

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
BILLINGS FIELD OFFICE**

CX REVIEW

Document Name: NorthWestern Energy 7.2kV Power Transmission Line ROW Renewal	NEPA #: DOI-BLM-MT-A010-2016-0019-CX
Location: T. 8 N., R 25 E., Sec. 32, W½NE¼, N½SE¼ ; Musselshell County	Date first posted on ePlanning website: 4/8/2016
Internal Scoping Date: 4/4/2016	Date draft/final doc posted:

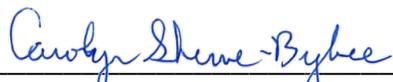
PROJECT LEAD	DATE/INITIALS
Nancy Bjelland	4/27/2016

PREPARERS	ASSIGNMENT	DATE/INITIALS
Craig Drake	Resource Programs	C. Drake 4/18/16
Jenny Alexander	Recreation & Visitor Services, VRM, WSAs, LWC, WSR, NHT, TTM, Caves & Karsts,	JA 4/21/16
Carolyn Sherve-Bybee	Cultural, Paleontological, ACECs, NEPA	CSB 4/19/2016
Larry Padden	Noxious & Invasive Plants	LP 4/18/2016
Ernie McKenzie	Wildlife, Fisheries, T&E, BLM & State Sensitive Species	EM 4/27/16

↓ **To be filled out during scoping meeting and for Admin Record** ↓

Baseline Data Needs & Internal Coordination		
		Date completed
Migratory birds/Raptors	Y/N	
Noxious/Invasive Weeds	Y/N	
T&E/Special Status Species Plants and/or Animals	Y/N	
Cultural/Paleontological	Y/N	
Riparian	Y/N	
BLM Initiated projects: coordination and/or on-site visit with MCFO engineers (<i>if project is ground disturbing</i>)	Y/N	
Project entered into RIPS	Y/N	
Project entered into FAMS	Y/N	
ID team field visit	Y/N	

External Consultations/Notifications		
		Date completed
External Scoping	Y/N	
Native American Coordination / Consultation (30 to 60 days +/-)	Y/N	
SHPO Consultation (SHPO response w/in 30 days after receipt of cultural report)	Y/N	
Notification to Wilderness Groups (30 day comment period) (if located within 1 mile of WSA/WA/LWC)	Y/N	
FWP Coordination (sage-grouse, etc.)	Y/N	
Other political entities or federal/state/local agencies	Y/N	
USFWS Consultation (90+ days)	Y/N	
NPNHT and/or LCNHT Notification (if within 1 mile of NPNHT or ½ mile of LCNHT)	Y/N	
Document out for Public Comment (usually 30 days)	Y/N	



Environmental Coordinator

4/27/2016

Date

By signing above, the Environmental Coordinator has ensured that all documents, e-mails, and letters associated with the Administrative Record have been saved into the Admin Record file in this document's NEPA folder and/or are attached to this document.

UNITED STATES DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
Billings Field Office
5001 Southgate Drive
Billings, MT 59101

CATEGORICAL EXCLUSION REVIEW AND APPROVAL

BACKGROUND

BLM Office: Billings Field Office

NEPA Number: DOI-BLM-MT-A010-2016-0019-CX

Project Name: NorthWestern Energy 7.2kV Power Transmission Line ROW Renewal

Scoping Date: April 4, 2016, Internal

Project Location (including county):

Principal Meridian Montana
T. 8 N., R 25 E.,
Sec. 32, W1/2NE1/4, N1/2SE1/4;

The area described contains 3.479 acres in Musselshell County Montana.

The 7.2 kV line is 3,789 feet in length and 40 feet wide.

DESCRIPTION OF THE PROPOSED ACTION

NorthWestern Energy submitted an application for a 7.2kV power transmission line in 1966 to provide power to the Eliasson Stock well. That application was granted on June 16, 1966 and proof of construction was provided on June 23, 1976. NorthWestern Energy was contacted on March 29, 2016 to notify them their Right-of-Way would be expiring on June 15, 2016 and asked if they were still in need of /interested in renewing the ROW or would the casefile would be closed. NorthWestern Energy submitted their application for renewal on April 4, 2016. The initial grant was for 50 years and the renewal has been requested for an additional 50 years.

The need and purpose for this action is to renew the power transmission line to provide power to the stock well utilized for the grazing of domestic livestock. There are no issues identified. This Right-of-Way is not located in Greater Sage-Grouse (GRSG) Habitat.

