United States Department of the Interior
Bureau of Land Management

Categorical Exclusion Not Established By Statute
DOI-BLM-UT-C010-2016-0001-CX
October 2015

PacifiCorp dba Rocky Mountain Power
Right-of-way Renewal

Location: **Beaver County, Utah**

Applicant/Address: PacifiCorp dba Rocky Mountain Power
1407 W. North Temple, Suite 110
Salt Lake City, UT 84116

BUREAU OF LAND MANAGEMENT
Cedar City Field Office
176 East DL Sargent Drive
Cedar City, UT 84721
Telephone (435) 865-3000

CATEGORICAL EXCLUSION DOCUMENTATION

A. Background

BLM Office:	Cedar City Field Office (LLUTC01000)
Lease/Serial/Case File No.:	UTU-0-144899
Proposed Action Title/Type:	Rights-of-way (ROW) Renewal
Location of Proposed Action:	See Exhibit A

The Bureau of Land Management (BLM) proposes to renew authorizations for the continued operation of an underground 7.2 kV powerline interconnected with an overhead 7.2kV/12.5 kV powerline. The lines are authorized to Pacificorp DBA Rocky Mountain Power. The proponent has requested another 30-year term right-of-way for the sites mentioned below. No physical changes to structure or location are proposed on the ground.

This casefile includes 4 amendments to the original right-of-way grant issued:
Amendments #1-3 consist of an overhead 7.2kV/12.5kV powerline.
Amendment #4 consists of an underground 7.2kV powerline that connects amendments #1-3 to serve the Triad Cellular Tower on Gilles Hill.

	Width (feet)	Length (feet)	Acres
Amendments #1-3	25	27,654.7	15.872
Amendment #4	25	880	.505
Total	25	28,534.7	16.377

The terms and conditions contained in Exhibit B will be made a part of the grant.

B. Land Use Plan Conformance

The proposed action is in conformance with the Cedar Beaver Garfield Antimony Resource Management Plan approved, June 10, 1986. It is specifically provided for in Decision 3.1 (p.9) which states that applications for use authorizations such as rights-of-way, leases, and permits should be processed on a case-by-case basis.

C. Compliance with NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with:

- 516 DM Chapter 11.9.E (9) which reads: "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 43 CFR Part 46.215 applies.

D. Signature

Authorizing Official: Elizabeth R Burghard Date: 10/21/15

Elizabeth R. Burghard
Field Office Manager

Contact:

For additional information concerning this CX please contact:

Brooklynn Shotwell
Land Law Examiner
Cedar City Field Office
176 East DL Sargent Drive
Cedar City, UT 84721
(435) 865-3047

Categorical Exclusion Review Record

Resource	Yes/No*	Assigned Specialist Signature	Date
Air Quality	No	Jeff Reese	10/13/15
Areas of Critical Environmental Concern	No	Jeff Reese	10/13/15
Cultural Resources	No	Jamie Palmer	10/6/2015
Environmental Justice	No	Brooklynn Shotwell	10/02/2015
Farm Lands (prime or unique)	No	Jeff Reese	10/13/15
Floodplains	No	Jeff Reese	10/13/15
Invasive Species/Noxious Weeds	No	Jeff Reese	10/20/15
Migratory Birds	No	Sheri Whitfield	10/19/15
Native American Religious Concerns	No	Jamie Palmer	10/6/2015
Threatened, Endangered, or Candidate Species	No	Sheri Whitfield	10/19/15
Wastes (hazardous or solid)	No	Glenn Pepper	10/16/2015
Water Quality (drinking or ground)	No	Jeff Reese	10/13/15
Wetlands / Riparian Zones	No	Jeff Reese	10/13/15
Wild and Scenic Rivers	No	Dave Jacobson	10-16-2015
Wilderness	No	Dave Jacobson	10-16-2015
Other:			

* A "yes" means that extraordinary circumstances *do* apply and this action would not be eligible for a CX. If you write "yes" here we will do an environmental assessment.

