

Glass Butte Communication Site Right-of-Way and RMP Amendment Decision Record for the Implementation Level Actions

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United States Department of the Interior, Bureau of Land Management

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Decision

It is my decision to select a portion (as described below) of the **implementation level** actions described in Alternative 2 of the Glass Butte Communication Site Right-of-Way and RMP Amendment Environmental Assessment (DOI-BLM-ORWA-P000-2013-0017-EA). Glass Butte is about 11 air miles southeast of Hampton, Oregon. The EA, Decision, and other supporting documents are available on the BLM's ePlanning website (address at the top of this page). Select "NEPA" as type of project, click on "text search" then "advanced search" and enter "glass butte" under project name.

My decision is summarized below, but includes those actions, design features, and restrictions described on pages 7-16 of the EA that relate to Bonneville Power Administration's (BPA) portion of the project, as well as those in the signed BPA Programmatic Agreement (PA). A draft PA was included in Appendix D of the EA, and the signed PA is now available on the BLM's ePlanning website. The PA and EA are summarized below and incorporated by reference into this decision. With this decision, the BLM is issuing right-of-way (ROW) grants to allow BPA to develop and operate a communication facility. The BLM is also requiring actions to reduce, rectify, or compensate for impacts of the facility. The EA also analyzed BLM issuing a lease to AT&T to develop and operate a communication facility; the AT&T lease is not included in this decision.

The decision is to issue a 3-year non-renewable ROW grant to allow BPA to construct a new communication facility on .43 acres atop Glass Butte, and issue a 30-year renewable ROW grant to allow BPA to operate, use, and maintain the facility. This acreage reflects only actual building and tower footprints. The grants will also allow BPA to improve, use, and maintain 10.6 miles of an existing access road from Highway 20 to the facility. The BLM will also issue the Oregon Department of Transportation (ODOT) a 30-year ROW grant to allow them to co-locate in the BPA facility and use the access road. BPA will be responsible for site reclamation in the event they abandon or relinquish their grant, as described on page 10 of the EA.

The communication facility and road upgrades will be constructed as described on pages 8-9 of the EA, and summarized here:

- One 100-foot steel tower with several antennas.¹
- Two 2,000 gallon propane tanks.
- One building housing a generator and digital communication equipment.
- About 60 feet of buried electrical line to the building from an existing electrical power transformer vault southwest of the proposed new facilities.
- Grading and rock surfacing on a 100 by 125 foot area for the building, tower, and propane tanks.

Construction activities will include the communication site building and tower as well as road upgrades and use of three material/equipment staging areas (EA pages 11-13). During the construction period, BPA will also remove conifer on 45 acres (EA page 10) and close and reclaim of a small section of duplicate route (EA page 10), or fund the implementation of these actions.

The BLM will apply a number of stipulations to activities, including design features to limit visual effects of the facility, and seasonal limits on construction activity. These are described in detail on pages 13-16 of the EA.

Another stipulation is a requirement to adhere to the signed PA that provides a plan to mitigate adverse effects to historic properties. Actions in the PA include

- collection of oral histories from each of the three tribes;
- a requirement to have three tribal cultural resource monitors (one from each tribe) on site to monitor road improvement and construction activities; and
- evaluation of a proposed Glass Buttes Traditional Cultural Property (TCP) and determination of its eligibility for inclusion into the National Register of Historic Places pursuant to the National Historic Preservation Act and 36 CFR 800.

In addition, the BLM will require existing grant holders on Glass Butte to modify their existing facilities as described below when grants or leases are renewed or transferred:

- Screen propane tanks or paint them a darker color to blend with the background landform or vegetation. Screening could be low walls, fences, or vegetation on the downhill side of tanks. These screens would be the same color as the buildings on the site.
- Paint buildings a dark color to better blend in with the background landform.
- Paint the buildings on the north side of the summit a darker color than the buildings on the south side of the summit.

