

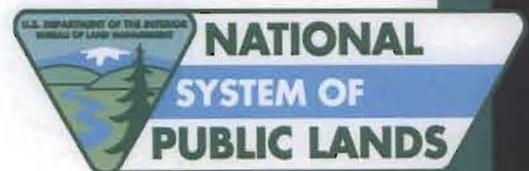
# DECISION RECORD for the Gateway West Geotechnical Drilling Project WYW175498-01

## 2011 Drilling Proposal

**BLM**  
Idaho Power Company and Rocky Mountain Power

August 01, 2011

BLM/WY/PL-10/038+5101



## BACKGROUND

In 2010, Idaho Power Company and Rocky Mountain Power were granted a short term right-of-way (ROW) (No. WYW175498-01) to conduct geotechnical surveys on federal lands managed by the Bureau of Land Management (BLM) in Wyoming and Idaho. The drilling project collected geotechnical soil property information at 124 locations for the design of foundations and support structures in association with the proposed route of the Gateway West electric transmission line. This transmission line would extend between the Windstar Substation at Glenrock, Wyoming, and the Hemingway Substation approximately 30 miles southwest of Boise, Idaho. An environmental impact statement on the transmission line is currently being developed.

The applicant's purpose for the proposed action was initiated when the Application for Transportation and Utility Systems and Facilities on Federal Lands (SF-299 form) was submitted to conduct geotechnical sampling in 2009. A revised SF-299 was submitted in 2011 to continue geotechnical investigation along the proposed route of the Gateway West transmission line project (including alternatives) in Wyoming. The need for the proposed action is to collect hydrogeologic and geotechnical soil properties for the engineering design of the proposed transmission line. Impacts resulting from the revised proposed action were analyzed in a Determination of NEPA Adequacy (DNA) completed in May 2011.

## Public Involvement

The Gateway West Geotechnical Environmental Assessment (EA) was released for a 30-day public review on June 16, 2009 as well as an unsigned Finding of No Significant Impact (FONSI). Over 7,000 post cards announcing the availability of the EA for review were mailed to all landowners, Tribes, agency offices in the route area, and anyone who had expressed an interest in the Gateway West Project. The post card contained information on where the EA could be located on the internet, including maps, how to request paper copies, and instructions on when and where to comment. Paper copies of the EA and a CD with large scale maps were mailed to 150 people and agencies. The comment period on the EA closed on July 22, 2009. About 25 letters were received. Responses to substantive comments were included in the EA.

Forty-six public notices were sent to land owners, elected officials, and agency offices within the revised project area, notifying them of completion of the DNA and FONSI allowing for continuation of the geotechnical investigation on lands managed by the BLM.

## DECISION

On the basis of the information contained in the EA No. **WY-060-EA09-88** and the DNA No. **WYW-175498-01**, and the attendant Finding of No Significant Impacts, it is my decision to implement the revised Proposed Action, to grant right-of-way WYW175498-01 for continuation of the geotechnical survey to be conducted on BLM lands identified in Wyoming. I find that this alternative continues to meet the purpose and need of the project while protecting natural and cultural resources.

Conditioned through mitigation measures, I find that this action will not result in significant impacts on the human environment pursuant to Title 40 Code of Federal Regulations 1508.27 (a) and (b)(1) through (10) and that an Environmental Impact Statement is not required.

The revised proposed action is for the BLM to issue a short term right-of-way grant for drilling on BLM-managed federal lands and access across federal lands for drilling on other federal, private, and state lands. The activities that would result from granting the right-of-way are limited to conducting short-term engineering studies for the proposed Gateway West Transmission Line route and alternatives to collect hydrogeologic and geotechnical soil properties. Drilling would occur at 25 locations on BLM lands, and

up to 64 locations total (including all federal, state, and private land ownerships), where permitted by the agency or landowner. Environmental protection measures and monitoring would continue to minimize or eliminate impacts on water, soil, vegetation (including weeds), land uses, wildlife, fish, cultural and historical resources (see the EA, Section 2.1.3). Drilling would generally occur within 100 feet of existing roads, but in a few locations, overland travel of up to 1 mile would be needed. Drilling would begin in 2011 and be completed in 2012. Cultural resource surveys have been completed and activity locations moved to avoid impacts. Biological surveys have been completed for all sites except the four granted an exclusion near the Stinking Creek Substation (formerly called Difficulty Substation). The right-of-way will be granted as follows:

Terms of Authorization

Authority: Federal Land Policy and Management Act of 1976.

Term: Expires on December 31, 2012.

Dimensions:

Bore Holes: 25 holes encompassing approximately 0.93 acres (40 feet by 40 feet, 0.037 acres per hole)

Access: Approximately 22.59 miles, encompassing approximately 82.15 acres (30 foot ROW)

Approximately 2.24 miles are overland travel (8.15 acres)

TOTAL: Approximately 9.0 acres of new surface disturbance.

Rental: Determined by 43 CFR 2803.1-2.

