

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
BURNS DISTRICT OFFICE

CATEGORICAL EXCLUSION ENVIRONMENTAL REVIEW AND APPROVAL

Categorical Exclusion (CX) Number: DOI-BLM-OR-B050-2015-0054-CX

Date: October 1, 2015

Case File/Serial Number or Name: OR-64509

Preparer/Title: Tara McLain, Realty Specialist

Applicant: Harney Electric Cooperative, Inc.

Title of Proposed Action: Maupin Power Line Well Amendment

A. Background

The Bureau of Land Management (BLM) developed the well associated with the proposed power line due to few existing (reliable) water sources. This well will be able to provide water to both pastures as needed and will help with distribution of livestock for more uniform utilization. The project was completely funded by a Farm Service Agency program (through the Farm Bill) and the permittee and will be under a cooperative agreement to be the maintenance responsibility of the permittee. The well and all associated structures were analyzed under a Documentation of National Environmental Policy Act (NEPA) Adequacy (DNA), [DOI-BLM-OR-B050-2015-0010-DNA](#). After the DNA was complete, it was determined that a power line would serve the well better than a solar installation.

Description of Proposed Action and Project Design Elements:

The proposed action is to authorize a right-of-way (ROW) to Harney Electric Cooperative, Inc. (HEC) under the authority of Title V, Federal Land Policy and Management Act (FLPMA) and the regulations at 43 CFR 2800. The ROW would authorize a 14.4/120-240 volt secondary overhead service to run a pump that would provide water for livestock. The pump and trough were analyzed under [DOI-BLM-OR-B050-2015-0010-DNA](#). The grant would provide HEC with the right to construct, operate, maintain, and terminate the ditch and power line existing on approximately 0.5 acre. The amended ROW length is 128 feet. A quantity (138 feet) of new power line would be constructed, 10 feet of that would be within the current ROW. The ROW width is 10 feet from centerline to allow for workspace on each side of the power line. The specified ROW width allows HEC to perform ground disturbing activities anywhere within the valid ROW; however they are required to rehabilitate the area if any ground disturbing activities occur that are outside of the permanent disturbance.

Construction of the power line would begin within the existing ROW. The new power line would extend 128 feet from the existing power line. At the end of the line, a 30 foot power and service pole would be installed in a 12 inch x 5.5 foot hole. The hole would be dug by a digger derrick and ground disturbance would be rehabbed per the conditions of the existing ROW, OR-64509. Equipment needed for installation would be one digging unit and one utility truck.

Construction of the underground power line would take less than one day. Any disturbed area would be reseeded with a seed mix approved by the BLM authorized officer. All equipment would be cleaned prior to arrival at the work site to minimize the potential introduction of noxious weeds. Equipment necessary on the site for construction would be:

- Truck and trailer
- Wire trailer
- Digger derrick

The ROW area is within the Three Rivers Resource Area (RA). There are valid and existing rights encumbering the lands within the ROW area for power lines; however, they do not conflict with the uses identified in this ROW application. There are no mining claims or rights of third parties or other title factors that would prohibit the grant of the ROW. It is located approximately 40 miles west of Burns, Oregon and within the Hat Butte Allotment. There are no conflicts with this action and grazing management.

The existing location of the ROW is described on the attached map, Exhibit A. Access to the ROW would be from existing routes (or roads).

Legal Description:

Willamette Meridian
T. 23 S., R. 24 E.,
section 15, E1/2.

B. Conformance with Land Use Plan (LUP)

LUP Name and Date Approved/Amended:

The proposed action is in conformance with the Three Rivers Resource Management Plan (RMP) and Record of Decision (ROD), dated September 1992, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s):

LR 2, page 2-182: Meet public needs for use authorizations such as rights-of-way, leases, and permits.

LR 2.6, page 2-182: Applications for rights-of-way, permits, leases, and other realty related actions will be processed in a timely manner, on a case-by-case basis, utilizing the NEPA process.