¹ The BPA tower is designed to accommodate up to 12 antenna, though it will initially hold only 8 or 9. This Decision does not specify the exact number of antennas. This is a slight change from the EA, which specified five antennas on the BPA tower, and did not specify a number on the AT&T tower. This clarification doesn't change the analysis in the EA, because the only potential impact from antennas was to visual resources, and this was mitigated by requiring them to be gray.

- Choose a matching overall color for each side of the summit to decrease the contrast of the existing facilities. Apply to buildings, doors, roofs, exhaust stacks, and galvanized attachments to the buildings such as vents.
- Change color on dish antennas to gray.

This **implementation level decision** follows the Oregon/Washington BLM State Director's January 2018 **planning level decision** to amend the Brothers/La Pine Resource Management Plan (RMP) by changing the Visual Resource Management (VRM) Class on about 13.9 acres of public land atop Glass Butte. The State Director decision changed the VRM Class on these acres from Class II (where BLM must largely retain the character of the landscape) to Class IV (which allows modification of the character of the landscape). This implementation level decision is appealable; the planning level decision was not.

The Brothers/La Pine RMP is available on the BLM's ePlanning website. Select "Land Use Plan" as type of project, then click on "text search" and select State = Oregon/Washington, Office = ORWA-Prineville DO, then click SEARCH box, then scroll down and click on the plan name to open the webpage.

Rationale for the decision

I selected the implementation level actions described in Alternative 2 of the EA because this alternative best meets the purpose and need stated in Chapter 1 of the EA; the actions will have favorable outcomes for various resources; and the decision is responsive to national direction. My rationale is detailed below.

This decision allows the applicant to develop a facility that will allow them to

- monitor and direct the instantaneous routing and delivery of electrical power throughout the western states to provide power to millions of customers, and
- support emergency responder and other crucial communications services throughout the State.

As stated in the Finding of No Significant Impact document (FONSI), the action will not have significant impacts on the human environment. The BLM carefully evaluated all the relevant issues to make this determination. The FONSI is available with the EA on the ePlanning website.

The decision is responsive to the January 2017 and August 2017 White House Executive Orders that call for expediting energy and telecommunication infrastructure projects.

The BLM developed the RMP amendment under the regulations implementing the Federal Land Policy and Management Act of 1976 (43 CFR 1600). The BLM prepared the EA in compliance with regulations implementing the National Environmental Policy Act of 1969 (40 CFR 1500).

Public, tribal and other involvement

Consultation with American Indian tribes began in spring 2013 and is ongoing. This includes the Burns Paiute Tribe, the Confederated Tribes of the Warm Springs Reservation of Oregon, and the Klamath Tribes. The BLM met with the tribes on numerous occasions and modified

alternatives to minimize potential conflicts. The Advisory Council on Historic Preservation (ACHP) recommended development of a Programmatic Agreement (PA) for the **implementation level** portion of this project, and they and the Oregon State Historic Preservation Office (OSHPO) have been actively consulting with the BLM regarding the proposed action and the PA. The PA is part of the selected alternative, and will be a required component of any communication site lease or right-of-way grant. The PA legally binds the BLM and BPA to complete and adhere to a mitigation plan that will mitigate any adverse effects to historic properties prior to the BLM issuing a Notice to Proceed and permitting any ground disturbing or construction activities under the proposed action. Pursuant to 36 CFR Part 800, OSHPO and the ACHP signed the PA as invited signatories, and the tribes were invited as concurring parties to the agreement.

The BLM officially began external scoping on this project in July 2013 with publication in the Federal Register of a Notice of Intent to amend the Brothers/La Pine RMP. At that time, BLM also issued a media release and sent a scoping letter to 206 addresses, including private landowners, grazing permittees, right-of-way grant holders in the area, county governments, Oregon agencies (e.g., Oregon Department of Fish & Wildlife), national agencies, congressional representatives, local and regional organizations (hunting, water, wildlife, et cetera), and individuals.

