

DECISION MEMO

CASCADE NATURAL GAS CORPORATION CENTURY DRIVE GAS LINE INSTALLATION

USDA Forest Service
Bend/Fort Rock Ranger District, Deschutes National Forest
Deschutes County, Oregon
Township 22 South, Range 11 East, N ½ Section 14, SE ¼ Section 15, NE ¼, S ½
Section 22, Willamette Principle Meridian

I. DECISION TO BE MADE

A. Decision

I have decided to allow the Cascade Natural Gas Corporation (CNGC) to bury a 6-inch steel natural gas distribution line on National Forest System lands.

B. Location of the Project

The project area is located along the North side of Cascade Lakes Highway 46 (Century Drive) between the National Forest boundary and the Inn of 7th Mountain. The legal description is Township 22 South, Range 11 East, N ½ Section 14, SE ¼ Section 15, NE ¼, S ½ Section 22, Willamette Principle Meridian. See Exhibit A for location details.

The project area includes the following Deschutes National Forest Land and Resource Management Plan (Forest Plan) management area (MA). The existing project site is within the Scenic Views Management Area and classified as **Retention** in Visual Quality Objective (VQO) System and **High Scenic Integrity** (Appears Unaltered) in the Scenery Management System (SMS) which refers to landscapes where the valued landscape character “appears” intact. No activities will be within Old Growth Management Areas nor West of the Owl Line. No permanent or temporary lakes or streams are located within the project area.

II. PURPOSE AND NEED FOR ACTIVITIES

A. Purpose and Need

This project is needed to supply natural gas to communities West of Bend.

B. Description of Project Activities

The project will consist of installing new buried 6-inch steel pipeline from an existing 4-inch polyethylene pipeline near Ranch Road along Century Drive. Spanning approximately 3 miles, the construction footprint will be approximately 6 acres in size averaging a twenty-foot width. Trenching dimensions are 16 inches wide by 60 inches

deep with 48 inches of pipeline cover to grade. Centerline of the trench will be approximately 16 feet north of the pavement's edge of Century Drive and will be contained within the Oregon Department of Transportation right-of-way (70 feet and 80 feet from centerline), but outside of the road prism. One directional bore will occur perpendicular to the highway crossing at the Inn of 7th Mountain's entrance drive. Weed-free import fill may be utilized if hard rock is encountered during trenching operations. A plastic gas line marker will be placed approximately every 500 feet and at important crossings. Isolation valves will be placed on private land only. The X52 grade, .188-inch wall steel pipe will be high-pressure in the future operating within maximum design pressure (500 pounds force per square inch -psig) at 60 psig. Once in operation, the pipeline will be used year-round and will be accessed intermittently for line maintenance and leak surveys.

Project implementation will span approximately two to three months in duration and commence on the west end of the alignment. Construction operations will be comprised of two phases - excavation and pipeline construction. Equipment unique to each phase will be utilized on site during execution. The excavation phase will incorporate a track-hoe excavator, dump truck, a crew vehicle and a service vehicle visiting the site. Construction will have a welding truck, back hoe, pipe boom, crew truck, and an inspection vehicle. The implementation phases will occur proximal and concurrent with respect to each other. Temporary staging areas necessary to complete construction of the pipeline will be identified by CNGC as needed and approved by the Forest Service prior to the use of the staging areas.

C. Measures to Reduce or Eliminate Unwanted Impacts Include, But Are Not Limited To:

- Reducing the risk of noxious weed introduction and spread
- Protection or avoidance of cultural sites
- Protecting visual quality
- Wildlife habitat maintenance
- Maintaining and/or enhancing access travel management strategy

1. Botany

The proposed action will have no impact on Proposed, Endangered, Threatened, or Sensitive plant species.

a. There are no known Threatened, Endangered, or Sensitive plant sites within the project boundary, although there are known sites of the green-tinged paintbrush (*Castilleja chlorotica*) about two miles away. There is a low probability that this species may occur within the project, because no rocky lava domes that the species prefers have been found in the area during previous surveys.

b. No habitat for Threatened, Endangered, Proposed, or Candidate plant species exists within the project area, with the possible exception of *Botrychium lineare*, a Candidate species.

c. The permit holder will be required to **clean all equipment involved with this project before entering National Forest System lands**. All mud, dirt, and plant parts will be removed from equipment before it is moved onto the project area.

d. **If fill material from outside the project is necessary to complete the project, a Forest Service botanist will inspect it for weeds.**

e. CNGC will be **responsible for conducting annual June weed monitoring visits** to ensure that weeds do not become established within any portion of the project. If weeds are found, CNGC will hand-pull them and bag them if flowers or seeds are present. CNGC will **provide the Forest Service a brief annual report** that shows compliance with this mitigation. The report need not be lengthy or elaborate. A simple e-mail sent to the Special Uses Coordinator and the district botanist will suffice.