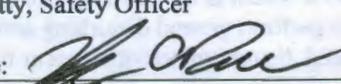
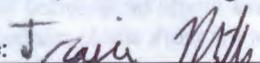
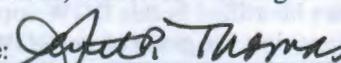
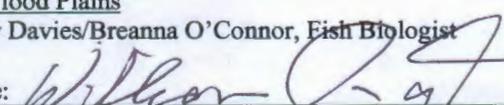
C. Compliance with the National Environmental Policy Act (of 1969)

Bureau of Land Management CX Reference (516 Departmental Manual (DM) 11.9):

E. (17) Grant of a short right-of-way for utility service or terminal access roads to an individual residence, outbuilding, or water well.

Screening for Exceptions:

The following extraordinary circumstances (516 DM 2, Appendix 2) may apply to individual actions within the categorical exceptions. The indicated specialist recommends the proposed action does *not*:

CATEGORICAL EXCLUSION EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION	
2.1	Have significant impacts on public health or safety.
Specialist: John Petty, Safety Officer	
Signature and Date:	 10/02/2015
Rationale: No significant impacts on public health or safety.	
2.2	Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); flood plains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.
<u>Migratory Birds</u>	
Specialist: Travis Miller, Wildlife Biologist	
Signature and Date:	 10/01/15
Rationale: The proposed action for the 128 foot power line ROW and establishment of one new 30 foot pole would have no effect on migratory birds because there would be negligible disturbance effects to migratory birds during construction and maintenance activities. Migratory bird species would most likely flee the area of disturbance. However, these disturbance impacts would be small in scale (< 1 acre), short-lived, and cease once work is completed. As for avian predator perches, there is already the adjacent existing power line and the new, additional infrastructure would not increase the advantage of potential predation.	
<u>Historic and Cultural Resources</u>	
Specialist: Scott Thomas, District Archaeologist	
Signature and Date:	 10/2/15
Rationale: A cultural resource clearance was completed in 2015 on the project and no resources were found. Historic and cultural resources would not be affected by the proposed power line ROW.	
<u>Areas of Critical Environmental Concern (ACEC)/Research Natural Areas (RNA)</u>	
Specialist: Caryn Burri, Natural Resource Specialist (NRS) - Botanist	
Signature and Date:	 10/2/15
Rationale: There are no ACECs/RNAs within the proposed ROW.	
<u>Water Resources/Flood Plains</u>	
Specialist: Lindsay Davies/Breanna O'Connor, Fish Biologist	
Signature and Date:	 10/2/2015

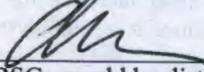
Rationale: Order 11988 (Floodplain Management) requires agencies to avoid, to the extent possible, the long- and short-term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative. The ROW would not impact floodplain values. There are no floodplains within the vicinity of the ROW.

Executive Order 11990 (Protection of Wetlands) requires agencies to avoid, to the extent possible, the long and short term adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative. There are no wetlands or riparian areas within the proposed ROW. Therefore, compliance with Executive Order 11990 is being met.

Soils, Biological Soil Crust (BSC), Prime Farmlands

Specialist: Caryn Burri, NRS - Botanist

Signature and Date:

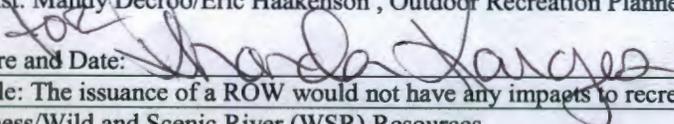
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Rationale: Soils and BSCs would be disturbed and/or removed within the 0.5 acre where the new ROW would be developed and maintained. The loss of BSCs and disturbance to soils accounts for less than one percent of the total acreage (9,212 acres) within the lower pasture of the Hat Butte Allotment and would not negatively affect the soils and BSCs within the pasture or allotment. There are no prime farmlands within the proposed ROW.