Program Lead: Brooklynn Shotwell Date: 10/20/15

Environmental Coordinator: Gina Genaines Date: 10/21/15

Extraordinary Circumstance to Categorical Exclusions
Exceptions to Categorical Exclusion Documentation

The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215) apply. The project would:

Extraordinary Circumstances		
1. Have significant impacts on public health or safety.		
Yes	**No**	**Rationale:** The proposed renewal of this ROW would not impact public health and safety because this powerline already exists and there is no proposed ground disturbance. The ROW holder will be subject to all local, state, and federal laws and regulations for health and safety.
	X	
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.		
Yes	**No**	**Rationale:** The proposed action would not affect any of the above cited resources because these are already existing lines and there is no proposed ground disturbance.
	X	
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].		
Yes	**No**	**Rationale:** The proposed action would create no additional impacts to the environment beyond those already present. It is not highly controversial nor does it involve any unresolved conflicts.
	X	
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		
Yes	**No**	**Rationale:** No unique unknown environmental risks are foreseeable. The impacts are well known, well documented, and predictable based on the fact that these ROW were previously authorized and operational.
	X	
5. Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.		
Yes	**No**	**Rationale:** The proposed action would not set a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects. All future actions will be considered independently.
	X	
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		
Yes	**No**	**Rationale:** The proposed action would not have any cumulatively significant environmental effects. There would be no significant direct effects from the project so there would be no cumulative effects.
	X	
7. Have significant impacts on properties listed, or eligible for listing, on the National Register		

Extraordinary Circumstances		
of Historic Places as determined by the bureau.		
Yes	**No** X	**Rationale:** There would be no adverse effects on the properties listed, or eligible for listing, in the National Register of Historic Places, as the proposed action is for administrative purposes only.
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.		
Yes	**No** X	**Rationale:** UTU-0-144899 is mapped UDWR crucial mule deer winter and summer ranges. A stipulation is contained in Exhibit B which would protect this resource.
9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		
Yes	**No** X	**Rationale:** The proposed authorization would be in conformance with all known environmental laws or requirements under the proposed terms and conditions.
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		
Yes	**No** X	**Rationale:** Neither of the following would apply to the project: 50 percent or more would be part of the minority population; within the project area, the minority population percentage is greater than the minority population percentage outside the project area or in the general population.
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** X	**Rationale:** The proposed action would not limit access to any known sites nor affect the physical integrity of such.
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** X	**Rationale:** The proposed action would not contribute to the introduction, continued existence, or spread of noxious weeds and non-native invasive plants. The authorization would include current terms and conditions for the control of noxious weeds.

EXHIBIT – A
PACIFICORP DBA ROCKY MOUNTAIN POWER
RIGHT-OF-WAY RENEWAL

UTU-0-144899

LEGAL DESCRIPTION

Meridian	Township	Range	Section	Subdivision
SLM	T. 27 S.	R. 07 W.	17	Lot 4, NE¼SE¼;
SLM	T. 27 S.	R. 07 W.	20	E½NE ¼, NE¼SE¼;
SLM	T. 27 S.	R. 07 W.	21	SE¼SW¼, W½SW¼;
SLM	T. 27 S.	R. 07 W.	28	W½E½, NE¼NW¼;
SLM	T. 27 S.	R. 07 W.	33	SW¼NE¼, E ½SE¼;
SLM	T. 28 S.	R. 07 W.	04	Lot 1, SE¼NE¼, E½SE¼;
SLM	T. 28 S.	R. 07 W.	09	NE¼NE¼;
SLM	T. 28 S.	R. 07 W.	10	SW¼NW¼;

Acres: 16.377

EXHIBIT – B
PACIFICORP DBA ROCKY MOUNTAIN POWER
RIGHT-OF-WAY RENEWAL

UTU-0-144899

STIPULATIONS / TERMS AND CONDITIONS

General

1. In case of change of address, the holder shall immediately notify the Bureau of Land Management (BLM) Authorized Officer.

2. 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.

3. If at any time hereafter the holder wishes to reconstruct, remodel, or relocate any portion of the right-of-way or change, modify, or add improvements or facilities thereon, the prior written approval of the Authorized Officer must be obtained. The holder must amend this right-of-way grant at any time additional land, equipment, and/or new uses are proposed which are beyond the scope of the existing authorization.

4. If the right-of-way holder violates any of the terms and conditions of this grant, the authorized officer, after giving written notice may declare the grant terminated.

5. This grant will be issued subject to all valid existing rights including other authorized rights-of-way that may be located adjacent to or which may be affected by the construction, operation, maintenance and termination of this described right-of-way. Any existing facilities which may be damaged during operation, maintenance, or termination of this right-of-way shall be repaired or restored to the same condition as existed prior to the damage.

6. This right-of-way applies only to public lands. It is the grantee's responsibility to obtain appropriate authorization from the land owners of other affected lands.

7. Holder may not construct or make access roads or travel cross-county by vehicle to reach the grant area unless prior written approval is given by the Authorized Officer.