CNGC will be **responsible for monitoring the area for two growing seasons** after the work is done. For example, if the work is completed in September 2008, the proponent will monitor in the summers of 2009 and 2010. Weed monitoring will begin the first June after the project has been completed; it is strongly encouraged that the monitoring occur then rather than later in the summer because the weeds will still be small and not flowering (for knapweed). Because of the ongoing nature of weed introductions in the area, the proponent will be released from further responsibility for the weeds there after the second year of monitoring/treatment is concluded.

The annual weed monitoring **report will be due no later than August 30**, will include descriptions of when they monitored, what weed species, if any, were found, and that they were treated. Hand-pulling will most likely be the most prudent treatment, because the weed sites will be small. Herbicide application will not be an option for the proponent. The proponent is welcome to discuss with the district botanist what weed species to look for.

f. To help alleviate the concern that weeds will enter the new seedbed that will be created with this project, the project proponent will **seed the disturbed area in late October with Idaho fescue seed that the Forest Service will provide**. The proponent will **provide a mulch to cover the seed** and will cover it immediately after the seed is sown. The proponent is welcome to discuss mulch options with the district botanist.

2. Archaeology

There are two known cultural sites within the project area.

a. The permit holder will **coordinate with the district archaeologist during the excavation phase**. The holder will **notify the archaeologist of timeframes** to start trenching work so that **an archeologist can be ON-SITE** during the time that trenching activities are conducted within or nearby the two site's boundaries. The sites locations within the project area are generally described as 1/10 mile southwest of FS road 100 and ¼ mile west of the forest boundary on Century Drive. **An archaeologist will monitor the trenching activities during ground disturbance work within the vicinity of the second site listed**. A contract archaeologist may be used.

- b. The permit holder will be required to **honor all markers placed for the purpose of cultural site boundary identification** during all phases of project implementation.
- c. In effort to meet terms communicated by the State Historic Preservation Office (SHPO) in a timeframe corresponding to the SHPO's response, the permit holder will **begin project activities on the west end of the project area.**
- d. The permit holder will be required to **cease operations immediately if a previously unknown site is discovered or if significant features or concentrations are identified in the known sites.**

3. Visual Quality

The proposed gas line will be visible to highway travelers when under construction for two to three months, dependent on weather. When buried and re-graded, it will meet the goals of M-9 (Scenic Views) in Retention Foreground (High Scenic Integrity in SMS) of providing high quality scenery that represents the natural character of Central Oregon.

- a. The area is previously visually impacted with private land development, signage, and permitted power distribution facilities.
- b. **No trees will be removed.**
- c. Approximately 31 yellow gas line markers will be visible within the span of the three-mile project.
- d. All staging areas will be rehabilitated subject to the terms identified here in section C. and to the satisfaction of the Forest Service.

4. Wildlife

Mitigation measures to minimize effects to federally listed threatened and endangered plant, wildlife or aquatic species and Regional Forester's sensitive species are listed as follows:

- a. To avoid potential nest abandonment and loss of broods for the Lewis' Woodpecker and olive-sided flycatcher, the permit holder will **begin project activities on the west end of the project area.**
- b. Since excavation and construction occur concurrent and proximal to one another, implementation may proceed eastward to the point where Century Drive crosses from section 15 to section 14. **Contact the special uses administrator one week prior to arriving at this trigger point if the crossing is expected before August 1, 2008.**

5. Access Travel Management

There are several closed unauthorized access points within the project area. The barrier-free landscape is at-risk of continued unauthorized access.

- a. Rehabilitation following the construction phase will incorporate ditch and grade specification necessary to **maintain existing conditions and to foster a 'no motorized access' management strategy.**
- b. Permit Holder will **coordinate with District Roads Specialist** regarding specifications and locations as described in item a.
- c. Limit all roadside right-of-way impact within the project area to the minimum necessary to accomplish the project and future maintenance needs.

III. 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 identified by the Chief of the Forest Service in Forest Service Handbook (FSH) 1909.15 section 31.2, 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.

