock County, Idaho, within the boundaries of the Pocatello Field Office. The controlling Land Use Plan for this public land is the Pocatello Resource Management Plan (RMP) (April 2012) and was approved on July 10, 2012. The RMP states in part under **Action LR-6.1.6.** (pg. ARMP-84) that,

“For right-of-ways (ROW’s) which include energy and non-energy related ROW’s and Land Use Authorizations (LUA’s), 590,000 acres will be managed as Open Areas; 21,900 acres will be managed as Avoidance Areas and 1,900 acres will be managed as Exclusion Areas these areas are defined as follows:”

“Open Areas – These are areas not identified as avoidance or exclusion areas and are open to ROWs and land use authorization proposals.”

The proposed action is in an Open Area therefore, authorizations can be granted for all types of Land Use Authorizations and Right-of-Ways.

APPEALS INFORMATION:

43 CFR 4.21 (58 FR 4939, January 19, 1993) or 43 CFR 2801.10

/s/Heather Schlenker, Realty Specialist
Date: 4/9/2014

/s/Blaine Newman, NEPA Reviewer
Date:4/9/2014

/s/David A. Pacioretty, Pocatello Field Manager
Date:4/10/2014

Extraordinary Circumstances Requiring Preparation of an EA or EIS

(43 Code of Federal Regulations (CFR) 46.215)

The action described in categorical exclusion # ID- I010-2014-0019-CX has been reviewed to determine that none of the extraordinary circumstances listed below pertain to the proposed action.

<u>DM</u> #	<u>Extraordinary Circumstance</u>	<u>YES</u>	<u>NO</u>
1	<p>Have significant impacts on public health or safety. <i>The existing ROW has been in place since 1981. The proposed action will have no significant impacts on health or safety of the public.</i></p>		X
2	<p>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. <i>No wilderness, wilderness study areas and wild and scenic rivers are present near the project area. The ROW proposal would not impede opportunities for recreation.</i> <i>This project is not located within an Area of Critical Environmental Concern (ACEC) or Research Natural Area (RNA).</i> <i>Although migratory birds are present within the project area, no new disturbance would be authorized; as a result, no significant impacts to migratory birds would be expected.</i> <i>No known historic or cultural resources are located within the project area. This action is exempted under the State Protocol agreement between BLM and Idaho State Historic Preservation Offices (SHPO) under exempted action #24.</i></p>		X
3	<p>Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)]. <i>Action will not have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources. The existing ROW has been in place since 1981, and no known highly controversial or potentially significant environmental effects have resulted and should not result from the issuing of a renewed ROW. Action will not impact water quality or stream channels and floodplains.</i></p>		X
4	<p>Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. <i>Action will not impact water quality or stream channels and floodplains. The existing ROW has been in place since 1981, and no known highly uncertain and potentially significant environmental effects or unique or unknown environmental risks have resulted and should not result from the issuing of a renewed ROW.</i></p>		X

<u>DM</u> #	<u>Extraordinary Circumstance</u>	<u>YES</u>	<u>NO</u>
5	Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects. <i>The proposed action would renew and authorized the existing power line. There would be no new ground disturbing activities as a result of the action. The ROW has been in existence since 1981. The proposed action would not establish a precedent for future actions. Standard annual maintenance and monitoring practices would continue to be accomplished for the power line in the same manner as other authorized power lines. However, any new ground disturbing activities would be addressed and new NEPA would be required and effects evaluated.</i>		X
6	Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. <i>The proposed action would not have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects .The line has been in place since 1981and no cumulatively significant effects are anticipated . No cumulatively significant effects anticipated for the stream channel/floodplain.</i>		X
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. <i>As there are no known historic properties listed or eligible for listing on the NRHP located in the project area, the proposed action would have no significant impacts.</i>		X
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. <i>As there are no T&E or Proposed species, or critical habitat present within the project area, no significant impacts to these species would be expected. There are no T&E species or critical habitat present within the project area, no significant impacts to these species would be expected. The wolverine is proposed to be listed. The proposed project is located in an area that wolverine may travel through to access suitable habitat. The U.S. Fish & Wildlife Service determined that infrastructure development (buried pipeline) does not pose a threat to wolverine (US Department of Fish and Wildlife Service) Proposed Rule: Endangered and Threatened Wildlife and Plants; Threatened Status for the Distinct Population Segment of the North American Wolverine occurring in the Contiguous United States. Federal Register Vol.78, No.23. Monday, February4, 2013.</i>		X
9	Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment. <i>The proposed action does not violate any federal law or a State, local, or tribal law or requirement imposed for the protection of the environment. No cumulatively significant effects anticipated .</i>		X
10	Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898). <i>The existing pipeline ROW has been in place since 1963 and the proposed action would have no adverse effect on low income or minority populations.</i>		X