8. 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.

9. 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.

10. The holder shall comply with the provision of Title VI of the Civil Rights Act of 1964, and will not engage in any discriminatory actions prohibited by 43 CFR Part 17, to the end that no person in the United States shall, on the grounds of race, color, national origin, or gender, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under the program for which the holder has received a Federal authorization.

11. The holder or their contractors will notify the BLM of any fires and comply with all rules and regulations administered by the BLM concerning the use, prevention and suppression of fires on federal lands, including any fire prevention orders that may be in effect at the time of the permitted activity. The holder or their contractors may be held liable for the cost of fire suppression, stabilization and rehabilitation. In the event of a fire, personal safety will be the first priority of the holder or their contractors. The holder or their contractors will:
    a) Operate all internal and external combustion engines on federally managed lands per 36 CFR 261.52, which requires all such engines to be equipped with a qualified spark arrester that is maintained and not modified.
    b) Initiate fire suppression actions in the work area to prevent fire spread to or on federally administered lands.
    c) Carry shovels, water, and fire extinguishers that are rated at a minimum as ABC – 5 pound on all equipment and vehicles. If a fire spreads beyond the suppression capability of workers with these tools, all will cease fire suppression action and leave the area immediately via pre-identified escape routes.

    Notify the Cedar City Interagency Fire Center at (435) 865-4600, or 911 immediately of the location and status of any escaped fire. Construction personnel will be trained in basic fire control procedures.

Public Health & Safety Environmental Protection

12. Failure of the Holder to comply with applicable law or any provision of this right-of-way grant shall constitute grounds for suspension or termination thereof.

13. Holder shall maintain the right-of-way in a safe, usable condition, as directed by the authorized officer.

14. The holder agrees to indemnify and hold harmless the United States for any and all liability, including injury to persons or damage of property, which may result directly from the use permitted.

15. The Holder of Right-of-Way 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.

16. The Authorized Officer may suspend or terminate in whole, or in part, any notice to proceed which has been issued when, in his/her 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.

17. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder 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.

18. If during any phase of the construction, operation, or termination any oil or other pollutant should be discharged from containers or vehicles and impact Federal lands, the control and total removal, disposal, and cleanup of such oil or other pollutant, wherever found, shall be the responsibility of the holder, regardless of fault. Upon failure of holder to control, cleanup, or dispose of such discharge on or affecting Federal lands, or to repair all damages to Federal lands resulting there from, the authorized officer may take such measures as he deems necessary to control and cleanup the discharge and restore the area, including, where appropriate, the aquatic environment and fish and wildlife habitats, at the full expense of the Holder. Such action by the authorized officer shall not relieve the holder of any liability or responsibility.

Cultural

19. Any cultural or paleontological resource (historic or prehistoric site or object) or Native American human remains, funerary item, sacred object, or objects of cultural patrimony discovered by the permit holder, or any person working on their behalf, during the course of activities on Federal land, shall be immediately reported to the BLM Authorized Officer by telephone, with written confirmation. The permit holder shall suspend all operations 100 meters within the discovery and appropriately protect the discovery until an evaluation has been made by the BLM Authorized Officer.

    a. If Native American human remains, funerary objects, sacred objects, or objects of cultural patrimony are encountered during an undertaking involving BLM managed lands, the parties will comply with the Native American graves Protection and Repatriation Act (NAGPRA) and its implementing regulations at 43 CFR Part 10, Subpart B.

b. For cultural resources other than Native American human remains, funerary item, sacred object, or objects of cultural patrimony, this evaluation will determine the significance of the discovery and what mitigation measures are necessary to allow activities to proceed. The holder is responsible for the cost of evaluation and mitigation. Any decision on treatment and/or mitigation will be made by the BLM Authorized Officer after consulting with the permit holder. Operations may resume only upon written authorization to proceed from the BLM Authorized Officer.

Vegetation/Weeds

20. The holder will be responsible for controlling noxious weeds within the limits of the right-of-way. Noxious weeds are defined as those which are listed by the Utah Commissioner of Agriculture under the Noxious Weed Act, and those declared noxious by the County in which the ROW resides. The holder will employ weed control methods approved in writing by the BLM Authorized Officer. An approved Pesticide Use Proposal (PUP) must be obtained prior to application of herbicides. Upon coordination with the Authorized Officer, the holder may elect to operate under an approved PUP which the BLM holds, or may apply for its own PUP, either through the Authorized Officer or the BLM Utah State Office. A daily Pesticide Application Report (PAR) must be submitted to the Authorized Officer for each day weeds are sprayed on the ROW.

