USDA

Decision Memo

2020 Midstate Electric Halfway House Power Pole Replacement

USDA Forest Service
Crescent Ranger District, Deschutes National Forest

Klamath County, Oregon

Background

Midstate Electric Cooperative Inc.'s (MEC) is requesting to replace 13 old deteriorate power poles that are located along USFS 5825-801 road off of the west side of Highway 58. Access would be from the 5825 going either north or south along the powerline right of way.

Purpose and Need

There is a need to replace 13 power poles along USFS 5825-801 due to age and deterioration.

Proposed Action

I am approving the following actions to meet this purpose and need. Remove the old poles and install new poles into existing holes (Pole numbers M6-R1 (71365) to M6-R13 (71377) are located on National Forest Lands). The process includes lifting the wires off the old pole and remove the pole using a bucket truck. The existing hole will be re-drilled using an augur attached to a boom truck and install the new pole back into the newly drilled existing hole to a depth of 6'.6" for a 45' pole. Wires will be placed onto the new pole. A boom truck with augur and several bucket trucks are required to complete the tasks. Spoils are placed around pole once completed.

The project is located in Klamath County, Oregon, with a legal description of T25S, R8E, Sections 30 and 31; Willamette Meridian (Figure 1).

Reasons for Categorically Excluding the Decision

Decisions may be categorically excluded from documentation in an environmental impact statement or environmental assessment when they are within one of the categories listed in 36 CFR 220.6(e), and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative effect on the quality of the human environment.

Category of Exclusion

The appropriate category of exclusion is found in the Forest Service National Environmental Policy Act (NEPA) regulations at 36 CFR 220.6(e)(2). This category is appropriate because the project involves "*...additional construction or reconstruction of existing telephone or utility lines in a designated corridor.*"

Relationship to Extraordinary Circumstances

In determining the appropriateness of using the categorical exclusion, a determination of the potential impact to the resource conditions identified in FSH 1909.15 Section 30.3(2) must be made. The following is the list of the potential effects to the resource conditions from the project activities.

1. ***Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.***
   - ***Wildlife***: This project would have **"No Effect"** to the northern spotted owl and designated critical habitat and would not contribute to a negative trend in viability on the Deschutes National Forest.

This project would have **"No Effect"** to the gray wolf, North American wolverine, or the Oregon spotted frog or its Critical Habitat.

- This project would have **"No Impact"** to the northern bald eagle. Implementation of Pole Replacement project **"May impact individuals or habitat, but will not likely contribute to a trend toward federal listing or loss of viability to the population or species"** for the western bumble bee, Morrisoni bumble bee and Suckley cuckoo bumble bee.

- ***Plants***: This project would have **"No Effect"** to any threatened, endangered, and **"No Impact"** to R6 Sensitive plant species.

- ***Fisheries:*** This project would have **"No Effect"** to any threatened, endangered and **"No Impact"** to R6 Sensitive fish species or habitat.

2. ***Flood plains, wetlands, or municipal watersheds***
Executive Order 11988 provides direction to avoid adverse impacts associated with the occupancy and modification of floodplains. Executive Order 11990 provides direction to avoid adverse impacts associated with destruction or modification of wetlands. The project is consistent with both executive orders.
   - This project would have no effect to either floodplains or wetlands.
   - There would be no adverse effects to a municipal watershed because the project is not located within or adjacent to a municipal watershed.

3. ***Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas***
The project area is not located within any Wilderness, Wilderness Study Areas, or National Recreation Areas. The closest Wilderness Area is Mt Thielsen Wilderness which is nine miles to the south on the Fremont-Winema National Forests. No activity would take place in the Wilderness.

   The closest electric pole is approximately three and a half miles from the edge of the Little Deschutes Wild and Scenic River (WSR) corridor. No activity would take place in the WSR corridor. The closest pole is approximately six miles from the edge of the Oregon Cascades National Recreation Area (OCRA). There is no proposed activity in the OCRA.

4. ***Inventoried roadless areas or potential wilderness areas***
The project is not located within any Inventoried Roadless Areas (IRA) or potential wilderness areas. The nearest Inventoried Roadless Area is the Mt Thielsen IRA, which is approximately 15 miles to the southwest of the project area.

   The project is not within a potential wilderness area, nor will it affect any of the criteria for inventorying potential wilderness (ie. – no roads will be built and no timber will be cut).

5. ***Research Natural Areas***
There are no existing or proposed Research Natural Areas in or adjacent to the project. The nearest Research Natural Area is the Cannon RNA on the Fremont-Winema National Forests, which is approximately 15 miles to the east.

6. ***American Indians and Alaska Native religious or cultural sites, archaeological sites, or historic properties or areas***
This project was reviewed under the stipulations of the 2004 Programmatic Agreement among the USDA-Forest Service, the Advisory Council on Historic Preservation, and the Oregon State Historic

Preservation Office. This project has been determined to be compliant with Section 106 of the National Historic Preservation Act.