<u>DM</u> #	<u>Extraordinary Circumstance</u>	<u>YES</u>	<u>NO</u>
11	<p>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).</p> <p><i>There are no sacred sites known to occur in the project area. Furthermore, the project will not limit access to Indian sacred sites on Federal lands or impact traditional resource use in the area.</i></p>		X
12	<p>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).</p> <p><i>The proposed action will have no on the ground changes to the already existing power line ROW. Standard terms and conditions for weeds are included in the authorization. The proposed action will not contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species.</i></p>		X



T. 7 S., R.35 E., sec. 20
Bannock County/ Mink Creek

Exhibit A
3/20/2014 HS

Idaho Power/ IDI-17260 Pocatello Valley Fire Station Power line ROW Renewal



Legend

- Bureau of Land Management
- Private
- State of Idaho
- US Forest Service
- NSDI PLSS Sections



THE BUREAU OF LAND MANAGEMENT IS AN AGENCY OF THE U.S. DEPARTMENT OF THE INTERIOR. HEADQUARTERS ARE IN DENVER, COLORADO. WE HAVE OFFICES THROUGHOUT THE WESTERN UNITED STATES.



Stipulations- Exhibit B

IDI-017260

The Holder, by accepting this right-of-way grant, agrees and consents to comply with and be bound by the following terms and conditions:

Operation and Maintenance

1. The Holder shall conduct all activities associated with the operation and termination of the right-of-way within the authorized limits of the right-of-way. If at any time the Holder wishes to reconstruct, remodel or relocate any portion of the right-of-way, or the improvements, in a manner defined as a substantial deviation in the most recent version of the Master Agreement between Idaho BLM and IPC, prior written approval must be obtained from the authorized officer. No such approval will be given unless an application is filed subject to applicable regulations
2. The Holder should avoid travel on roads, trails, and maintenance routes that would create ruts greater than 3 inches in depth. Because of constrained outage windows, some maintenance activities will necessarily occur where ruts will be greater than 3 inches in depth. If the creation of ruts greater than 3 inches is unavoidable, the Holder will 1) notify the IPC ROW Team Manager, so that the authorized officer can begin to determine remedial actions; 2) flag avoidance areas within the previously disturbed road, trail or maintenance route surface to minimize or avoid resource damage; and 3) upon completion of the maintenance project, and when the conditions are appropriate for remedial work, the Holder will re-grade the road, trail or maintenance route to a condition comparable to the condition prior to disturbance, or as required by the authorized officer.
3. Right-of-way shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. 'Waste' means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.
4. There is reserved to the Authorized Officer, the right to grant additional rights-of-way or permits for compatible use on, over, under, or adjacent to the land involved in this grant.
5. Ninety (90) days 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 may 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.

Weed Control

6. The holder shall be responsible for weed control within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local

authorities for acceptable weed control methods (within limits imposed in the grant stipulations).

7. Holder shall comply with the applicable Federal and State Laws and regulations concerning the use of pesticides (i.e. insecticides, herbicides, fungicides, rodenticide, and other similar substances) in all activities/operations under this grant. Pesticides shall be used only in accordance with their registered uses and within the limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the Holder shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. Emergency use of pesticides shall be approved in writing by the authorized officer prior to such use. Pesticides shall not be permanently stored on public lands authorized for use under this grant. Applicator(s) shall hold a current applicator's license.
8. The Holder is responsible for ensuring the undercarriages of equipment and/or vehicles used within the right-of-way are free of all soil and plant material prior to operating on public lands to reduce the establishment of new invasive, non-native species and/or the spread of existing species to new areas. High concentrations (defined as comprising greater than 50% of the existing vegetation) of noxious weeds in the immediate area of mechanical operations shall be mowed to ground level prior to the start of project activities. Equipment and vehicles operating off of main roads shall be cleaned prior to leaving the job site when the job site contains noxious weed populations.