This project may be categorically excluded from documentation in an environmental impact statement or environmental assessment as it is a routine activity within a category of exclusion 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.

A. Category Of Exclusion

The appropriate category of exclusion is found in the Forest Service Handbook 1909.15 Section 31.2 Category 2: Additional construction or reconstruction of existing telephone or utility lines in a designated corridor.

B. 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 habitat or species proposed for Federal listing or proposed critical habitat**

Effects to federally listed threatened and endangered plant, wildlife or aquatic species and Regional Forester's sensitive species are listed as follows:

This project occurs adjacent to potential habitat suitable for the Lewis' woodpecker (Sensitive), red-tailed hawk (NIS), northern flicker (MIS), hairy woodpecker (MIS), chipping sparrow (landbird focal species), olive-sided flycatcher (landbird focal species), rocky mountain elk (MIS), and mule deer (MIS).

Direct, indirect, or cumulative impacts are not expected to occur to rocky mountain elk or mule deer by implementation of this project. There are no known red-tailed hawk nests adjacent to the highway. The remaining species shown above may be indirectly impacted, but cumulative impacts are not expected. Project activities may impact individuals but would not negatively impact populations or contribute towards a trend to federal listing.

2. Flood plains, wetlands, or municipal watersheds

Floodplains: Executive Order 11988 provides direction to avoid adverse impacts associated with the occupancy and modification of floodplains. Floodplains are defined by this order as, "...the lowland and relatively flat areas adjoining inland and coastal waters including flood prone areas of offshore islands, including at a minimum, that area subject to a one percent [100-year recurrence] or greater chance of flooding in any one year."

There are no floodplains within the project area.

Wetlands: Executive Order 11990 is to avoid adverse impacts associated with destruction or modification of wetlands. Wetlands are defined by this order as, "... areas inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds."

There are no wetlands within the project area.

Municipal Watersheds: There are no municipal watersheds within the project area.

3. Congressionally designated areas such as wilderness, wild and scenic rivers, and national recreation areas

At its closest point, the planning area is located approximately 1/3 mile northwest of the Upper Deschutes Wild & Scenic River corridor with Recreation Designation status. No activities would take place immediately adjacent to or within the river corridor.

The planning area is not located within a wilderness or a national recreation area.

4. Inventoried Roadless Areas

There are no inventoried roadless areas in the planning area. The project would not construct any permanent or temporary roads.

5. Research Natural Areas

There are no existing or proposed Research Natural Areas in the planning area.

6. American Indian and Alaska Native religious or cultural sites, archaeological sites or historic properties of areas

Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effect of a project on any district, site, building, structure, or object that is included in, or eligible for inclusion in the National Register. Section 106 of the National Historic Preservation Act also requires federal agencies to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment. The Archaeological Resources Protection Act covers the discovery and protection of historic properties (prehistoric and historic) that are excavated or discovered in federal lands. It affords lawful protection of archaeological resources and sites that are on public and Indian lands. The Native American Graves Protection and Repatriation Act covers the discovery and protection of Native American human remains and objects that are excavated or discovered in federal lands. It encourages avoidance of archaeological sites that contain burials or portions of sites that contain graves through "in situ" preservation, but may encompass other actions to preserve these remains and items.

This decision complies with the cited Acts. Surveys were conducted for Native American religious or cultural sites, archaeological sites, and historic properties or areas that may be affected by this decision. Consultation has been initiated with the State Historic Preservation Office (SHPO) requesting concurrence with Deschutes National Forest findings that one site within the project corridor is considered potentially eligible for the National Register.

Conclusion

Based on the conclusions regarding the effect to the resource conditions listed above, no extraordinary circumstances exist with the proposed project activities that may result in a significant direct, indirect, or cumulative effect on the quality of the human environment.

C. Other relevant resource conditions considered

Noxious Weeds: This project poses a **HIGH** risk of noxious weed introductions or spread since there will be heavy equipment used, soils potentially imported, and known noxious weed sites in/adjacent to the project area. Results of surveys are on file at the Bend-Fort Rock District office. The mitigation measures discussed above will be implemented to avoid introducing new populations of weeds and to avoid spreading the known sites.

There are occasional weed populations within the project corridor. The weeds present include spotted knapweed (*Centaurea biebersteinii*), dalmatian toadflax (*Linaria dalmatica*), and cheatgrass (*Bromus tectorum*).

