

Categorical Exclusion Documentation
DOI-BLM-CA-C060-2016-0027-CX

A. Background

BLM Office: Bakersfield Field Office, LLCAC06000

Case File #: CACA 56424

Project Title: Southern California Edison Existing 12kV Power Line

Location:

Mount Diablo Meridian, CA

T. 22 S., R. 29 E.,

sec. 14, lots 5 and 7.

Project Description, including any Stipulations

An application has been filed by Southern California Edison for authorization for an existing 12 kV power line. The approximate total length of the power line is 1677 feet with 943 feet on BLM administered land and a 10 foot width. No new construction is proposed. The power line supplies power to the Tule River Indian Reservation

The right-of-way is 943 feet in length and 10 feet wide encompassing 0.216 acres for the existing 12kV power line, CACA 56424, will be authorized pursuant to Title V of the Federal Land Policy and Management Act (FLPMA) of October 21, 1976, as amended.

The Bureau of Land Management proposes to approve the authorization for an existing power line, as described above; standard rights-of-way stipulations are shown as **Exhibit B**.

B. Land Use Plan Conformance

This action conforms to the Bakersfield Resource Management Plan, approved in 2014 because it is clearly consistent with the RMP objectives and decisions as follows:

Goal LR-G-1: Provide lands, interest in land, and authorizations for public and private uses while maintaining and improving resource values and public land administration to the extent consistent with federal law.

Objective LR-O-2: Meet public, private, and Federal agency needs for realty-related land use authorizations and land withdrawals, including those authorizations necessary for wind, solar, biomass, and other forms of renewable energy development, to the extent consistent with federal law.

The proposed action has been reviewed for conformance with this plan, as required by 43 CFR 1610.5 and has been found to be in conformance with the objectives for this management area.

C. Compliance with the National Environmental Policy Act

The action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E(12):

“Grants of right-of-way wholly within the boundaries of other compatibly developed rights-of-way.”

This categorical exclusion is appropriate for this action because the existing 12 kV powerline is located within the existing rights-of-way, CACA 51658. There are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the following extraordinary circumstances (43 CFR 46.215) apply.

Review of Extraordinary Circumstances:

1) *Have significant impacts on public health or safety.*

Yes No

Remarks: The proposal is to authorize an existing power line with no changes in facilities or access. There would be no impact on public health or safety.

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

Remarks: There are no park, recreation or refuge lands, wilderness areas, wild or scenic rivers, or national landmarks in the project area. The project is an authorization of an existing project. The existing project is not known to have any significant impacts on historic or cultural resources, drinking water aquifers, farmlands, migratory birds, wetlands or any other ecologically significant or critical areas. In addition, the right-of-way grant includes a stipulation requiring the holder to contact the BLM prior to conducting any ground disturbing activities, to receive guidance on compliance with the Endangered Species Act and Section 106 of the National Historic Preservation Act. Based on this, the proposed action is not expected to have significant impacts on natural resources and unique geographic characteristics.

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

Yes No

Remarks: The environmental effect of this existing right of way and its standard maintenance are not highly controversial. There are no unresolved conflicts concerning alternative uses of the available resources regarding the approval of the authorization.

4) *Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.*

Yes No

Remarks: The right-of-way is within previously disturbed areas. The power line is along a road that has been in existence for numerous years and any environmental impacts from these facilities are common and well known.

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

Yes No

Remarks: The project does not establish a precedent or have any additional connected actions that have not been analyzed in this review.

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

Yes No

Remarks: Stipulations incorporated into the right-of-way will avoid or minimize adverse effects and protect plants, wildlife, cultural resources, and other sensitive resources to the extent that residual effects would not be significant. As a result, there would not be any significant direct or indirect effects associated with this proposal; without direct effects, there can be no cumulative effects.

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

Remarks: Section 106 review of the National Historic Preservation Act (NHPA) was completed on May 11, 2016 and determined that the activity is exempt (B8) from further NHPA consultation. Review included a 7 day public review period, and an internal records search. There will be no significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places. This review completes requirements under the BLM California Protocol Agreement (2014). Any unexpected discovery is required to be immediately reported to the authorized officer as outlined in the project stipulations.

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.*

Yes No

Remarks:

This right-of-way is located within an area not known to provide habitat for federally listed species. Although this project is an existing powerline that was constructed without authorization, the existing powerline is not known to have any impact on listed species and no additional surface disturbance is proposed at this time. The right-of-way grant includes a stipulation requiring the holder to contact the BLM prior to conducting any ground disturbing activities to receive guidance on compliance with the Endangered Species Act, including

requirements from any Biological Opinion. There are no proposed species or critical habitats in the project area. Based on this, significant impact to listed or proposed species or critical habitat is not expected.

9) *Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.*

Yes No

Remarks: This action will not violate State, local or tribal laws.

10) *Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).*

Yes No

Remarks: The proposed projects will not affect any 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

Remarks: Due to the nature and location of the proposed action (no surface disturbance authorized), it will not 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).

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

Remarks: The proposed action is not expected to contribute to the introduction, continued existence or spread of noxious weeds or non-native invasive species as this is an existing right-of-way. Additionally, prior to any ground disturbing activities, the holder is required to contact the BLM to receive guidance on how to avoid or minimize impacts to surface resources.

U.S. DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
Bakersfield Field Office
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Decision Record for DOI-BLM-CA-C060-2016-007
Southern California Edison Existing 12 kV Power Line

Introduction and Background

An application has been filed by Southern California Edison for authorization for an existing 12 kV power line. The approximate total length of the power line is 1677 feet with 943 feet on BLM administered land. No new construction is proposed. The power line supplies power to the Tule River Indian Reservation.

The 12 kV power line right-of way, CACA 56424, will be authorized pursuant to Title V of the Federal Land Policy and Management Act (FLPMA) of October 21, 1976, as amended.