LAND USE PLAN CONFORMANCE:

Land Use Plan Name: 2015 Approved Billings Resource Management Plan and Rocky Mountain Record of Decision

Date Approved/Amended: September 2015

Title V of the Federal Land Policy and Management Act of October 21, 1976 (90Stat.2776; 43 U.S.C. 1761)

The proposed plan is in conformance with the **2015 Billings Resource Management Plan and Rocky Mountain Record of Decision; Chapter 3 Management Decisions** as follows:

MD R\RLP 1: Analyze requests for land use authorizations and apply mitigation measures as appropriate (Appendix H).

MD R\RLP 7: Terms and conditions for ROW corridors and development areas will incorporate BMPs.

COMPLIANCE WITH NEPA

The proposed action described above generally does not require the preparation of an environmental assessment (EA) or environmental impact statement (EIS), as it has been found to not individually or cumulatively have significant effect on the human environment. The applicable Categorical Exclusion reference is Chapter 11 of the Department of Interior’s Manual Part 516, Appendix 1 E, Realty (9) which states:

Renewals and assignments of leases, permits or rights-of-way where no additional rights are conveyed beyond those granted by the original authorization.

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, as documented below, none of the extraordinary circumstances described in 43 CFR 46.215 apply.

Extraordinary Circumstances
The project would:
1. Have significant impacts on public health or safety.

Yes	No X	Rationale: There would be no significant impacts of public health or safety as this power transmission line ROW has been in place since 1966 and has been maintained properly per measures described in original grant.
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 (EO 11990); floodplains (EO 11988); national monuments; migratory birds; and other ecologically significant or critical areas.		
Yes	No X	Rationale: : There would be no impacts to 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 (EO 11990); floodplains (EO 11988); national monuments; migratory birds; and other ecologically significant or critical areas. The proposed action consists of renewing an existing ROW. There will be no surface disturbing or construction activities occurring as a result of the proposed action.
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].		
Yes	No X	Rationale: There would be no highly controversial environmental effects or unresolved conflicts concerning alternative uses of available resources as this has been an established power line ROW for the past 50 years.
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		
Yes	No X	Rationale: There would be no highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks as this is an established power transmission line ROW and has been in use since 1966 and none have occurred in the past.
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		
Yes	No X	Rationale: The proposed action would not be connected to another action that would not set a precedent for future actions that would normally require environmental analysis. This action is a continuation of the existing condition.
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		

Yes	No X	Rationale: The proposed action is limited in scope and would not have a direct relationship to other actions with individually insignificant but cumulatively significant environmental 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 X	Rationale: The proposed action would not 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 as none have been 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: This is an existing power transmission line ROW, no additional rights conveyed beyond those granted by the original authorization.
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 would not violate Federal law, or a State, local or tribal law requirement imposed for the protection of the environment.
10. Have a disproportionately high and adverse effect on low income or minority populations (EO 12898).		
Yes	No X	Rationale: There are no low income or minority populations that are present that would receive disproportionately high and adverse human health or environmental effects. Health and environmental statutes would not be compromised.
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 (EO 13007).		

Yes	No X	Rationale: The proposed project would not limit access to or ceremonial use of Indian sacred sites on federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites. No Native American Religious Concerns are known in the area, and none have been noted by Tribal authorities. Should future consultations with Tribal authorities reveal the existence of such sensitive properties, appropriate mitigation and/or protection measures may be undertaken
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 EO 13112).		
Yes	No X	Rationale: To mitigate the introduction or spread of noxious and invasive weeds, all motorized equipment would be power washed prior to entering sites. All reasonable actions to inhibit the introduction of invasive species would be taken.

INTERDISCIPLINARY ANALYSIS:

BLM team members conducting or participating in the preparation of this CX are listed on the cover sheet.

Environmental Coordinator: Carolyn Shreve-Bybee Date: 4/27/2016

Decision and Rationale on Action

Based on a review of the project described above and field office staff recommendations, It is my decision to approve the renewal of a 7.2 kV power transmission line Right-of-Way MTM-073341 to Northwestern Energy as described in the proposed action. Holders agree to comply with and be bound by all the terms, conditions, and stipulations of the original right-of-way grant under the Serial Number MTM-073341.