In response to the scoping request, BLM received two comment letters:

1. **Oregon Wild:** Minimize ecological, cultural, and scenic impacts, and impacts on other uses in the area. Consider the cumulative effects of the VRM amendment and potential future developments in the area. Determine the carrying capacity and adopt a maximum footprint for future development of all types of built infrastructure on Glass Buttes. Include a decommissioning plan to restore the sites when the technology becomes obsolete or is abandoned. Keep lines underground as much as possible, and minimize the adverse effects of roads and weeds.
2. **US Fish & Wildlife Service:** Consider effects on sage-grouse from electromagnetic radiation from powerlines. Consider potential for sage-grouse and migratory bird collisions with towers. Prepare a mitigation and monitoring plan and an Avian Protection Plan.

The Environmental Protection Agency sent an email during the scoping period saying it had no comments on the project.

The BLM considered these scoping comments as it designed the alternatives in the EA. In many cases, scoping comments led to the incorporation of project design features into the proposed implementation level action in Alternative 2 (see Chapter 2). For example, Alternative 2 includes reclamation of the site when/if it is abandoned, as suggested by Oregon Wild.

The BLM published the Proposed RMP amendment/EA in August 2017 to its ePlanning website, and mailed it to those on the mailing list, initiating a 30-day public comment period on the implementation level actions, and a 30-day protest period on the planning level actions. The BLM also contacted the Oregon Governor to request a review for consistency with State policy.

During these opportunities, no protests of the planning level action were filed with the BLM, nor did the Governor respond with any concerns regarding consistency with State policy.

Oregon Wild submitted the only comment letter on the implementation level actions considered in the EA. These comments and BLM's response regarding whether they resulted in changes to the EA are summarized below:

1. **Comment:** Proposed mitigation includes spur road closure (which we support) and removal of conifers from 45 acres of sage grouse habitat. This sounds nice but 45 acres is a drop in the bucket. It would be better if the mitigation was putting the same effort into removing trees from a much larger area where juniper is just starting to encroach. We urge that juniper be felled, lopped and scattered by hand (not with heavy equipment), with trees left on-site, not removed. **Response:** The BLM developed the spur road closure and 45 acre conifer removal proposal in close coordination with ODFW and USFWS. The analysis in the EA (pages 33-45) shows this action would compensate for unavoidable adverse effects on wildlife from development of the communication site structures on four acres. Therefore, the BLM did not modify the EA to include an alternative with an expanded amount of conifer removal.
2. **Comment:** The maintenance of the access road should be carefully designed to avoid/minimize erosion and off-site movement of sediment, weed seeds, et cetera. Gravel used for spot-graveling the road should be certified weed-free. **Response:** Design features regarding erosion control and weed free gravel are already included in the EA (see pages 9, 12, 13, 21, 24, et cetera). Therefore, the BLM did not modify the EA to address this comment.
3. **Comment:** Tower design and lighting should avoid/minimize conflicts with birds and bats. **Response:** Alternative 2 in the EA includes stipulations to minimize tower impacts on birds and bats. For example, there would be no tower lights or guy wires (page 8 in the EA). Also, the wildlife design features (EA pages 13-14) require perch deterrents and other actions that would reduce impacts on sage-grouse and other wildlife. Therefore, the BLM did not modify the EA to address this comment.
4. **Comment:** Will construction material be transported to the site using helicopters or roads? We are concerned that construction of BPA's 50 foot long concrete building will require too many trips on the very small road, not designed for that use. We do not want to see the road improved. Rather, the material may need to be flown in, or the building reduced in size. **Response:** The EA includes a number of actions to ensure road improvements have a minimal impact on resources (see EA pages 9, 12-16). Use of helicopters to transport materials would be unnecessary as well as technically and economically unfeasible; therefore, BLM did not modify the EA to include an alternative that considered this.

Administrative remedies

This decision constitutes my final decision and 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 and Form 1842-1 (available with the EA and this decision on the BLM's ePlanning website). Your

notice of appeal must be filed in this office (3050 N.E. Third Street, Prineville, OR 97754) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error. Any request for stay of this decision in accordance with 43 CFR 4.21 must be filed with your appeal. A notice of appeal and/or request for stay electronically transmitted (e.g., email, facsimile, or social media) will not be accepted; a notice of appeal and/or request for stay must be on paper.



H.F. "Chip" Faver, Field Manager
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4:30:18
Date