Cadastral

9. The holder shall protect all survey monuments found within the right-of-way. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the holder shall immediately report the incident, in writing, to the authorized officer and the respective installing authority if known. Where General Land Office or Bureau of Land Management right-of-way monuments or references are obliterated during operations, the holder shall secure the services of a registered land surveyor or a Bureau cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the *Manual of Surveying Instructions for the Survey of the Public Lands in the United States*, latest edition. The holder shall record such survey in the appropriate county and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the holder shall be responsible for the survey cost.

Cultural

10. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal 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. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. 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.
11. Any human remains, funerary objects, sacred objects, or objects of cultural patrimony discovered by the Holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer by telephone, with written confirmation. Holder shall immediately stop any ongoing activities connected with the discovery and make a reasonable effort to protect the discovered remains or objects until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. Any decision as to proper mitigation measures will be made by the authorized officer after consulting with the Holder.

Environmental Protection

12. 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 of 1976, 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.) This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.
13. The holder(s) shall comply with all applicable Federal, State and local laws and regulations, existing or hereafter enacted or promulgated, with regard to any HazMat, as defined in this paragraph, that will be used, produced, transported or stored on or within the ROW or any of the ROW facilities, or used in the construction, operation, maintenance or termination of the ROW or any of its facilities. "Hazardous material" means any substance, pollutant or contaminant that is listed as hazardous under the CERCLA of 1980, as amended, 42 U.S.C. 9601 et seq., and its regulations. The definition of hazardous substances under CERCLA includes any "hazardous waste" as defined in the RCRA of 1976, as amended, 42 U.S.C. 6901 et seq. and its regulations. The term hazardous materials also includes any nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended, 42 U. S. C. 2011 et seq. The term does not include petroleum, including crude oil or any fraction thereof that is not otherwise

specifically listed or designated as a hazardous substance under CERCLA section 101(14), 42 U.S.C. 9601(14), nor does the term include natural gas.

14. The authorized officer may suspend or terminate in whole or in part this right-of-way grant when, in the authorized officer's judgment, unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.

Avian

15. Unless otherwise agreed to by the authorized officer in writing, power lines shall be constructed in accordance to standards outlined by U.S. Fish and Wildlife Service (Service) and the Avian Power Line Interaction Committee (APLIC), 2012. Reducing Avian Collisions with Power Lines: State of the Art in 2012. Edison Electric Institute, APLIC., Washington, D.C. (including future revisions or amendments, and current BLM policy). 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.
16. Maintenance activities should be conducted so as not to result in a take of migratory birds as defined by the Migratory Bird Treaty Act of 1918 (16 U.S.C. § 703 et seq. (2012) as amended. Maintenance activities occurring during nesting season, February 1 through July 31, should be limited to areas of existing surface disturbance (i.e., existing roads and structure pads). If maintenance activities have the potential to result in a take of migratory birds (e.g., if vegetation in which birds may nest might be removed or driven over) then the Holder must inventory those areas for migratory birds prior to conducting the maintenance and consult with the FWS on any potential takes and copy the BLM on those correspondences.

Fire

17. The Holder will provide and maintain vegetation clearance, using acceptable weed control methods as determined through consultation with the authorized officer, for a minimum of 4 feet in radius around the base of wooden power structures within the right-of-way. Additional vegetation removal shall be contained within bounds of the right-of-way, will not exceed a maximum of 20 feet in radius, and will be conducted as listed in Master Agreement, effective April 6, 2012.
18. Where monitoring or inspections have identified problem areas in relation to bird related fires, the utility will provide to the BLM a mitigation plan to decrease the risk of bird related fire ignitions. The utility will implement to the mitigation measures once the plan has been approved by the Authorized Officer.