Wildlife

21. No surface use, ground disturbance or otherwise disruptive maintenance activities would be allowed from April 1 through July 15 without the completion of migratory bird nest surveys within priority habitats. Surveys would focus on bird species identified as priority bird species in Utah through Partner's in Flight and U.S. Fish and Wildlife Service Birds of Conservation Concern. The need for field surveys will be determined by the BLM wildlife biologist. Based on surveys, the BLM wildlife biologist will determine appropriate buffers and timing limitations.

22. No off road travel, surface use or otherwise disruptive activity would be allowed from December 1 through April 15 within identified crucial winter mule deer and/or elk habitat. This notice may be waived, accepted, or modified by the BLM authorized officer if either the resource values change or the grantee/operator demonstrates that adverse impacts can be mitigated. The grantee/operator must request in writing an exception for construction, ground disturbance, or otherwise disruptive maintenance activities during this time frame. The request for an exception must include duration of activity (exact start and end dates when the action is needed) and specific activity (including number of people, equipment). The BLM authorized officer will review the request to determine current conditions and potential impacts to wintering deer/elk. If construction/activities are authorized, implementation would cease when snow depth is > 6" and/or temperatures are < 10° F.

23. No surface use or otherwise disruptive activity would be allowed from May 15 through July 15 within identified mule deer fawning habitat. This notice may be waived, accepted, or modified by the BLM authorized officer if either the resource values change or the grantee/operator demonstrates that adverse impacts can be mitigated. The

grantee/operator must request in writing an exception for construction, ground disturbance, or otherwise disruptive maintenance activities during this time frame. The request for an exception must include duration of activity (exact start and end dates when the action is needed) and specific activity (including number of people, equipment). The BLM authorized officer will review the request to determine current conditions and potential impacts to mule deer fawning.

Transfer of Federal Ownership/Relinquishment/Assignment

24. In accordance with federal regulations in 43 CFR 2807.21 any proposed transfer of any right or interest in the right-of-way grant shall be filed with the BLM Authorized Officer. An application for assignment shall be accompanied by a showing of qualifications of the Assignee. The assignment shall be supported by a stipulation that the Assignee agrees to comply with and to bound by the terms and conditions of the grant to be assigned. No assignment shall be recognized unless and until it is approved in writing by the Authorized Officer.

25. In the event that the public land underlying the right-of-way encompassed in this grant, or a portion thereof, is conveyed out of Federal ownership and administration of the ROW or the land underlying the ROW is not being reserved to the United States in the patent/deed and/or the ROW is not within a ROW corridor being reserved to the United States in the patent/deed, the United States waives any right it has to administer the right-of-way, or portion thereof, within the conveyed land under Federal laws, statutes, and regulations, including the regulations at 43 CFR Part 2800, including any rights to have the holder apply to BLM for amendments, modifications, or assignments and for BLM to approve or recognize such amendments, modifications, or assignments. At the time of conveyance, the patentee/grantee, and their successors and assigns, shall succeed to the interests of the United States in all matters relating to the right-of-way, or portion thereof, within the conveyed land and shall be subject to applicable State and local government laws, statutes, and ordinances. After conveyance, any disputes concerning compliance with the use and the terms and conditions of the ROW shall be considered a civil matter between the patentee/grantee and the ROW Holder.

26. 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.

27. The right-of-way shall be relinquished to the United States if the authorized uses are no longer needed.

I, _____, reviewed the above stipulations for the renewal of an underground and overhead powerline for UTU-0-144899 and agree to follow them.

_____ _____

Authorized Signature Date

EXHIBIT – C
PACIFICORP DBA ROCKY MOUNTAIN POWER
RIGHT-OF-WAY RENEWAL

UTU-0-144899

MAPS AND PHOTOS

UTU-0-144899 - PHOTOS

UTU-0-144899 – MAP

Rocky Mountain Power Renewal

UTU-144899

LEGEND

- Amendment#1-2- Converted to 12.5KV
- Amendment#3-Relocation of 7.2KV
- Amendment#4 - Underground 7.2KV
- Bureau of Land Management (BLM)
- Private
- State Wildlife Reserve/Management Area
- US Forest Service (USFS)
- State

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This product may not meet BLM standards for accuracy and content. Different data sources and input scales may cause some misalignment of data layers.

This map was created by:
Brooklynn Shotwell on
October 2, 2015

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