

UNITED STATES DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
Dillon Field Office
1005 Selway Drive
Dillon, Montana 59725

CATEGORICAL EXCLUSION REVIEW AND APPROVAL

NEPA Number: DOI-BLM-MT-B050-2016-0005-CX Serial No.: MTM-108488

Project Name: Granite Creek Powerline Replacement

Project Location: Granite Creek **County:** Madison

Principal Meridian, Montana
T. 5 S., R. 3 W., Section 25: SE¼,
T. 6 S., R. 3 W., Section 4: Lot 7,
Section 6: Lots 12, 14.

BLM Office: Dillon Field Office **Phone:** (406) 683-8000

Applicant: NorthWestern Energy
40 E. Broadway Street, Butte, MT 59701

Description of Proposed Action:

NorthWestern Energy (NWE) is proposing to replace and existing overhead powerline which was built around 1910. The powerline is located adjacent to Granite Creek Road approximately 1.5 miles northwest of Nevada City, Montana. The powerpoles are at the end of their useful life and now need to be replaced to maintain safe and reliable power to the immediate area. The existing powerline runs along the Granite Creek Road through private, State, and BLM. NWE would remove the existing overhead conductor and poles with conventional equipment. The poles would be cut at ground level and hauled away with the overhead line and conductors.

The new 7.2kV powerline would be located in the shoulder of the existing county road, reducing impacts to the environment by placing it underground. Equipment to be used would be a cat with a cable plow attached, making two passes to prep and bury a plastic conduit with electric conductors inside at an optimum depth of 30 inches. After the line is installed the cat will be driven over the closed furrow to compact it back to close as original as possible. The estimated length of new powerline on BLM would be approximately 4143.65 feet and the width would be 30 feet, 15 feet each side of centerline (2.85 acres, more or less). No new roads would be constructed. Construction will begin as soon as the BLM right-of-way grant is issued. The

right-of-way would be issued under FLPMA for 30 years with the right of renewal and will be subject to the attached stipulations, see map Exhibit A and grant stipulations Exhibit B.

Land Use Plan Conformance:

Land Use Plan Name: Dillon Resource Management Plan

Date Approved: February 2006

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s): The proposal is consistent with guidance in the “Land Use Authorization” portion of the plan on pages 36 to 38.

Goal 1 – Meet public needs for use authorizations such as rights-of-way, leases, and permits while minimizing adverse impacts to other resource values.

Action (2) – Analyze requests for land use authorizations on a case-by-case basis and apply mitigation measures as necessary in compliance with the NEPA process.

NEPA Review:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E. Realty Number: (12) Grants of right-of-way wholly within the boundaries of other compatibly developed rights-of-way.

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 516 DM 2 apply.

Extraordinary Circumstances

The project would:		
1. Have significant impacts on public health or safety.		
Yes	No X	Rationale: The action involves replacing an existing deteriorated overhead powerline with an underground powerline which would enhance the visual aspect and safety for those landowners and public land users traveling the Granite Creek County Road.
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 X	Rationale: These resources are either not present or not affected by the proposed action.
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].		

The project would:		
Yes	No X	Rationale: The proposed action does not have highly controversial environmental effects or unresolved conflicts concerning alternative uses of available resources. NWE has received support from those private landowners affected by the proposal.
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		
Yes	No X	Rationale: There are no predicted effects from the proposed action that are highly uncertain, potentially significant, unique, or are an unknown risk.
5. Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.		
Yes	No X	Rationale: Authorizations of this type are a typical use of the public lands and do not set a precedent for future actions.
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		
Yes	No X	Rationale: No cumulative effects are anticipated.
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.		
Yes	No X	Rationale: A cultural evaluation was performed from the Dillon Field Office Archeologist. No listed or eligible properties were identified.
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: There are no species listed or proposed for listing, and no Designated Critical Habitat in the affected area.
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 action conforms to the direction given for the management of public lands in the Dillon RMP, which complies with all applicable Federal, State, local and tribal laws.
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		
Yes	No X	Rationale: There would be no disproportionate effects on low income or minority populations.
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: No access routes would be impacted or limited by the proposed action.
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).		

