



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Glenwood Springs Field Office
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Glenwood Springs, Colorado 81601
www.co.blm.gov

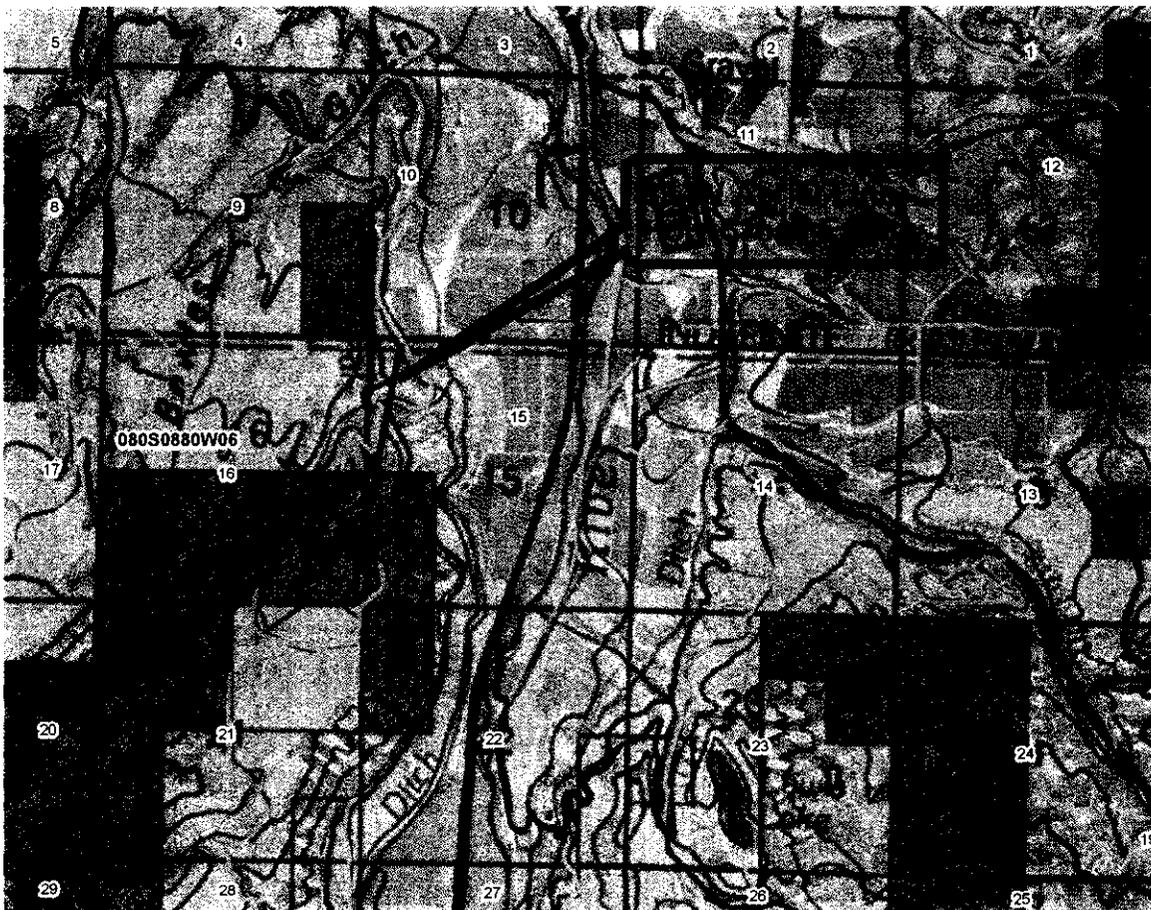
CATEGORICAL EXCLUSION

NUMBER: CO140_2008_072CE

CASEFILE/PROJECT NUMBER: COC24414

PROJECT NAME: Renewal: Holy Cross Energy 69 kV overhead distribution line / Loop service from the Town of Carbondale to the Redstone area, Colorado

LEGAL DESCRIPTION: T. 8 S., R. 88 W., W2SW Section 15, and SESE Section 16, 6th Principal Meridian, Pitkin County, Colorado.



APPLICANT: Holy Cross Energy / Richard D. Brinkey, General Manager of Electric Operations and Engineering (970)945-5491

DESCRIPTION OF PROPOSED ACTION: The proposed action is to renew an existing overhead single phase 69 kV distribution line which was originally authorized on November 21, 1958. The right-of-way is 30 feet in width by 2,772 feet in length containing approximately 1.90 acres on BLM managed lands. The distribution line extends from the Town of Carbondale to the Redstone Mine, to the Redstone area, Colorado.

