

CATEGORICAL EXCLUSION

Applicant/Project Name: Green Velvet Reclamation Inc. Power Line ROW

Project/Case File Number: IDI-37714

Project Lead: Heather Schlenker

CX Number: ID-I010-2014-0030-CX

Date of Preparation: June 10, 2014

BACK GROUND:

On March 27, 2014, Green Velvet Reclamation Incorporated, submitted an application (SF-299) requesting a right-of-way (ROW) authorization for a buried electric power line. The ROW request is located approximately 6.5 miles West of Rexburg, Idaho in Madison County and is described below:

Boise Meridian, Idaho

T. 6 N., R. 38 E.,
sec. 25, NWNE, SWNE.

The power line ROW, serial number IDI-37714, would come from the main power line (ROW IDI-4672 and IDI-13819) held by PacifiCorp, and cross public lands to provide power to Green Velvet Reclamation on private land.

The ROW line would be approximately 1400 feet (.25 miles) in length, 15 feet in width, and encumber 0.48 acres of public land, more or less. Green Velvet has a contract with Rocky Mountain Power for electric services and the line would be installed, maintained, and operated in accordance to the company's standards and specifications. Installation of the line would require some removal of vegetation and rock. Green Velvet would re-seed the disturbed area with a BLM approved seed mixture and will be responsible for weed control as imposed by a right-of-way grant stipulation.

The trench would be approximately 30 inches deep by 12 inches wide with 3 inch conduit. One new power pole, overhead conductors and pedestal metering would also be included to support the underground line. The line would deliver 277/480 volt, three-phase electric service however the line would be capable of providing 225 kW.

The project area is located just inside the boundary of designated Priority General Habitat (PGH) for Greater Sage Grouse and the Snake River Area of Critical Concern (ACEC), (see Exhibit A).

PROPOSED ACTION:

The proposed action is to issue a grant of right-of-way to Green Velvet Incorporated for a period of approximately 30 years, expiring on December 31, 2044. The issuance of the grant 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.

The authorization would allow for construction, installation, maintenance, operation and removal of the buried line and associated equipment.

Standard BLM terms and conditions will be included in the FLMPA grant.

CONSULTATION AND COORDINATION:

On June 9, 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 Upper Snake Field Office webpage. No comments were received and no issues/conflicts were identified for this project.

LAND USE PLAN CONFORMANCE:

The Proposed Action is located in Madison County, Idaho, within the boundaries of the Upper Snake Field Office. The BLM's Medicine Lodge Resource Management Plan (BLM 1985) provides general guidelines for the protection and use of resources in these areas. While this action is not specifically addressed in the document, the plan does provide for the consideration of right-of-way applications.

APPEALS INFORMATION:

Right-of-way Decisions become effective upon approval by the authorized officer (43 CFR 2801.10(b)). Appeal procedures may be found at *43 CFR 4.21 (58 FR 4939, January 19, 1993)* or *43 CFR 2801.10*.

FINDING AND RECOMMENDATION:

The proposed action is categorically excluded as outlined in 516 DM 11.9 E (17) for grants of a short right-of-way for utility services or terminal access roads to an individual residence, outbuilding or water well. 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-37714 be granted for a period of approximately 30 years, expiring on December 31, 2044. The grant will be issued with the right to renew, subject to the terms and conditions and the attached stipulations (see Exhibit B). The ROW is to be issued under the authority of Public Law 94-579 (Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761), and the regulations found at 43 CFR 2800. Annual rental would be required in accordance with 43 CFR 2806.10

/s/Heather Schlenker, Realty Specialist
Date:7/24/2014

/s/Marissa Guenther, NEPA Reviewer
Date:7/23/2014

DECISION AND RATIONALE FOR THE DECISION:

It is my decision to issue a grant of ROW authorizing the a buried electric power line, under the authority of Title V of Public Law 94-579 (Federal Land Policy and Management Act) and be subject to the 43 CFR 2800 regulations. The power line encumbers approximately 0.048 acres of public land. The grant would be issued for approximately 30 years, expiring on December 31, 2044, with the right to renew, subject to the current terms and conditions found at 43 CFR 2800 and the attached stipulations (Exhibit B). Annual rental would be required in accordance with 43 CFR 2806.10.

The subject action qualifies as a Categorical Exclusion and meets the criteria contained in 516 DM 2, 11.9 E (17). None of the exceptions found in 43 Code of Federal Regulations (CFR) 46.215 apply.