Based on the final conclusions regarding the effects to the resources and conditions listed above, I have determined the project will have no extraordinary circumstances that may result in a significant direct, indirect, or cumulative effect on the quality of the human environment.

Public Involvement
Public scoping and Tribal consultation was conducted in conjunction with the release of this preliminary Decision Memo. This project was also listed in the Deschutes National Forest Schedule of Proposed Actions and on the Forest Service website. Comments were accepted from July 23, 2020 through August 21, 2020. No comments were received.

Consistency with Deschutes Land and Resource Management Plan

I have reviewed the *Deschutes National Forest Land and Resource Management Plan and Record of Decision 1990* (Forest Plan), as amended by the *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl* (Northwest Forest Plan, 1994), and have determined that the project is consistent with the amended Forest Plan goals, objectives, and standards and guidelines. Biological Evaluations were prepared for Sensitive, Threatened, and Endangered animal, plant and aquatic species and are located in the project file at the Crescent Ranger District. Also, the project meets all of the applicable Project Design Criteria from the 2014 Programmatic Biological Assessment for central Oregon.

Scenic Views
Three of the poles are in Management Area 9 (MA 9) Scenic Views, foreground. This project would be consistent with M9-83 "*Mineral developments, utilities, and electronic sites may be located in these areas if the facilities and associated improvements are located, designed, and maintained to blend with the characteristic landscape. Visual quality objectives may not always be met when the viewer is with the special use site itself, due to the usual large scale of the facilities. However, when viewed from the travel routes, recreations areas, and other sensitive viewer locations, Visual Quality Objectives should be met.*"

The power pole (M6-R13 see Figure 1) closest to the Highway 58 travel corridor is set-back approximately 0.13 miles from the edge of the highway with the additional poles inline behind them. Those traveling at highway speeds along the Highway 58 travel corridor would notice no difference from the current poles.

Northwest Forest Plan
This project is outside the Northwest Forest Plan boundary thus Survey and Manage is not required.

Additional National, State, and Local Laws and Direction
This project does not include any burning or actions that would cause more than incidental dust. The project will not compromise air quality and is therefore consistent with the Clean Air Act of 1963 as amended.

This project is consistent with the Clean Water Act of 1972. There are no lakes or streams nearby that would be affected.

This project will not disproportionately affect any social groups or civil rights. The U.S. Department of Agriculture prohibits discrimination in its employment practices based on race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital and family status.

This project will not have any disparate effects on any consumers, minority groups, women, civil rights, or social/ethnic groups. This project will be compliance with Executive Order 12898, Environmental Justice.

This project is consistent with the Endangered Species Act of 1973. This project will be compliant with Executive Order 13186, Conservation of Migratory Birds related to the Migratory Bird Treaty Act (MBTA) of 1918, as amended.

Implementation

When the Decision Memo is signed, project implementation can begin once final approval is received from the Crescent District Special Use Administrator. The following project design features will be included to meet project objectives and/or to reduce or minimize unwanted effects:

Cultural

- A preconstruction meeting will be conducted well in advance of project implementation with Midstate, the Crescent Special Uses Permit Administrator, and the District Archaeologist.
- For any ground disturbance work- if imported fill is utilized it must be from a culturally sterile source (meaning there is no possible contamination from fill originating from another buried archaeological site).
- If, prior to, or during construction work, items of archaeological or historical value are reported or discovered, or an unknown deposit of such items is disturbed, the permit holder would immediately cease activities in the area affected. The Forest Service would be notified, and ground disturbing activity would not resume until written authorization is provided.
- Should human remains be encountered, the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3001 et seq. [Nov. 16, 1990] and its regulations (43 CFR §10) would apply.

Botany

- Equipment Cleaning - Actions conducted or authorized by written permit (contracts) require cleaning of all heavy equipment (i.e., bulldozers, skidders, and other construction equipment) prior to entering Forest Service lands. Equipment will be inspected on-site by the Forest Service project manager or the District botanist prior to start of work.
- If rock material is used for project: All gravel, fill, sand stockpiles, quarry sites and borrow materials used for this project will be inspected for invasive plants before such material is transported and used within Forest Service lands. Any infested sources must be treated before use of pit material. Only gravel, fill, sand, and rock that are judged to be weed-free by District or Forest weed specialists will be used for this project (Requirement R6 Standard #7).
- If mulch material is used for project: Only weed-free straw and mulch will be used for projects conducted or authorized by the Forest Service on National Forest System Lands.

Monitoring

- If heavy equipment needs to maneuver outside of the existing Midstate power line right-of-way monitoring will be required by the District Archaeologist.

Best Available Science and Conclusion

My conclusion will include a review of the record of relevant scientific information, a consideration of responsible opposing views, and the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk.