This action is to amend their aerial power line right-of-way grant for renewal and the conversion of the grant from the Act of March 4, 1911 to the current public Law 94-579 the Federal Land Policy Management Act (FLPMA). Public Law 94-579 repealed the original issuing authority (Act of March 4, 1911).

No new changes are being granted with this authorization.

PLAN CONFORMANCE REVIEW: The Proposed Action was approved on November 21, 1958 under the Act of March 4, 1911 (and is in conformance with (43 CFR §1610.5 and § 2800, BLM 1617.3) the following plan:

Name of Plan: Record of Decision and Glenwood Springs Resource Management Plan.

Date Approved: January, 1984; revised in 1988; amended in November 1991 - Oil and Gas Leasing and Development - Final Supplemental Environmental Impact Statement; amended Nov. 1996 - Colorado Standards and Guidelines; amended in August 1997 - Castle Peak Travel Management Plan; amended in March 1999 - Oil and Gas Leasing & Development Final Supplemental Environmental Impact Statement; amended in November 1999 - Red Hill Plan Amendment; and amended in September 2002 – Fire Management Plan for Wildland Fire Management and Prescriptive Vegetation Treatment Guidance.

Decision Number/Page: Page 41, Utility and Communication Facility Management.

Decision Language: To respond in a timely manner to requests for utility and communication facility authorizations on public land while considering environmental, social, economic, and interagency concerns.

CATEGORICAL EXCLUSION REVIEW: **Categorical Exclusion Reference:** 516 DM 6, Appendix 5, Realty E9 and E11:

E-9: Renewals and assignments of leases, permits or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations.

E-11: Conversion of existing right-of-way grants to Title V grants or existing leases to FLPMA section 302 (b) leases where no new facilities or other changes are needed.

The Departmental Manual (516 DM 2.3A(3) & App. 2) requires that before any action described in the following list of categorical exclusions is used, the exceptions must be reviewed for applicability in each case. The proposed action cannot be categorically excluded if one or more of the exceptions apply, thus requiring either an EA or an EIS. When no exceptions apply, the following types of bureau actions normally do not require the preparation of an EA or EIS.

None of the following exceptions in 516 DM 2, Appendix 2, apply.

EXCLUSION	YES	NO
1. Have significant impacts on public health or safety.		X
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.		X
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].		X
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.		X
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.		X
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		X
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		X
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).		X
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).		X

INTERDISCIPLINARY REVIEW:

Name	Title	Area of Responsibility
Cheryl Harrison	Archaeologist	Cultural and Native American Concerns
Kay Hopkins	Outdoor Recreation Planner	VRM, WSR, Wilderness
Carla DeYoung	Ecologist	T/E/S Plants, Vegetation, ACEC
Desa Ausmus	Wildlife Biologist	Wildlife, T&E Wildlife, Migratory Birds
Tom Fresques	Fisheries Biologist	Fisheries, T&E Fish
Jeff O'Connell	Hydrologist	Soil, Air, Water, Geology

REMARKS/MITIGATION: In addition to the general terms and conditions contained in the right-of-way grant 2800-14, the following stipulations need to be added to the grant and adhered to by all personnel involved in the proposed action.

Cultural Resource/Native American Concerns:

Any maintenance or new improvements, which may result in ground disturbance, may require cultural resource work. This work may include but is not limited to inventory, relocation of facilities, evaluative testing, data recovery, and/or fencing. This ROW may contain historic properties and/or resources protected under the National Historic Preservation Act (NHPA), American Indian Religious Freedom Act, Native American Graves Protection and Repatriation Act, E.O. 13007, or other statutes and executive orders. The BLM may require modification to development proposals to protect such properties, or disapprove any activity that is likely to result in damage to historic properties or areas of Native American concern.

The National Historic Preservation Act (NHPA) requires that if newly discovered cultural resources are identified during project implementation, work in that area must stop and the agency Authorized Officer notified immediately (36 CFR 800.13). The Native American Graves Protection and Repatriation Act (NAGPRA), requires that if inadvertent discovery of Native American Remains or Objects occurs, activity must cease in the area of discovery, a reasonable effort made to protect the item(s) discovered, and immediate notice made to the BLM Authorized Officer, as well as the appropriate Native American group(s) (IV.C.2). Notice may be followed by a 30-day delay (NAGPRA Section 3(d)). Further actions also require compliance under the provisions of NHPA and the Archaeological Resource Protection Act. Further actions also require compliance under the provisions of NHPA and the Archaeological Resource Protection Act.