Bonding: None required.

Prework

Conference: A Notice to Proceed will be required by each BLM Field Office prior to beginning drilling operations within that field office.

Stipulations: Standard right-of-way guide stipulations from BLM Handbook H-2801-1 will be included in the right-of-way grant. Applicant committed mitigation (environmental protection measures) are incorporated into the proposed action/plan of development. Additional mitigation measures derived from the EA, the biological assessment and the U.S. Fish and Wildlife Service concurrence letter, and the cultural resource reports include:

Field clearances (surveys) will be conducted during the appropriate season in the vicinity of the drilling locations prior to access and drilling to identify avoidance areas.

Disturbed soils will be seeded (broadcast and raked in) with certified weed free native seed species such as Sandberg bluegrass (*Poa secunda*).

At least 50 percent perennial plant cover will be established in disturbed areas following ground disturbing activities, unless ecological conditions preclude that level of cover. If a native species component existed in a drill site prior to ground disturbance, then the species component of the perennial plant cover will be restored.

All vehicles will travel on existing roads, with the exception of minor off-road traverses (less than 0.5 mile) to access drill site locations.

To reduce the spread or introduction of noxious and invasive weed species, drill rigs and transport vehicles will be washed weekly or when moving from one BLM weed management area to another. An air compressor will accompany the drill rig and be used daily to removed weed parts and seeds from all vehicles.

**Public Comment Used in Decision Making**

I carefully considered public comments received on the 2009 EA as documented in the 2010 Decision Record. No new comments were received. Modifications to the proposed action made due to public comments have been carried forward to the continuation of the project.

**Rationale for the Decision**

I am selecting the new Proposed Action because it meets the purpose and need for the project and the no action alternative does not. Additionally, there were no impacts discovered that I would consider adverse

to public lands. The information gathered during implementation is necessary to fully develop the plan and design for the Gateway West Transmission Line Project. However, granting the right-of-way to allow the geotechnical drilling to continue on BLM administered lands does not require a future decision on the Gateway West Transmission Line project right-of-way grant application, nor does it direct related drilling activities on lands managed by other agencies or owned by other land owners.

### **Compliance with Laws, Regulations, Policies, and Land Use Plans**

The selected alternative complies with environmental laws, regulations, and policies pertinent to the decision, including the Endangered Species Act, the National Historic Preservation Act, the Clean Water Act, the Federal Land Policy and Management Act, the Clean Air Act, and Executive Orders (EO) covering Environmental Justice (EO 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations), Noxious Weeds (EO 13112, Invasive Species), and Wetlands (EO 11990, Protection of Wetlands).

Additionally, the selected alternative is consistent with the 3 Resource Management Plans for the BLM Field Offices where the project would occur. These plans have been reviewed to determine if the proposed action conforms with the land use plan terms and conditions as required by 43 CFR 1610.5. The project is in compliance with all the current plans because the proposed action does not include activities that are: excluded, occurring during a period where it is prohibited, or produce effects that exceed an established standard.

Laws governing the management and use of BLM lands allow federal agencies to grant utility uses on federal land. Decisions to grant utility uses require environmental protection. The agencies must: 1) determine whether the Project would conform to applicable federal land management plans and policies; 2) determine whether the environmental protection measures identified by the Proponents are adequate to protect the environment; and 3) decide whether the Project is in the public interest, considering environmental impacts. Additional protections and monitoring plans may be required. Major federal authorizing actions required for the proposed project to proceed are described below.

Specifically, 43 CFR 2801.9 requires a BLM ROW Grant for use of public lands for "*systems or facilities over, under, on, or through public lands.*" Subpart 2804 describes the process for filing applications for a ROW Grant, which was followed by the Proponents in submitting the application.

### **Appeal Language**

Right-of-way decisions are issued in "full force and effect" in accordance with the regulations in 43 CFR 2801.10. Full force and effect means that the decision can be implemented immediately even if the decision is appealed to the Interior Board of Land Appeals (IBLA). The appellant has the opportunity to file a petition for a stay with IBLA. A stay is a request to prevent implementation of the decision until the appeal can be reviewed by IBLA. Procedures for filing an appeal or stay are discussed below.

This decision may be appealed by any adversely affected party 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 the Bureau of Land Management Wyoming State Office, 5353 Yellowstone Road, Cheyenne WY 82009, PO Box 1828, Cheyenne, Wyoming 82003-1828 within 30 days from the date of this decision. The appellant has the burden of showing that the decision appealed from is in error.

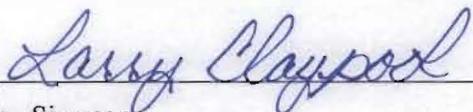
If you wish to file a petition (request) pursuant to regulation 43 CFR 2801.10 or 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay 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.

Standards for Obtaining a Stay

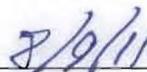
Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

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



Don Simpson  
State Director  
Wyoming State Office

**ACTING**



Date