Special Stipulations for renewal of this right-of-way include:

1. To prevent the introduction of weeds along the electric line ROW, the holder shall thoroughly power-wash (use of steam or air cleaning methods would also be acceptable) all field vehicles and construction equipment before transporting them to the project area. Should crew members encounter existing noxious weeds within the project area; equipment and/or vehicles exposed to the weeds will be washed prior to entry into other areas. Any existing noxious weeds encountered and identified as such will be reported to allow for treatment prior to initiation of disturbing activities to prevent spread of weed seed or vegetative parts.

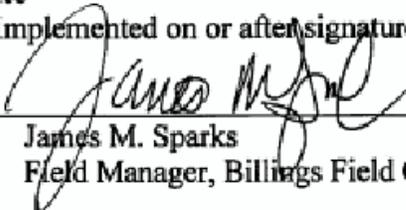
2. No construction or routine maintenance activities will be performed when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of three inches deep, the soil shall be deemed too wet to adequately support construction equipment.
3. All distribution line industry standards will be adhered to for material, construction, operation and maintenance, and termination practices.
4. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the holder shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. Emergency use of pesticides shall be approved in writing by the authorized officer prior to such use.
5. The holder shall conduct all activities associated with the construction, operation, and termination of the ROW grant within the authorized limits of the ROW. Existing roads would be used to reduce surface disturbance and compaction.

Some Rights-of-Ways are within Greater Sage-Grouse (GRSG) Priority Habitat Management Areas (PHMAs) and may require special considerations or management in the future for the protection of GRSG habitat if it is determined the Rights-of Way are affecting GRSG populations.

In addition, I have reviewed the plan conformance statement and have determined that the proposed action is in conformance with the approved land use plan and that no further environmental analysis is required under the National Environmental Policy Act (as documented in the attached CX, NEPA Compliance [Section C]).

Implementation Date

This project will be implemented on or after signature of Authorized Officer:

Authorized Officer:  _____ Date: 4/27/16

James M. Sparks
Field Manager, Billings Field Office

Administrative Review or Appeal Opportunities

The authority for this decision is contained in the 43CFR2800. The statutory authority underlying the regulation in this part is the Federal Land Policy and Management Act of 1976 Section 501, (43 U.S.C 1701 et seq.).

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

This decision shall take effect immediately upon the date it is signed by the authorized officer and shall remain in effect while any appeal is pending unless the Interior Board of Land Appeals issues a stay. Please refer to 43CFR 2800 for appeals on rights-of-way. Any appeal of this decision must follow the procedures set forth in 43 CFR Part 4. Within 30 days of the decision, a notice of appeal must be filed in the office of the authorized officer at 5001 Southgate Drive, Billings, MT 59101. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the authorized officer.

If you wish to file a petition (request) pursuant to regulations 43 CFR 2801.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If you wish to file a petition for stay pursuant to 43 CFR Part 4.21(b), the petition for stay should accompany your notice of appeal and shall show sufficient justification based on the following standards:

- (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 irreparable harm to the appellant or resources if the stay is not granted,
and
- (4) Whether the public interest favors granting the stay.