IV. PUBLIC INVOLVEMENT

A scoping letter was mailed to 108 individuals, organizations, and agencies on February 14, 2008. The scoping period was closed on March 12, 2008. The project was also included in the winter 2008 edition of the Deschutes National Forest's 'Schedule of Proposed Actions'. The following tribal governments were contacted with letters: Confederated Tribes of the Warm Springs Reservation, Burns Paiute Tribe, and the Klamath Tribes. This categorically excluded activity is not subject to notice, comment, or appeal under the 36 CFR 215 rules.

Four individuals responded to scoping. All four respondents expressed various concerns and one was in general favor of the project:

Comment: A concerned citizen: "How much are these companies paying the forest service to place these structures on the National Forest lands? It seems these for profit companies should pay for the use of the land." And "...seem(s) acceptable..."

Response: *CNGC has paid cost recovery fees to fund the Forest Service for the analysis of the project's application and monitoring of the subsequent authorization. As a corporation with permitted use on public lands, an annual land use rental fee will be charged according to the scope and type of use.*

Comment: Blue Mountain Biodiversity Project comment dated 3/13/2008: "Future high pressure use from where, for whom?.....should not be approved without full disclosure."

Response: *CNGC's product is supplied by Gas Transmission Northwest Corporation's TransCanada pipeline. This project will benefit Arrowood Development customers and other citizens residing on private land west of Bend. The proposals general description was advertised as outlined in section IV. of this document.*

Comment: Wanderlust Tours owner: "...demand very stringent guidelines if allowed to proceed...mitigation of the land they use...should be in perpetuity. The lease money they pay for the land needs to go back into the Deschutes Forest, not the US Treasury."

Response: *Mitigation measures are outlined in section C. of this document and are applied consistently to all proposals of this nature. CNGC has payed cost recovery fees to fund the Forest Service for analysis of the application and monitoring of the subsequent authorization. As a corporation with permitted use of public lands, an annual land use rental fee will be charged according to the scope and type of use. Land use rental fees go to the U.S Treasury and discretion over the destination of these funds is a decision to be made by the U.S. Congress; therefore outside of the scope of this decision.*

Comment: A concerned citizen: ".....I strongly believe that when utilities are built to provide service to private land, then they should be placed on private land whenever possible. I recommend that the Cascade Natural Gas pipeline be built on the south/southeast side of the Century drive. To minimize disturbance, it could follow the

old railroad grade from the Entrada to the golf course. It then could follow the Century Drive R/W along the golf course to the Inn.....This highway is a nationally recognized scenic byway; encumbrances to the public lands from utilities should be kept to a minimum.”

Response: *The suggestions offered by this comment were explored as alternatives. The old railroad alignment is a recreation corridor with a city sewer line already permitted in place. There is a higher concentration of cultural sites on the south side of the highway. The Highway 46 ROW on the south side extends 70' to 80' from centerline and is also National Forest lands. Several trees would need to be removed for implementation to occur in this location. An alternative outside of the ROW on private land was also explored. Private landowner at Widgi Creek did not cooperate as it was determined that approximately 70 trees would need to be removed to install the gas line through the golf course. The proceeding information suggested that the least overall impact to the public, natural resources, and visual quality would be utilizing the north side of the highway approximately 16 feet from pavement's edge for the pipeline's alignment.*

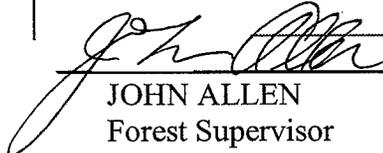
V. FINDINGS REQUIRED BY OTHER LAWS

This project is consistent with the Deschutes National Forest Land and Resource Management Plan (Forest Plan) as required by the National Forest Management Act. The Plan is amended by Inland Native Fish Strategy, which provides standards and guidelines for protection of watersheds and riparian habitat conservation areas. There are no riparian habitat conservation areas within the planning area. The project is designed in conformance with Forest Plan standards and incorporates appropriate guidelines for Scenic Views management allocations and for preventing the introduction and spread of invasive plants.

VI. APPEAL RIGHTS

This decision is not subject to appeal. Implementation may begin immediately.

For additional information concerning this decision, contact Scotty McBride, Special Uses Administrator at the Bend-Fort Rock Ranger District, 1230 NE Third Street, A-262, Bend, OR 97701 or via telephone at 541-383-4000.