The project would:		
Yes	No	Rationale: The proposed action does not result in measurable changes to the current baseline of the risk, or actual introduction, continued existence, or spread of noxious weeds or non-native invasive species in or from the project area. Vehicles accessing the project area for the proposed action would stay on the existing road and clean vehicles from mud, debris, and vegetation material prior to entry onto public lands; reducing the potential of picking up and dispersing noxious weeds or seeds. The areas where the powerline has been removed and new one placed would be treated for any noxious weeds on a regular basis as a condition of the right-of-way grant.
	X	

INTERDISCIPLINARY REVIEW:

Name	Title	Area of Responsibility
Angela Brown	Realty Specialist	Lands and Realty
Jason Strahl	Archaeologist	Cultural and Native American Concerns
Katie Benzel	Wildlife Biologist	Wildlife, T/E/S Wildlife, Migratory Birds
Steve Armiger	Hydrologist	Soil, Water, Air
Kelly Savage	Rangeland Mgt. Spec	Spec. Status Plant Clearances
David Early	Rangeland Mgt. Spec.	Livestock Grazing
Kipper Blotkamp	Forester	Forestry
Michael Mooney	Weed Coordinator	Noxious Weeds
Paul Hutchinson	Fisheries Biologist	Fisheries
Rick Waldrup	Recreation Planner	VRM, Recreation
Keith Johnson	Asst. Field Manager	NEPA Review
Cornie Hudson	Field Manager	Decision Maker

REMARKS/MITIGATION:

No additional mitigation measures required that are not already covered in the right-of-way grant terms and conditions.