The Bureau of Land Management proposes to approve the authorization for an existing power line, as described above; standard rights-of-way stipulations are shown as **Exhibit B**.

Decision and Rationale

It is my decision to authorize the facility across BLM land as described below:

CACA 56424: A ROW for the existing 12 kV power line 943 feet in length, 10 feet in width, and containing 0.216 acres.

I considered the NEPA compliance statement and review of extraordinary circumstances in my determination that there is no potential for significant impacts from the project. With no new ground disturbance, the project can be completed without impact to natural and cultural resources.

Compliance with Laws, Regulations, Policies and Land Use Plans

This action conforms to the Bakersfield Resource Management Plan, approved in 2014. The proposed action has been reviewed for conformance with this plan, as required by 43 CFR 1610.5.

This action also complies with other environmental laws and acts including Endangered Species Act and National Historic Preservation Act.

Administrative Remedies

Administrative remedies may be available to those who believe they will be adversely affected by this decision. Appeals may be made to the Office of Hearings and Appeals, Office of the Secretary, U.S. Department of Interior, Board of Land Appeals (Board) in strict compliance with the regulations in 43 CFR Part 4. Notices of appeal must be filed in this office within 30 days after publication of this decision. If a notice of appeal does not include a statement of reasons, such statement must be filed with this office and the Board within 30 days after the notice of appeal is filed. The notice of appeal and any statement of reasons, written arguments, or briefs must also be served upon the Regional Solicitor, Pacific Southwest Region, U.S. Department of Interior, 2800 Cottage Way, E-1712, Sacramento, CA 95825.

/s/ Gabriel Garcia

Gabriel Garcia
Field Manager

6/13/2016

Date

EXHIBIT B
STIPULATIONS
CACCA 56424

The right-of-way is subject to all valid existing rights.

The holder shall coordinate all maintenance and termination activities with the oil and gas leaseholder, grazing leaseholder, Underground Service Alert, and holders of rights-of-way on the subject lands, in order to avoid conflicts with existing operations. The name, address, and phone number of the holder(s) are available from the authorized officer.

The holder shall attach and maintain a marker to the pole nearest the entry and exit points of the BLM land. These markers shall be of stamped or engraved metal, and shall state the BLM serial number of this grant in characters no smaller than one inch high.

Any new surface disturbing activities, including maintenance will require notification to the BLM, and may require a BLM approved cultural resource survey prior to the issuance of a notice to proceed for the activity. A cultural monitor may be required, at the discretion of BLM, during the surface disturbing activities.

Any cultural and/or paleontological resource (historic or prehistoric site or object or human remains) 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.

The holder shall conduct all activities associated with the operation, maintenance and termination of the right-of-way within the authorized limits of the right-of-way.

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

All vehicle use by the holder or the holder's contractors during construction, inspection or maintenance shall be confined to existing roads. No new vehicle routes shall be created or cleared by the holder or the holder's contractor. No off-road vehicle travel is authorized unless prior written approval is given by the authorized officer.

Except rights-of-way expressly authorizing a road after construction of the project is completed, the holder shall not use the right-of-way as a road for purposes other than routine maintenance as determined necessary by the authorized officer in consultation with the holder.

A site-specific weed control Environmental Assessment (EA) and a Pesticide Use Permit (PUP) must be completed before any use of pesticides on BLM lands. This can be a lengthy process and requires specific information, public notification, and review by the BLM State Office. In addition, any use of pesticides shall comply with all applicable Federal and State laws.

Pesticides shall only be used in accordance with their registered uses, must be on the list of pesticides approved for use on California BLM lands, and used within limitations imposed by the Secretary of the Interior. Applicators of herbicides must have completed pesticide certification training and have a Certified Pesticide Applicator's License. A Pesticide Use Report (PUR) must be completed within 48 hours of all herbicide applications and pesticide application records for the areas and acres treated must be submitted to the Authorized BLM Officer each year.

The record information must be recorded no later than 14 calendar days following the pesticide or herbicide application and must be maintained for ten years.

Rights-of-way sites 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.

The holder shall meet Federal, State, and local emission standards for air quality.

Where necessary, and unless otherwise agreed to by the authorized officer in writing, any existing power lines or power line structures that are modified, replaced or repaired shall be done in accordance to standards outlined in "Suggested Practices for Raptor Protection on Power lines: The State of the Art in 2006," Avian Power Line Interaction Committee, Edison Electric Institute and the Raptor Research Foundation, Inc., 2006 and "Reducing Avian Collisions with Powerlines: The State of the Art in 2012" Edison Electric Institute and APLIC, 2012. The holder shall assume the burden and expense of proving that pole designs not shown in the above publication are "avian safe." Such proof shall be provided by an avian expert approved by the authorized officer. The BLM, in consultation with the holder, reserves the right to require modifications or additions to all new 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.

Holder shall comply with the Endangered Species Act in the operation, maintenance and termination of the facilities. The holder shall contact the Bakersfield Field Office, prior to commencement of any activities that involve 1) surface disturbance, 2) off road vehicle or equipment travel or parking, or 3) vegetation modification, to receive guidance on how impacts from such activity must be minimized, including any requirements for compliance with any Endangered Species Act Section 7 consultation.

All design, material, operation, maintenance, and termination practices shall be in accordance with safe and proven engineering practices.

No routine maintenance activities shall be performed during periods when the soil is too wet to adequately support the equipment. If such equipment creates ruts in excess of six (6) inches deep the soil shall be deemed too wet to adequately support the equipment.

Prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a pre-termination conference. This conference will be held to review the termination provisions of the grant. The authorized officer may require the removal and rehabilitation of certain structures or facilities in order to protect public health and safety and/or the environment.