

**UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
WYOMING STATE OFFICE**

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**Gateway West Geotechnical Drilling Project WYW175498-01**

**July 26, 2010**

**DECISION RECORD  
Wyoming and Idaho  
Project Proponents: Idaho Power Company and Rocky Mountain Power**

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**Wyoming State Office  
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## BACKGROUND

Idaho Power Company and Rocky Mountain Power have requested a short term right-of-way to conduct geotechnical surveys on federal lands managed by the Bureau of Land Management (BLM) in Wyoming and Idaho. This drilling project would collect geotechnical soil property information 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 along the proposed route of the Gateway West transmission line project (including alternatives) from the new Windstar substation north of the existing Dave Johnston Power Plant at Glenrock, Wyoming to the new Hemingway substation southwest of Boise, Idaho. The need for the proposed action is to collect hydrogeologic and geotechnical soil properties for the engineering design of the proposed transmission line.

### Public Involvement

The Environmental Assessment (EA) was made available for public review on June 16, 2009, as was a draft Finding of No Significant Impact. 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 on the EA were included in the Final EA. Some comments objected to the Gateway West Transmission Line Project. Those comments are not pertinent to the proposed action and alternatives, and are beyond the scope of the EA. They were forwarded for consideration in the transmission line project EIS.

## DECISION

Based on the analysis in Environmental Assessment **EA No. WY-060-EA09-88** and the attendant Finding of No Significant Impacts, it is my decision to implement the Proposed Action, to grant right-of-way WYW175498-01 for the geotechnical survey to be conducted on BLM lands identified in Wyoming and Idaho. I find that this alternative best meets 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 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 278 locations on BLM lands, and up to 912 locations total (including all federal, state, and private land ownerships), where permitted by the agency or landowner. Environmental protection measures and monitoring would be applied 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 2010 and be completed in 2011. Botanical and cultural resource surveys have been completed and activity locations moved to avoid impacts. The right-of-way will be granted as follows:

Terms of Authorization

Authority: Federal Land Policy and Management Act of 1976.

Term: 3 years; may not be renewed.

Dimensions:

Bore Holes: 278 holes encompassing approximately 10.29 acres (0.037 acres per hole)

Access: 13.35 miles encompassing approximately 0.80 acres (0.06 acres per mile)

TOTAL: 11.09 acres.

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:

- A botanist will accompany drilling crews to identify access routes and coordinate actual drilling locations on public land and private land so slickspot microsites are avoided.
- 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.
- During drilling, soil will not be stored on slickspot microsites.
- 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 0.7 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.
- A BLM-approved archeologist will accompany the drill crews in the Kemmerer Field Office to ensure compliance with all conditions of the right-of-way.

## Public Comment Used in Decision Making

I have carefully considered public comments received on the EA, and appreciate the public's interest in public lands management. Comments on the EA that modified the proposed action are described below:

- Some comments were concerned that the final route of the Gateway West Project had not been determined and that the alternatives considered were likely to change and therefore the drilling program was premature. A ROW grant will be issued for the boreholes addressed in the EA; however, if an alternative is dropped from further analysis, the Companies will not proceed with investigating these locations as there would be no useful information to be gathered.
- Others commented that drilling may affect shallow water wells. As a result, an environmental protection measure was included requiring that any drilling that hits water will be plugged with bentonite to prevent the drainage of perched water and prevent the contamination of groundwater.
- Comments aimed at preventing the spread of weeds resulted in requirements to wash vehicles and revegetate certain disturbed areas.
- Specific comments were made on the protection of species listed as threatened or endangered under the Endangered Species Act. Additional timing restrictions, survey requirements, and avoidance areas were identified to reduce these effects.
- The remaining substantive comments were used to clarify language in the EA, or were addressed directly in the response to comments.

While these modifications to the proposed action or EA are important, they do not substantially change the proposed project, the analysis in the EA, or the findings made in the draft Finding of No Significant Impact. A summary of comment responses (Chapter 4) and an errata sheet are included in the EA noting the substantive changes.

Ongoing dialogue between BLM, the Companies, and concerned citizens and interest groups has identified alternative transmission line routes that may be considered in the draft EIS for the Gateway West project. Many of these alternative routes were identified subsequent to development of the geotechnical testing proposal. Bore holes and overland access routes have not been identified or analyzed as part of this EA for those proposed alternative routes. The Applicants have requested permission to conduct geotechnical work only in areas where, in their opinion, little controversy exists or no substantial alternatives have been proposed. An amendment to the right-of-way will be submitted for BLM consideration once a definitive geotechnical testing program is developed for those alternative routes. BLM has informed the Applicants that there is no assurance that any route in particular will be approved and that all work will be conducted at their own risk.

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.

This decision is issued in full force and effect in accordance with 43 CFR 2801.10, which states in part, “All BLM decisions under this part remain in effect pending appeal unless the Secretary of the Interior

rules otherwise, or as noted in this part.” Parties concerned with this decision may petition for a stay of a BLM decision under this part with the Office of Hearings and Appeals, Department of the Interior.

### **Rationale for the Decision**

I am selecting the 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 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 14 Resource Management Plans and Management Framework 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 and pending 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.

### **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.

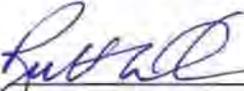
This decision may be appealed by any adversely affected party to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4. If an appeal is taken, your notice of appeal must be filed in the Bureau of Land Management Wyoming State Office, 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

August 4, 2010

Date