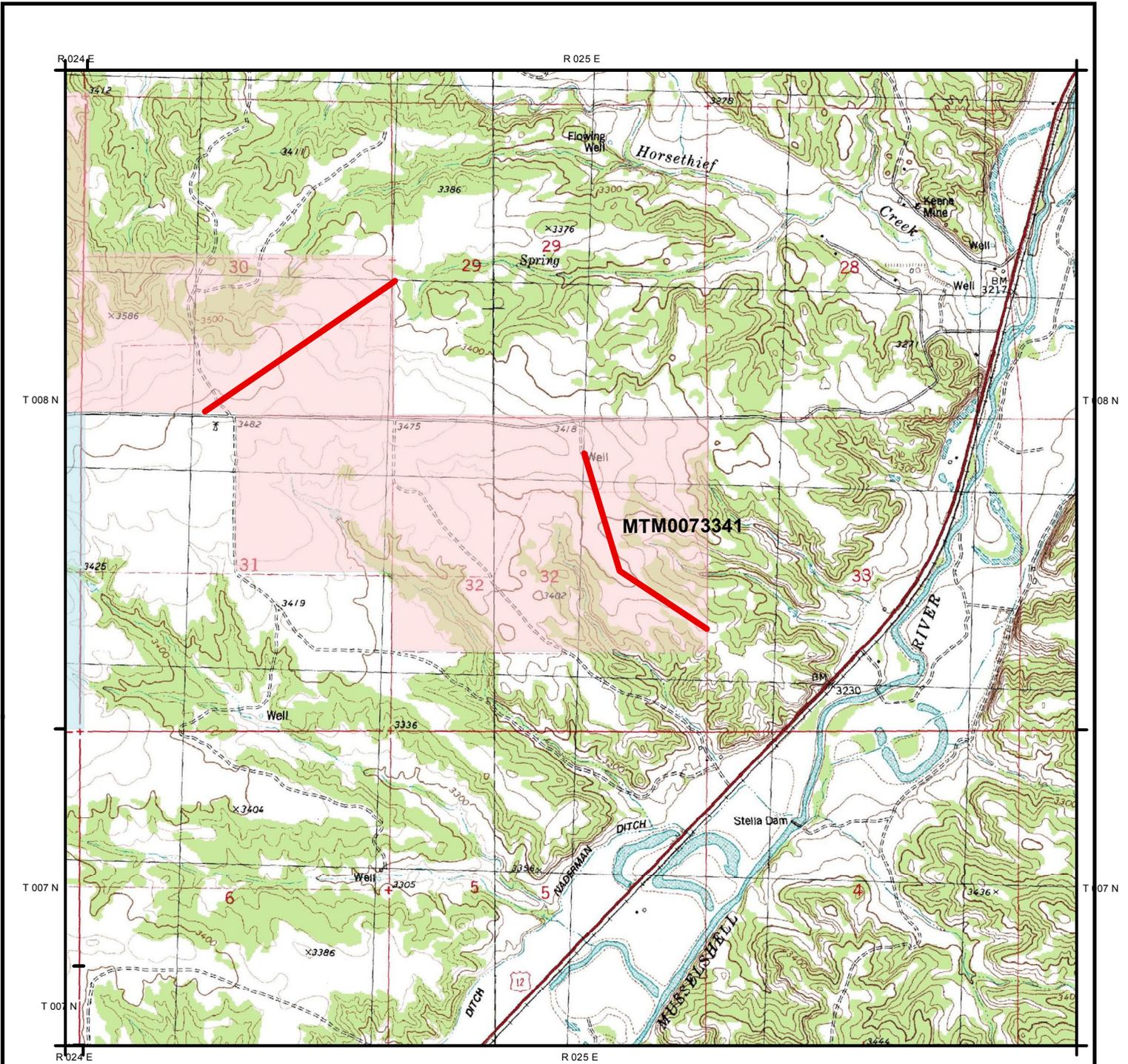
If a petition for stay is submitted with the notice of appeal, a copy of the notice of appeal and petition for stay must be served on each party named in the decision from which the appeal is taken, and with the IBLA at the same time it is filed with the authorized officer.

A copy of the notice of appeal, any statement of reasons and all pertinent documents must be served on each adverse party named in the decision from which the appeal is taken and on the Office of the Field Solicitor, U.S. Department of the Interior, 2021 4th Avenue North, Suite 112, Billings, MT 59101, not later than 15 days after filing the document with the authorized officer and/or IBLA.

Contact Person

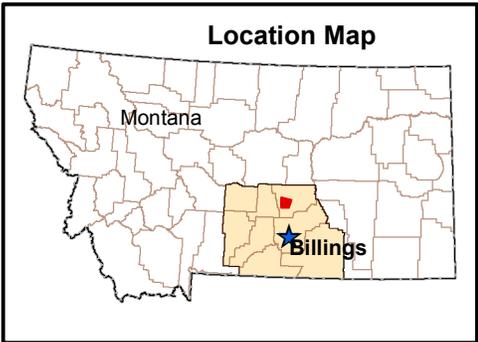
For additional information concerning this decision, contact:

Nancy Bjelland
BLM Billings Field Office
5001 Southgate Drive
Billings, Montana 59101
406-896-5222