Pursuant to 43 CFR 10.4(g) the holder of this authorization or its contractor must notify the AO, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the holder must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.

The operator or its contractor is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are uncovered during any project or construction activity, the operator must stop work in the area of the discovery that might further disturb such materials, and immediately contact the AO. Within five working days the AO will inform the operator as to the mitigation measures the operator will likely have to undertake before the site can be used (assuming in place preservation is not necessary).

The holder shall notify the AO at least 180 days prior to non-emergency activities that would cause surface disturbance in the ROW or TUP. The BLM will determine if a cultural resource inventory, treatment, or mitigation is required.

A "Notice to Proceed" stipulation shall be required for any non-emergency activities as defined above that would cause surface disturbance on the ROW or TUP. Any request for a "Notice to Proceed" should be made to the AO, who shall review the proposed action for consistency with resource management concerns such as wildlife, big game winter range, paleontology, threatened and endangered species, and cultural resource protection. Additional measures may be required to protect these resources.

Invasive, Non-native Species:

Past surface disturbing activities associated with the distribution line has likely created a niche for the invasion of noxious weeds or other invasive species. The applicant will monitor the project area for the presence of any noxious weeds and will be responsible for promptly controlling any noxious weeds on the

Colorado State List A or B (except redstem filaree) within the right-of-way. If the applicant chooses to use herbicides as the control method on public lands, a Pesticide Use Proposal shall be submitted to the BLM and approved prior to initiating any herbicide spraying.

Wildlife:

To prevent impacts to raptors, the power line shall comply with the APLIC's *Suggested Practices for Raptor Protection on Power Lines* publication, and the National Electric Safety Code

Reference: Avian Power Line Interaction Committee (APLIC). 2006. *Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 2006*. Edison Electric Institute, APLIC and the California Energy Commission. Washington, D.C. and Sacramento, CA.

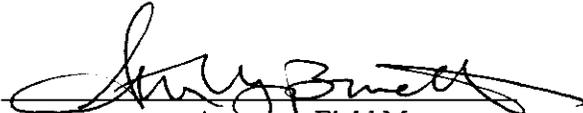
NAME OF PREPARER: Carole Huey, Realty Specialist

DATE: May 13, 2008

DECISION AND RATIONALE: I have reviewed this Categorical Exclusion Report and have decided to implement the proposed action.

This action is listed in the Department Manual as an action that may be categorically excluded. I have evaluated the action relative to the 12 criteria listed above and have determined that it does not represent an exception and is, therefore, categorically excluded from further environmental analysis.

SIGNATURE OF AUTHORIZED OFFICIAL:


Associate Field Manager

DATE SIGNED:

5/13/08

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

RIGHT-OF-WAY GRANT RENEWAL

SERIAL NUMBER COC24414 Renewal

Holy Cross Energy 69 kV overhead distribution line / Loop service from the Town of Carbondale to the Redstone area, Colorado

1. A right-of-way is hereby granted pursuant to Title V of the Federal land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).

2. Nature of Interest:

a. By this instrument, the holder:

Holy Cross Energy
P.O. Box 2150
Glenwood Springs, Colorado 81602

receives a right to construct, operate, maintain, and terminate a 69 kV, single phase overhead power line to serve the Redstone are, near Carbondale, Colorado as shown on public lands described as follows:

T. 8 S., R. 88 W., W2SW Section 15, and SESE Section 16,
6th Principal Meridian, Pitkin County, Colorado.

b. The right-of-way area granted here is 30 feet wide, 2,772 feet long and contains 1.91 acres, more or less.

c. The right of ingress and egress is granted on existing roads.

d. This instrument shall terminate on December 31, 2037, unless, prior thereto, it is renewed, relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.

