

**United States Department of the Interior  
Bureau of Land Management**

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**Categorical Exclusion Not Established By Statute**

**DOI-BLM-OR-P060-2015-012-CX**

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**March 2015**

**Powerline Right-of-Way OR-68096  
Bonneville Power Administration**

***Locations:***

Willamette Meridian  
T. 4 S., R. 14 E.,  
sec. 20, S $\frac{1}{2}$ NE $\frac{1}{4}$ .

***Applicant/Address:***

***Bonneville Power Administration  
PO Box 3621  
Portland, OR 97208***

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Prineville Oregon District Office  
3050 N.E. 3rd Street  
Prineville, OR 97754  
541-416-6700



## CATEGORICAL EXCLUSION NOT ESTABLISHED BY STATUTE

### A. Background

**BLM Office: Prineville District Office:** Lease/Serial/Case File No: OR-68096

**Proposed Action Title/Type:** Powerline Right-of-Way

**Locations of Proposed Action:** Linear right-of-way which spans BLM administered lands in the following area:  
Willamette Meridian  
T. 4 S., R. 14 E.,  
sec. 20, S½NE¼.  
(see Exhibit A, Map)

**Description of Proposed Action:** April 8, 2014, Bonneville Power Administration (BPA) filed an application for a powerline right-of-way on an existing powerline which spans BLM administered lands. Serial number OR-68342 has been assigned to this project.

BPA proposes to rebuild the 3.20 mile Maupin-Tygh Valley No. 1, 69 kV transmission line situated between Maupin and Tygh Valley, Oregon. The line was constructed by Pacific Power in 1948 and has been in service for 66 years. BPA acquired the line and determined there is a need to replace the wood pole structures and associated components for purposes of safety and reliability. No structures are situated on public land with the exception of two guy wire anchors that will be removed as part of the project.

There is no record of a right-of-way issued by the BLM for the original line, since all improvements were located on non-Federal land at the time of construction. In 1970, the lower 100 miles of the Deschutes River were designated by voter initiative as a component of the Oregon State Scenic Waterways System. In 1988, this same 100-mile segment from the Pelton Reregulating Dam to its confluence with the Columbia River was designated by Congress as a National Wild and Scenic River and classified as a Recreational River Area.

The existing line spans public land in the Lower Deschutes Wild and Scenic River (WSR) corridor between the City of Maupin and the Oak Springs State Fish Hatchery. The only public lands involved with this proposal underlie the canyon span in T. 4 S., R. 14 E., section 20, S½NE¼. The master title plat indicates the underlying public lands are withdrawn for Power Site Reserve 66 by EO 7/2/1910.

The span extends 3,300 feet through the Deschutes River Canyon, with approximately 2,080 feet crossing public lands administered by the BLM. The two wooden crossing structures on each side of the canyon are situated outside of the WSR corridor and will be replaced with lower profile, steel lattice structures. The existing copper conductor will also be replaced and re-sagged. The marker balls attached to the conductor span will be the same as those that exist currently, as required by the Federal Aviation Administration.

The Wild and Scenic River Act (WSA) does not prohibit rights-of-way. Section 7(a) of the WSA states, however, that:

*“no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration.”*

The provision qualifies these restrictions stating:

*“Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a wild, scenic or recreational river area or on any stream tributary thereto which will not invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values present in the area on the date of designation of a river as a component of the national wild and scenic rivers system.”*

The existing powerline was constructed approximately 20 years before the Wild and Scenic Rivers Act's formation and 40 year before the relevant area of the Deschutes River was designated a protected segment (PL 90-542 (1968); PL 100-557 (1988)). Because the powerline was in existence before the Act's implementation, granting a right-of-way for the existing powerline will not unreasonably diminish the “scenic, recreational, and fish and wildlife values present in the area on the date of approval of the act (PL 90-542 (1968)).

The right-of-way will maintain the original powerline path and location of infrastructure and therefore will maintain the river's outstanding remarkable values. Any boating, rafting, or other recreational potential will not be impacted because the powerline is above the river. Scenic values will also remain consistent. BPA will implement steel structures that from the vantage point of the river, the final color should blend into various sky conditions. Best management practices will be adhered to during construction of the project resulting in short term sediment runoff, if any. Absent any temporary noise levels, no fish or wildlife values will be disturbed. Because the poles will be placed in the same location as the existing structures, there will be no cultural disturbance. BPA will remove two guy wire anchors currently located on public land, enhancing the outstanding scenic values. Additionally, the powerline is the sole source of power for small communities located in the area. The project will ensure these communities continue to receive electricity, enhancing and maintain the communities' lifestyles.

In accordance with 516 DM 11.9 (E)14, this proposal qualifies for a categorical exclusion not established by statute. This reference states “Grants of rights-of-way for an overhead line (no pole or tower on BLM land) crossing over a corner of public land.”

The above analysis demonstrates that a right-of-way can be authorized for the proposed powerline repair project on the Deschutes River and granting a right-of-way for the existing powerline. The project would not amount to a disturbance in the area. The outstanding scenic, cultural, and recreational values will be protected or enhanced by maintaining the area's status quo. Finally, the Wild and Scenic River designation will not nullify a Categorical Exclusion for the project.”