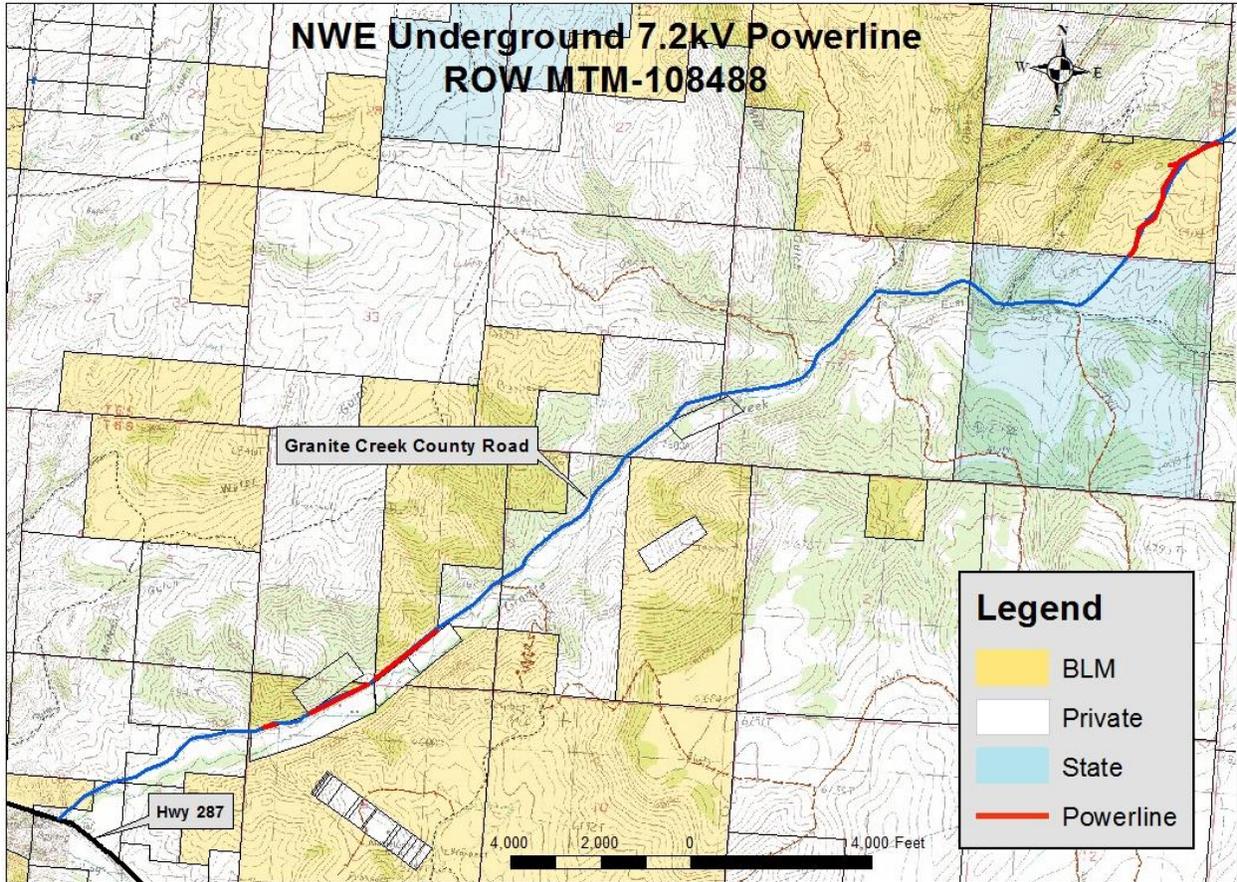
Management Determination

The Proposed Action is in conformance with the Dillon RMP. Use of this categorical exclusion is appropriate and does not require further NEPA (National Environmental Policy Act) analysis.

D. Signature

Authorizing Official: ___/s/ C. H. Hudson___ Date: ___03/03/2016___
 Cornelia Hudson, Field Manager

EXHIBIT A



T. 6S., R. 3 W. Secs. 4 and 9
T. 5S., R. 3 W. Sec. 25

EXHIBIT B

Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as directed by the authorized officer.
- c. Each grant issued for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The map set forth in Exhibit A, attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
- f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.
- g. The holder hereby certifies that hazardous or toxic substances as defined in the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.), 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.) will not be used, generated, stored or transported on the right-of-way without the authorization of the authorized officer. Holder will notify the BLM in advance of any future desire to use, generate, store or transport such substances on the right-of-way, and will provide a Plan of Development to the authorized officer for advance approval, describing the purpose and methods of use and indemnifying the BLM from liability.
- h. The holder of this right-of-way grant or the holder's successor in interest shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and the regulations of the Secretary of Interior issued pursuant thereto.
- i. The holder is responsible for noxious weed control on areas within the limits of the right-of-way and the areas where the old overhead powerline was. The holder will consult with the authorized officer and/or local authorities for acceptable noxious weed control methods. The use of pesticides shall comply with Federal and state laws governing their proper use, storage and disposal, and any limitations imposed by the Secretary of the

Interior. Prior to the use of pesticides, the holder will obtain from the authorized officer written approval of a Plan showing application, location of storage and disposed-of-containers, and any other information deemed necessary by the authorized officer. The holder will notify the authorized officer prior to treatment of the project area. The holder will provide the authorized officer with an annual report describing areas of treatment. Emergency use of pesticides shall be approved in writing by the authorized officer prior to such use.

All construction equipment to be used in connection with this project will first be cleaned thoroughly to minimize the introduction of new noxious weed species to the area. Cleaning shall consist of the removal of all dirt, grease, debris, and materials that may harbor noxious weeds and their seeds. Cleaning shall occur off public lands.

Weed monitoring and control will be performed for minimum of three (3) consecutive years of completion of the project unless otherwise specified by the authorized officer.

- j. The holder shall designate a representative 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.
- k. The holder shall contact the authorized officer at least (3) 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 plan(s) of development.
- l. 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 term and conditions being inadequate to protect the public health and safety or to protect the environment.
- m. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his/her 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.

- n. All design, material, and construction, operation, maintenance, and termination practices shall be in accordance with safe and proven engineering practices.
- o. The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way in a safe, usable condition as directed by the authorized officer.
- p. No construction or 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 four (4) inches deep, the soil shall be deemed too wet to adequately support construction equipment.
- q. All survey monuments, witness corners, reference monuments and bearing trees will be protected against destruction, obliteration or damage. The holder will notify the authorized officer of any markers so affected and will reestablish at the holder's expense in accordance with accepted BLM survey practices.
- r. The holder will at all times keep the authorized officer informed of its current address, and in case of corporations, will appoint an agent who can serve as a local contact representing matters concerning this right-of-way grant and will inform the authorized officer in writing of the name and address of such agent. If a substitute agent is appointed, the holder will immediately inform the BLM authorized officer.
- s. At such time as the holders dispose of their interest in the land which is served by this right-of-way, they shall notify the BLM so that assignment of the right-of-way can be made to the new owners. Costs associated with the assignment will be the responsibility of the new owners.