Recreation/Visual Resources

Specialist: Mandy Decroo/Eric Haakenson, Outdoor Recreation Planner

Signature and Date:

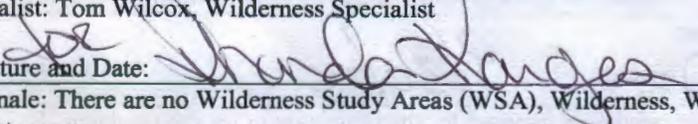
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Rationale: The issuance of a ROW would not have any impacts to recreation or visual resources.

Wilderness/Wild and Scenic River (WSR) Resources

Specialist: Tom Wilcox, Wilderness Specialist

Signature and Date:

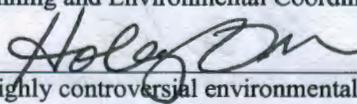
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Rationale: There are no Wilderness Study Areas (WSA), Wilderness, WSRs, or Lands with Wilderness Characteristics in the project area.

2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources (NEPA Section 102(2)(E)).

Specialist: Holly Orr, Planning and Environmental Coordinator

Signature and Date:

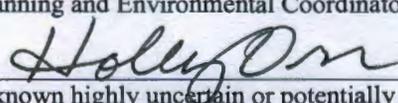
 9/30/15

Rationale: There are no highly controversial environmental effects or unresolved conflicts concerning alternative uses of available resources. The power line is a short ROW for utility service.

2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

Specialist: Holly Orr, Planning and Environmental Coordinator

Signature and Date:

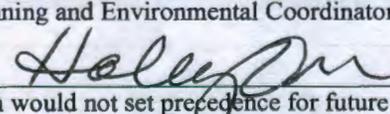
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Rationale: There are no known highly uncertain or potentially significant environmental effects or unique or unknown environmental risks. The power line is a short ROW for utility service.

2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

Specialist: Holly Orr, Planning and Environmental Coordinator

Signature and Date:

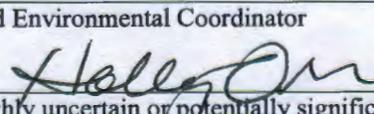
 9/30/15

Rationale: Implementation would not set precedence for future actions or represent a decision in principle about future actions with potentially significant environmental effects. The power line is a short ROW for utility service.

2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.

Specialist: Holly Orr, Planning and Environmental Coordinator

Signature and Date:

 9/30/15

Rationale: There are no known highly uncertain or potentially significant environment effects or unique or unknown environmental risks. The power line is a short ROW for utility service.

2.7 Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.

Specialist: Scott Thomas, District Archaeologist Signature and Date: <i>Scott Thomas</i> 10/02/15
Rationale: A cultural resource clearance was completed in 2017 on the project and no resources were found. National Register eligible properties would not be affected by the proposed power line ROW.
2.8 Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated critical habitat for these species.
<u>Endangered or Threatened Species - Fauna</u> Specialist: Travis Miller, Wildlife Biologist
Signature and Date: <i>Travis Miller</i> 10/01/15
Rationale: There are no Threatened and Endangered (T&E) wildlife species or designated critical habitat within the proposed ROW area. There would be no effect on Greater Sage-Grouse as a result of the proposed ROW because it is outside the four mile buffer of any lek and this area is not located in Preliminary Priority Habitat (PPH).
<u>Endangered or Threatened Species - Aquatic</u> Specialist: Lindsay Davies/Breanna O'Connor, Fish Biologist
Signature and Date: <i>Lindsay Davies</i> 10/2/2015
Rationale: There are no T&E aquatic species or critical habitat in this watershed.
<u>Endangered or Threatened Species - Flora</u> Specialist: Caryn Burri, NRS - Botany
Signature and Date: <i>Caryn Burri</i> 10/2/15
Rationale: There are no documented T&E or Special Status Plant species or designated critical habitat within the proposed ROW.
2.9 Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.
Specialist: Holly Orr, Planning and Environmental Coordinator
Signature and Date: <i>Holly Orr</i> 9/30/15
Rationale: Implementation would not violate any known law or regulation imposed for the protection of the environment. The power line is a short ROW for utility service.
2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).
Specialist: Holly Orr, Planning and Environmental Coordinator
Signature and Date: <i>Holly Orr</i> 9/30/15
Rationale: Implementation would not have a disproportionately high or adverse effect on low income or minority populations as such populations do not exist within the project area.
2.11 Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).
Specialist: Scott Thomas, District Archaeologist
Signature and Date: <i>Scott Thomas</i> 10/02/15
Rationale: No Indian sacred sites occur in the vicinity of the proposed project. Access to and integrity of Indian sacred sites would not be affected by this proposed power line ROW.
2.12 Contribute to the introduction, continued existence, or spread of noxious weeds or nonnative 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).
Specialist: Lesley Richman, District Weed Coordinator
Signature and Date: <i>Lesley Richman</i> 10/1/2015
Rationale: Noxious weeds are known to be present in or in close proximity to this area. Treatments are on-going. The weeds are not present in sufficient quantity to be considered a significant impact at this time.