Administrative and Appeal Rights

The final decision is not subject to appeal or objection. On January 17, 2014, the President signed into law the Consolidated Appropriations Act of 2014 (Pub. L. No. 113-76). Section 431 of that Act directs that the 1992 and 2012 legislation establishing the 36 CFR 215 (post-decisional appeals) and 36 CFR 218 (pre-decisional objections) processes "shall not apply to any project or activity implementing a land and resource management plan … that is categorically excluded ….under the National Environmental Policy Act [NEPA]." As a result, the Forest Service no longer offers notice, comment, and appeal opportunities pursuant to 36 CFR 215 for categorically excluded projects such as the one covered under this Decision Memo.

Contact Information

For additional information concerning this project, contact Meria Page, Special Uses Administrator, at Crescent Ranger District, 136471 Hwy 97 N/ P.O. Box 208, Crescent OR 97733, by phone at (541) 433-3200 or email meria.page@usda.gov.

9-2-2020

DANIEL RIFE
District Ranger
Crescent Ranger District

DATE

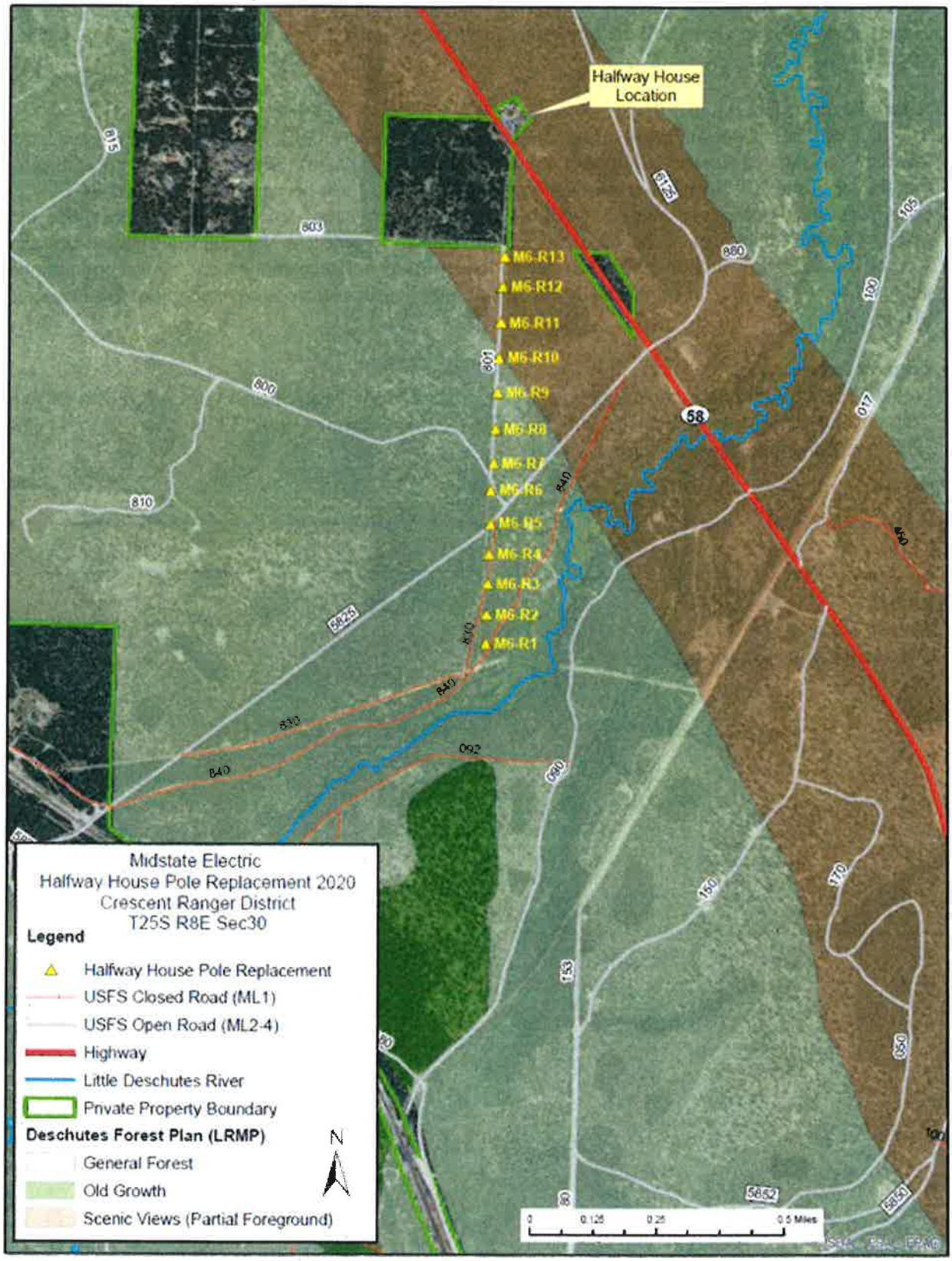

Figure 1 – Midstate Electric Line Transformer Replacement South of Highway 58 at Halfway House