/s/Jeremy Casterson, Field Manager
Date:8/07/2104

Extraordinary Circumstances Requiring Preparation of an EA or EIS

(43 Code of Federal Regulations (CFR) 46.215)

The action described in categorical exclusion # ID- I010-2014-0030-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.</p> <p><i>The proposed action would 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.</p> <p><i>No wilderness, wilderness study areas or wild and scenic rivers are present near the project area. The ROW proposal would not impede opportunities for recreation.</i></p> <p><i>This project is located within the Snake River ACEC however this project would not impede protection, maintenance, or enhancement of relevant and important values for which the ACEC was designated.</i></p> <p><i>This project is not located within a Research Natural Area (RNA).</i></p> <p><i>No significant impacts to riparian-wetland areas would occur.</i></p> <p><i>Although migratory birds are present within the project area, however, no significant impacts to migratory birds would be expected.</i></p> <p><i>No known historic or cultural resources are located within the project area. A class III inventory was conducted on June 2, 2014 by BLM Archaeologist.</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)].</p> <p><i>Action would not have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources. No known highly controversial or potentially significant environmental effects have resulted from other power lines existing in the area and should not result from the issuing of a buried power line ROW. Action would 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.</p> <p><i>Action would not impact water quality or stream channels and floodplains. No known highly uncertain and potentially significant environmental effects or unique or unknown environmental risks are expected to result from the issuing of the 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 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. 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.</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 proposed action would have no adverse effect on low income or minority populations.</i>		X
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). <i>There are no sacred sites known to occur in the project area. Furthermore, the project would not limit access to Indian sacred sites on Federal lands or impact traditional resource use in the area.</i>		X
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). <i>Standard terms and conditions for weeds are included in the authorization. The proposed action would not contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species as the applicant would be responsible for weed control as outlined in the grant stipulations.</i>		X



**Green Velvet Reclamation/ IDI-37714
Buried Power Line ROW Request**

**T. 6 N., R.38 E., sec.25
Madison County**

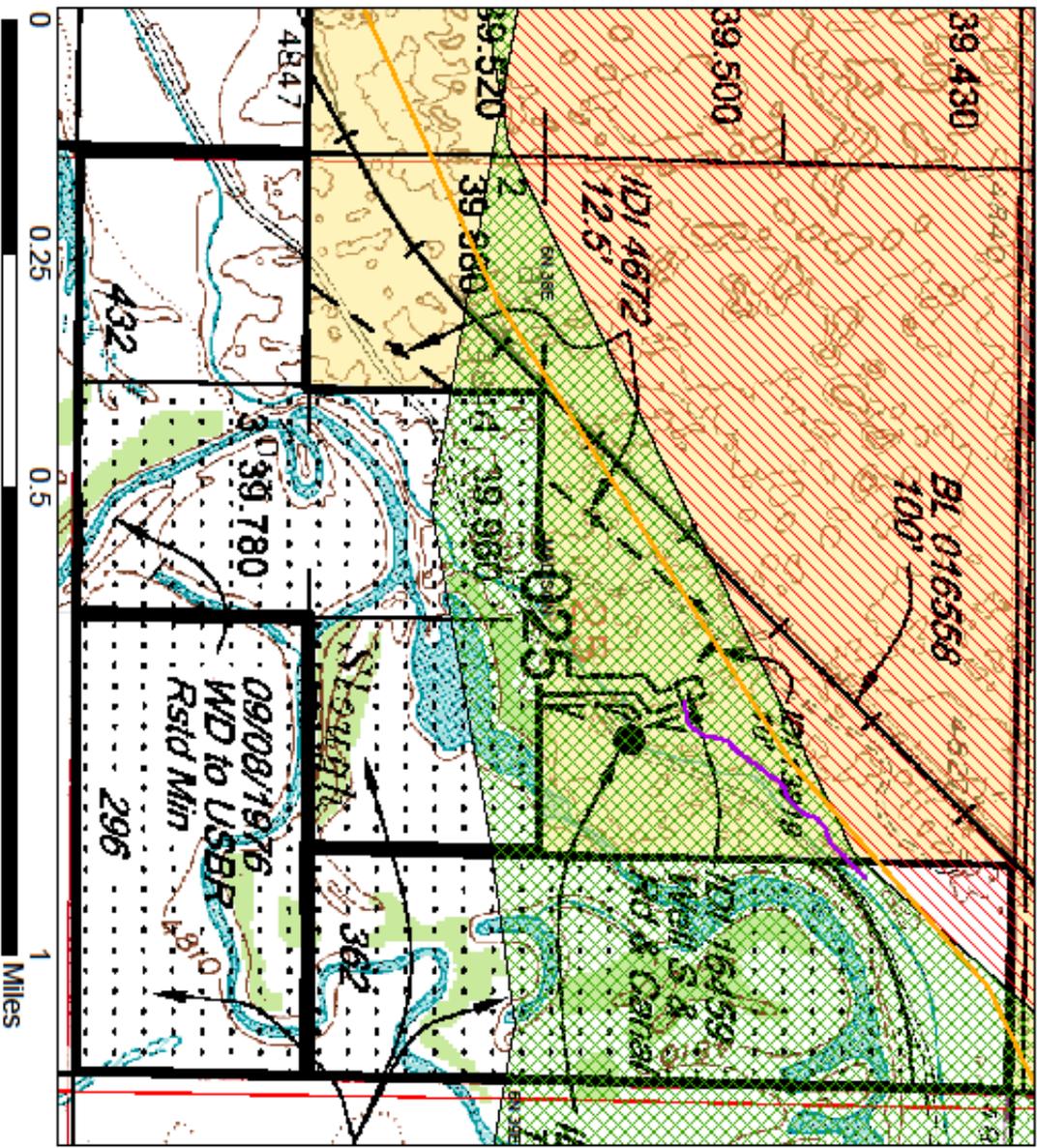


Exhibit A
5/1/2014 HS

Legend

-  route 1- approved by Rocky Mt Power
-  Existing Areas of Critical ACECs (Idaho) Environmental Concern (ACEC)
-  Preliminary General Habitat (Version 2 April 2012)
-  ID_2012_PPH_Final_v2_04232012_usfo
-  Preliminary Priority Habitat (Version 2 April 2012)
-  Sagebrush
-  Bureau of Land Management
-  Private
-  State of Idaho
-  US Forest Service



IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY
2014





T. 6 N., R.38 E., sec.25
Madison County

Exhibit A-2
5/1/2014 HS

Green Velvet Reclamation/ IDI-37714 Buried Power Line ROW Request



Legend

-  Bureau of Land Management
-  Private
-  State of Idaho
-  US Forest Service



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Stipulations- Exhibit B

IDI-37714

Construction

1. The holder shall submit a plan or plans of development that describe in detail the construction, operation, maintenance, and termination of the right-of-way and its associated improvements and/or facilities. The plans will be reviewed, and if appropriate, modified and approved by the authorized officer. An approved plan of development shall be made a part of the right-of-way grant.
2. The holder shall contact the authorized officer at least [10] days prior to the anticipated start of construction and/or any surface disturbing activities. The authorized officer may require and schedule a preconstruction conference with the holder prior to the holder's commencing construction and/or surface disturbing activities on the right-of-way. The holder and/or his representative shall attend this conference. The holder's contractor, or agents involved with construction and/or any surface disturbing activities associated with the right-of-way, shall also attend this conference to review the stipulations of the grant including the plans(s) of development.
3. The holder shall designate a representative(s) who shall have the authority to act upon and to implement instructions from the authorized officer. The holder's representative shall be available for communication with the authorized officer within a reasonable time when construction or other surface disturbing activities are underway.
4. The authorized officer may suspend or terminate in whole, or in part, any notice to proceed which has been issued when, in his 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.
5. Holder shall disturb and remove only the minimum amount of soils and vegetation necessary for the construction of structures and facilities. Topsoil shall be conserved during excavation and reused as cover on disturbed areas to facilitate regrowth of vegetation.
6. The holder shall seed all disturbed areas, using an agreed upon method suitable for the location. The seeding will be repeated until a satisfactory stand is established as determined by the authorized officer.
7. The holder shall revegetate all disturbed areas using a seed mixture specified/approved by the authorized officer. Seeding shall not be initiated prior to October 1 of the year of completion of the construction activities and shall be completed prior to the following growing season. The seed mixture shall be planted in the amounts specified in pounds of pure live seed (PLS)/acre. There shall be no primary or secondary noxious weed seed in the seed mixture (it must be certified weed free). Seed shall be certified seed; exceptions to this requirement must be approved in writing by the authorized officer. The seed mixture

container shall be tagged in accordance with State law(s) and the tag(s) submitted for inspection by the authorized officer. Seeding shall be repeated if a satisfactory stand is not obtained as determined by the authorized officer upon evaluation after the second growing season.

8. 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.

Operation and Maintenance

9. No routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of 3 inches deep, the soil shall be deemed too wet to adequately support construction equipment.
10. 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.
11. 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.
12. 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

13. 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).
14. Use of all pesticides (including fungicides, herbicides, insecticides, etc.) shall comply with the applicable Federal and State laws. Pesticides shall be used only in accordance with their registered uses and within 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.
15. During surface disturbing construction and maintenance activities, the holder shall ensure that all construction equipment and vehicles are cleaned of all vegetation (stems, leaves, seeds, and all other vegetative parts) prior to entering public lands in order to minimize the

transport and spread of noxious weeds. During surface disturbing construction and maintenance activities, the holder shall ensure that all construction equipment and vehicles are cleaned of all vegetation (stems, leaves, seeds, and all other vegetative parts) prior to leaving public lands in areas that are known by the authorized officer of the BLM to be infested with noxious weeds.

Cadastral

16. 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

17. 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.
18. Pursuant to 43 CFR 10.4(g), the holder of this authorization must immediately notify the authorized officer by telephone, with written confirmation, upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the holder must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer. The BLM Authorized Officer will determine avoidance, protection or mitigation measures in consultation with the Holder, Idaho SHPO, and affected Tribes. Costs associated with the discovery, evaluation, protection or mitigation of the discovery shall be the responsibility of the holder.
19. The holder shall notify the Authorized Officer at least 90 days prior to any non-emergency

activities that would cause surface disturbance in the right-of-way. The Authorized Officer will determine if a cultural resource inventory, treatment or mitigation is required for the activity. The holder will be responsible for the cost of inventory, avoidance, treatment or mitigation; including any maintenance-caused damage. The Authorized Officer will determine avoidance, treatment and mitigation measures that are necessary after consulting with the holder and under Section 106 of the National Historic Preservation Act.

Environmental Protection

20. 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.
21. 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.

Avian

22. 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. If the lines need to be modified to meet the above requirements, the modifications will be conducted outside the migratory bird nesting season (April 1- June 30).