for

D. Signatures

Additional Review:

Specialist: Stacy Fenton, Geographic Information Specialist

Signature: [Signature] Date: 10/2/2015

RMP Conformance and CX Review Confirmation:

Specialist: Holly Orr, Planning and Environmental Coordinator

Signature: [Signature] Date: _____

Management Determination:

Based upon review of this proposal, I have determined the proposed action is in conformance with the LUP, qualifies as a CX and does not require further NEPA analysis.

Authorized Officer: Brendan Cain, Burns District Manager

Signature: [Signature] Date: Oct 2, 2015

E. Contact Person

For additional information concerning this CX review, contact the Planning and Environmental Coordinator, BLM, Burns District Office, 28910 Highway 20 West, Hines, Oregon 97738, (541) 541-4400.

Note: The signed conclusion on this worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this CX is subject to protest or appeal under 43 CFR 4 and the program-specific regulations.

Authority:

Authority for rights-of-way decisions is found under 43 CFR 2801.10: How do I appeal a BLM decision issued under the regulations in this part?, "(a) You may appeal a BLM decision issued under the regulations in this part in accordance with part 4 of this title. (b) All BLM decisions under this part remain in effect pending appeal unless the Secretary of the Interior rules otherwise, or as noted in this part." The effective date is the date of the authorized officer's signature.

Decision:

It is my decision to implement the proposed action with project design elements as described above.

Appeal Procedure:

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with regulations contained in 43 CFR 4 and Form 1842-1. If an appeal is filed, your notice of appeal should be filed with Brendan Cain, Burns District Manager (Burns District Office, 28910 Highway 20 West, Hines, Oregon 97738), within 30 days following receipt of the final decision. The appellant has the burden of showing the decision appealed is in error.

A copy of the appeal, statement of reasons, and all other supporting documents should also be sent to the Regional Solicitor, Pacific Northwest Region, U.S. Department of the Interior, 805 SW Broadway, Suite 600, Portland, Oregon 97205. If the notice of appeal did not include a statement of reasons for the appeal, it must be sent to the IBLA, Office of Hearings and Appeals, 801 North Quincy Street, Arlington, Virginia 22203. It is suggested appeals be sent certified mail, return receipt requested.

Standards for obtaining a stay—except as otherwise provided by law or other pertinent regulation, a petition for a stay of decision pending appeal shall show sufficient justification based on the following standards (43 CFR 4.21(b)):