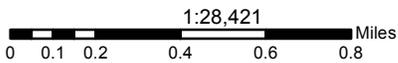


Northwestern Energy 7.2kV Powerline ROW Renewal MTM0073341

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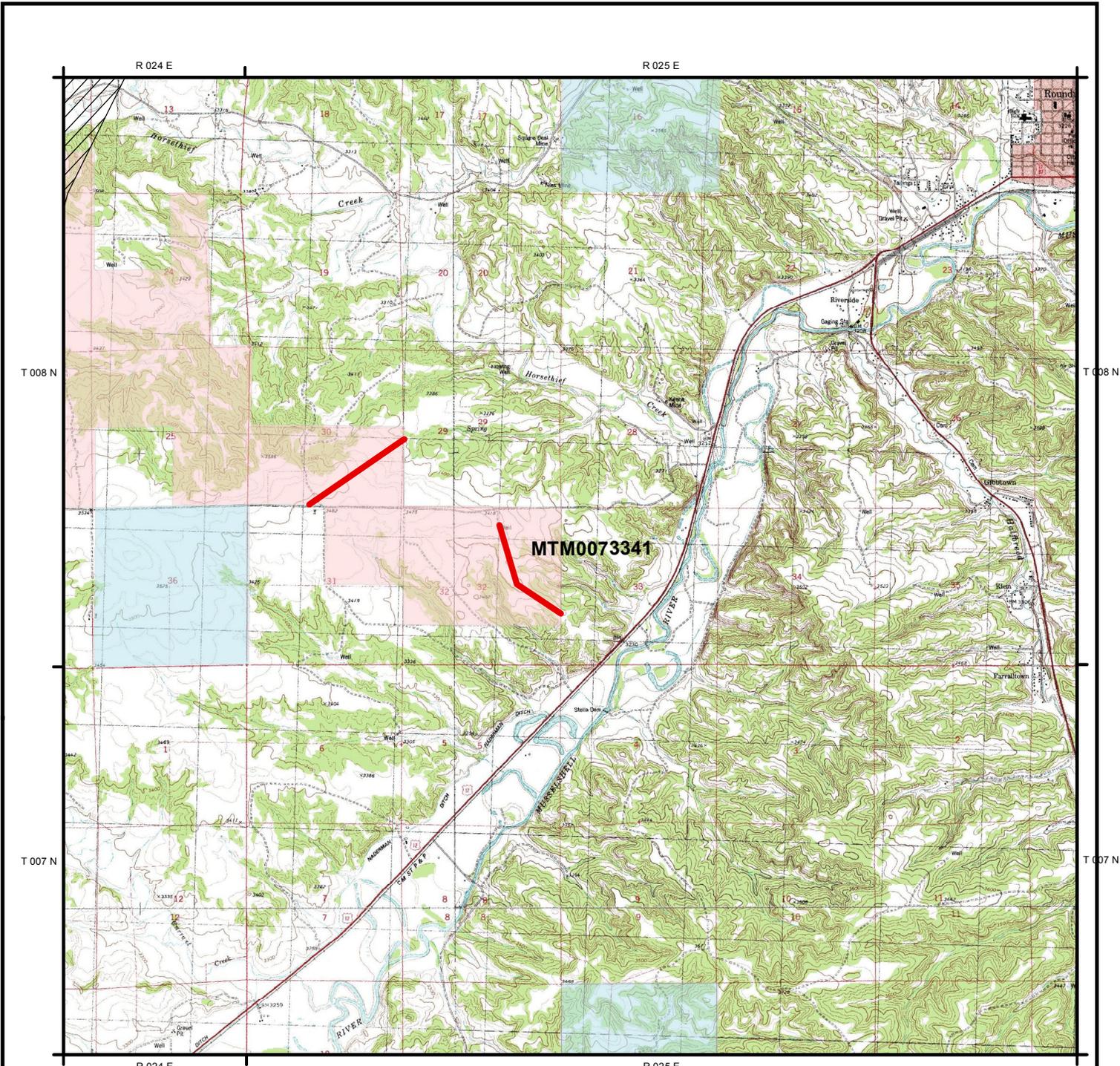
- Right of Way (Line)
- BLM - Land Utilization
- Division of State Lands: STL



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Date: 4/1/2016

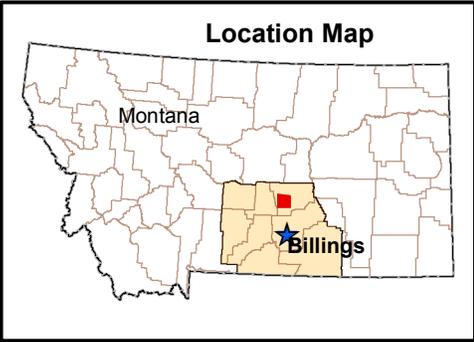


Northwestern Energy 7.2kV Powerline ROW Renewal MTM0073341

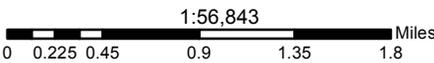
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Date: 4/1/2016