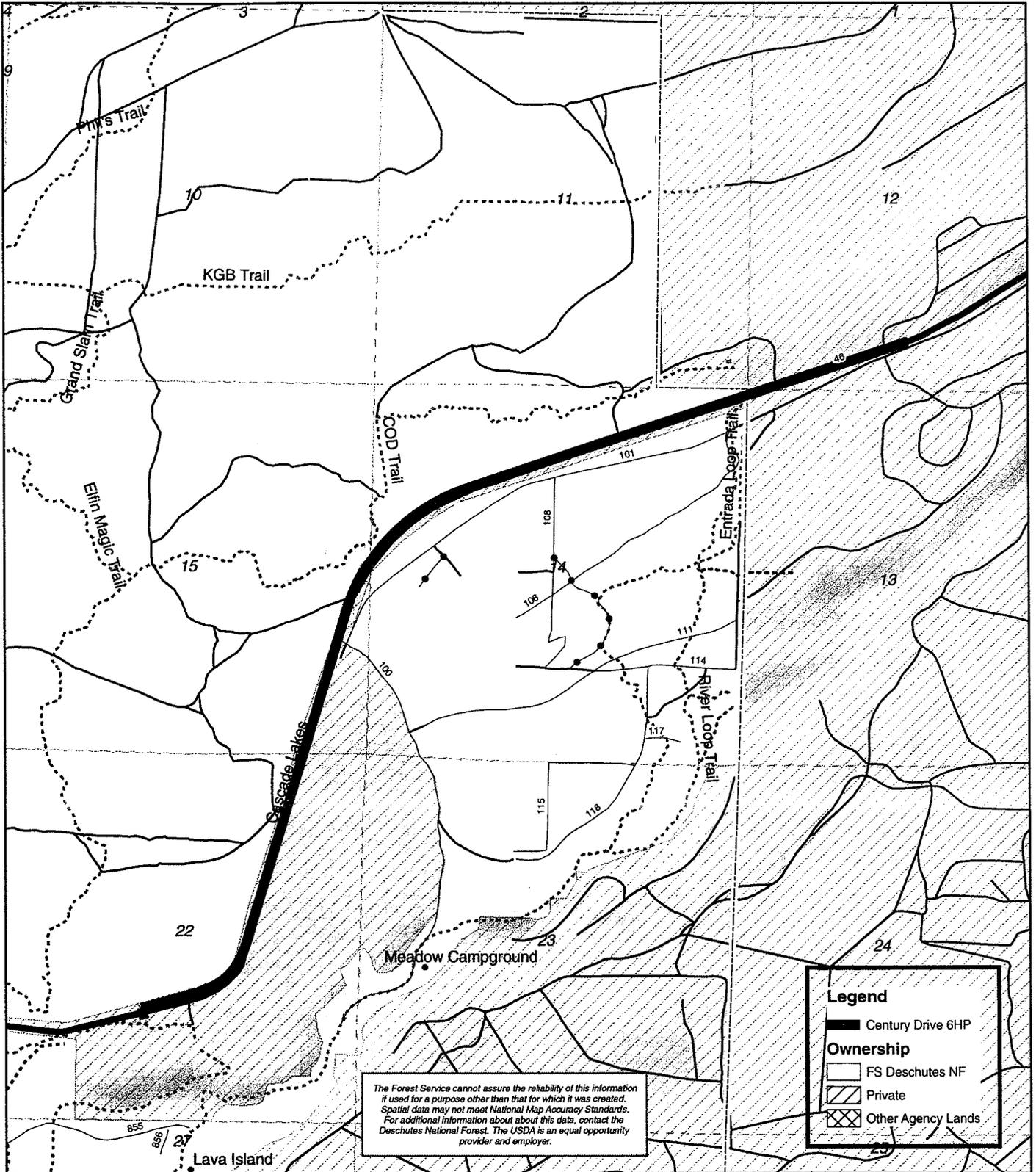
JOHN ALLEN
Forest Supervisor

6-19-2008
Date

EXHIBIT A

R 11 E.

Cascade Natural Gas Corporation



T 19 C

The Forest Service cannot assure the reliability of this information if used for a purpose other than that for which it was created. Spatial data may not meet National Map Accuracy Standards. For additional information about this data, contact the Deschutes National Forest. The USDA is an equal opportunity provider and employer.

Legend

- Century Drive 6HP
- Ownership**
- FS Deschutes NF
- Private
- Other Agency Lands

Cascade Natural Gas Installation of 2.5 mi. of distribution line
 Bend - Fort Rock Ranger District
 Deschutes National Forest
 Bend, Benham Falls, & Shevlin Park 7.5' Quadrangles
 Deschutes County, Oregon

1:24,000