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

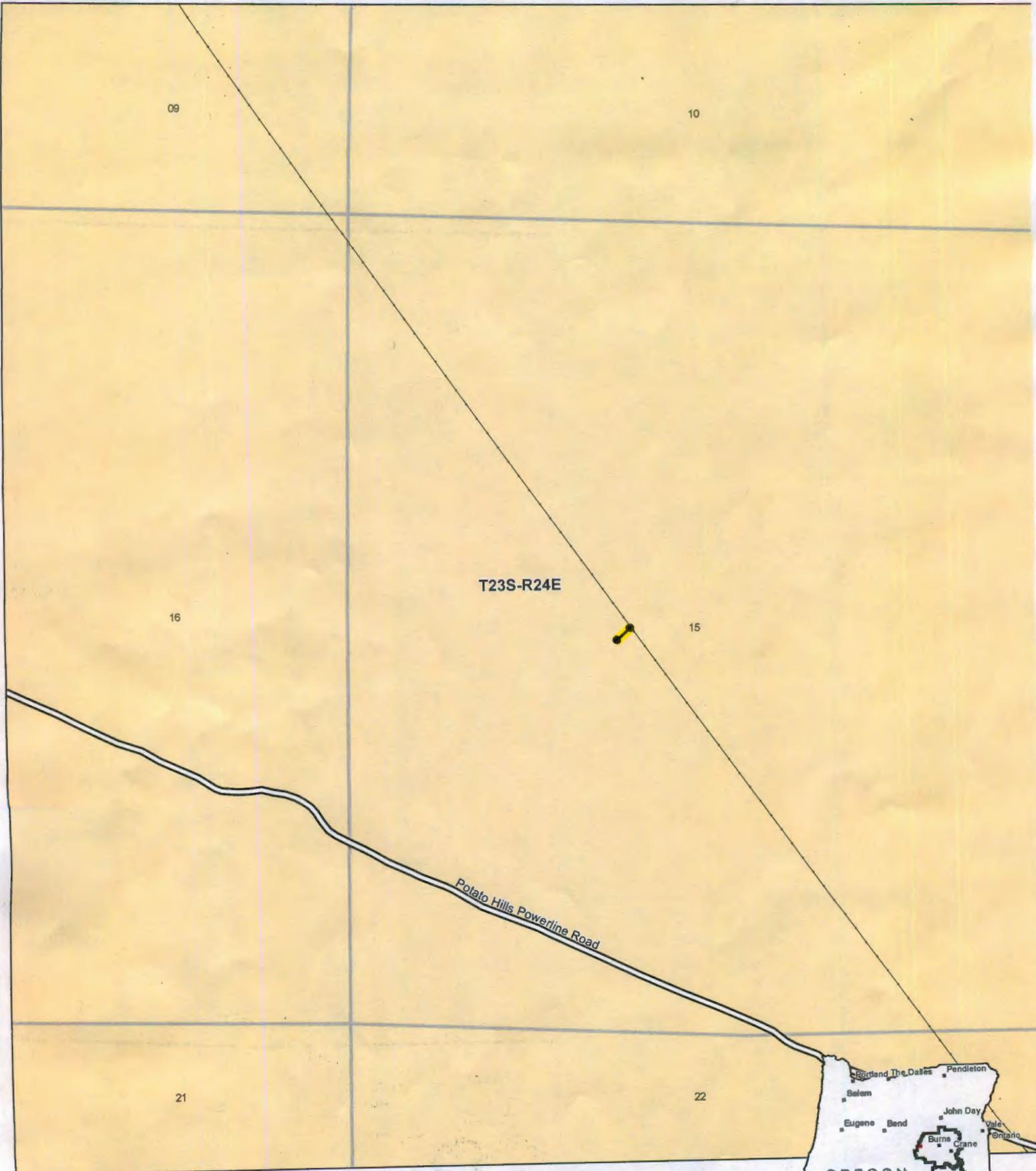
As noted above, the petition for stay must be filed in the office of the authorized officer.

A notice of appeal and/or request for stay electronically transmitted (e.g., email, facsimile, or social media) will not be accepted. A notice of appeal and/or request for stay must be on paper.

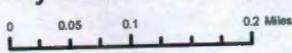
Authorized Officer: Brendan Cain, Burns District Manager

Signature: Brendan Cain

Date: Oct 2, 2015



**OR-64509 Proposed Power Line Amendment, Exhibit A
Harney Electric Cooperative, Inc**



- OR-64509 Proposed Amendment = Non-Paved Improved Road
- OR-64509 Existing Power Line
- Bureau of Land Management



US DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Burns District, Oregon

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