**B. Land Use Plan Conformance**

**Land Use Plan Name:** Upper Deschutes Resource Management Plan,  
Approved September 2005

Pg. 32 – “Public lands will continue to be available for local rights of way, including multiple use and single use utility/transportation corridors following existing routes, communication sites, and roads. Issuance of leases and/or patents under the Recreation and Public Purposes Act and other permits or leases for development of public lands will also continue. Applications will be reviewed on an individual basis for conformance with the Two Rivers RMP to minimize conflicts with other resources or users.”

**Land Use Plan Name:** Wild and Scenic Rivers Act: Section 7, October 2004

Pg. 2 – “The Federal Power Commission [FERC] shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act, as amended, on or directly affecting any river which is designated in section 3 of this Act as a component of the national wild and scenic rivers system or which is hereafter designated for inclusion in that system, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a wild, scenic or recreational river area or on any stream tributary thereto which will not invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values present in the area on the date of designation of a river as a component of the national wild and scenic rivers system.”

**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 11.9 (E)14. This reference states “Grants of rights-of-way for an overhead line (no pole or tower on BLM land) crossing over a corner of public land.”

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.

I considered the proposed action and have determined that there is no potential for significant impacts.

**D. Signature**

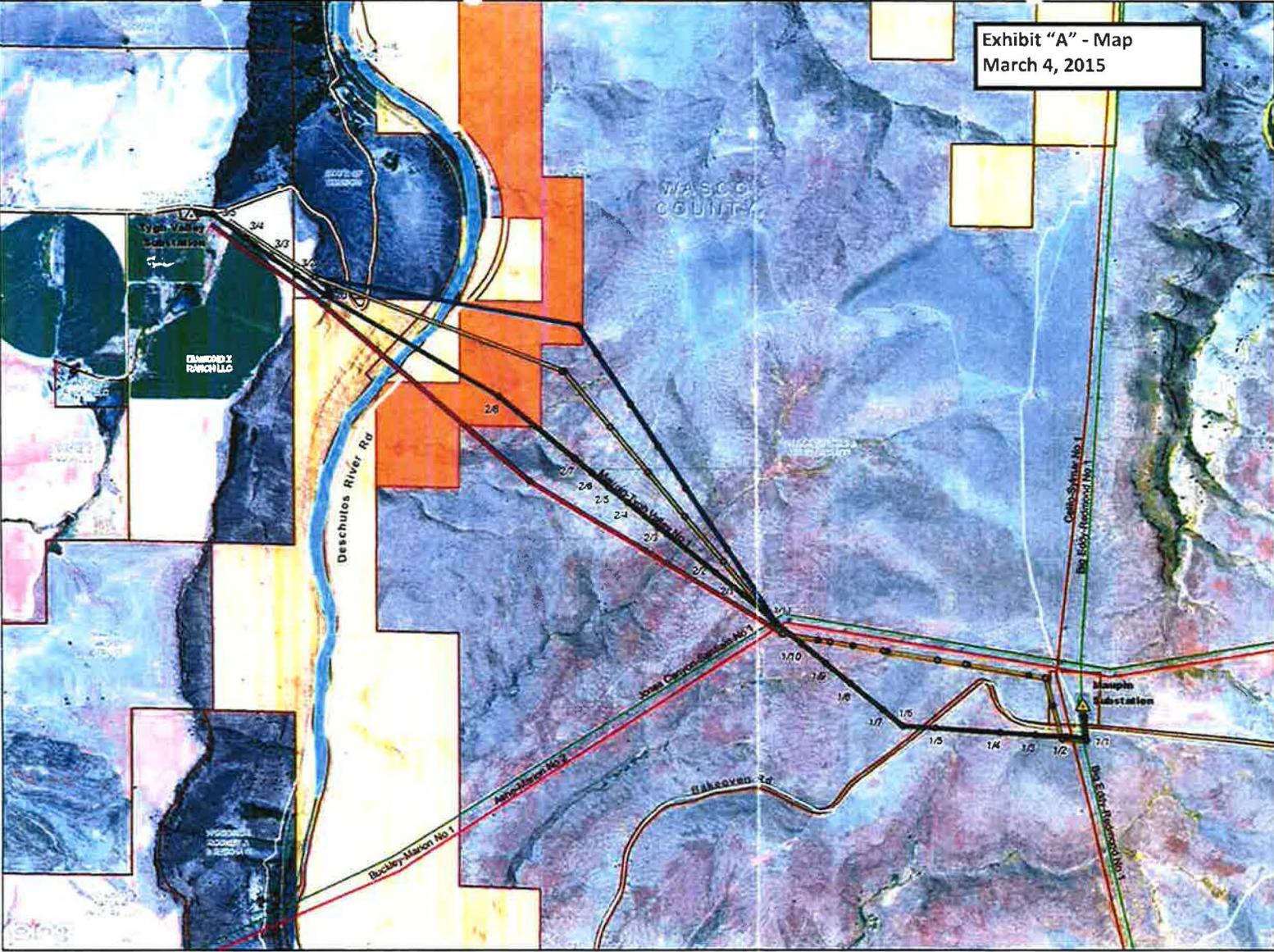


Lenore Heppler, Acting Field Manager  
Deschutes Resource Area

Date: 3/6/15

Exhibit "A" - Map  
March 4, 2015

Maupin-Tygh Valley  
Transmission Line Project



- Existing Transmission Facilities**
- Existing Tower
  - Existing 69kV Transmission Line
  - OR-68096 Right-of-Way

- Land Ownership**
- Bureau of Land Management