- e. This instrument may be renewed. If renewed, the right-of-way shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.
- f. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

3. Rental:

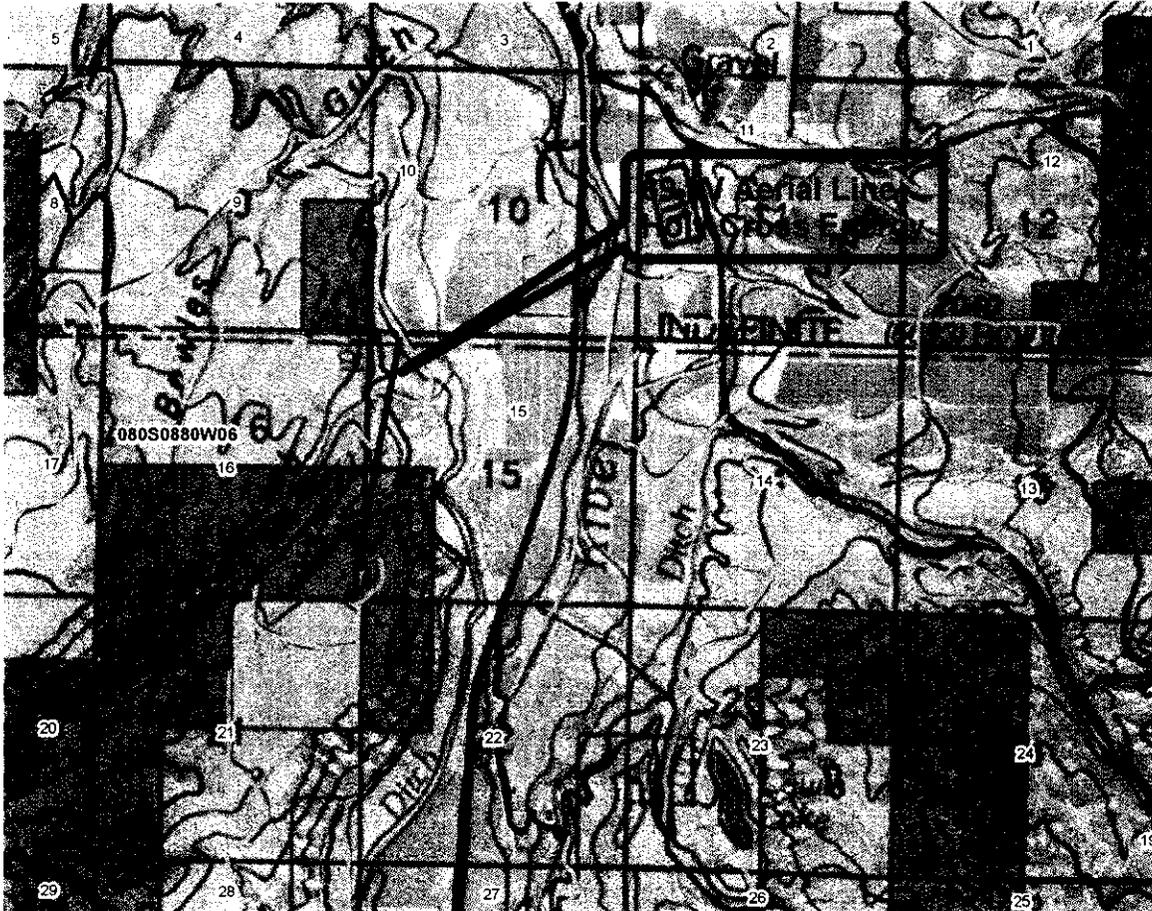
For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions:

- a. This grant issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800, and all other applicable federal, state, and local laws, regulations, and standards.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
- c. Each grant issued for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The plans, maps, or designs set forth in the Application, and Special Stipulations and Conditions (Exhibits A and B attached hereto) are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.

- f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

SPECIAL STIPULATIONS AND CONDITIONS



1. The holder shall notify the Glenwood Springs Field Manager (Authorized Officer) at least sixty (60) days prior to the start of construction or any surface disturbing activities. The authorized officer may require and schedule a preconstruction conference with the holder prior to the holder's commencing construction or surface disturbing activities.
2. The plans, maps, and designs set forth in the application are incorporated into and made a part of this Grant instrument as fully and effectively as if they were set forth herein in their entirety.
3. The holder shall comply with all county, state, and federal regulations and permit requirements.
4. Any maintenance or new improvements, which may result in ground disturbance, may require cultural resource work. This work may include but is not limited to inventory, relocation of facilities,

evaluative testing, data recovery, and/or fencing. This ROW may contain historic properties and/or resources protected under the National Historic Preservation Act (NHPA), American Indian Religious Freedom Act, Native American Graves Protection and Repatriation Act, E.O. 13007, or other statutes and executive orders. The BLM may require modification to development proposals to protect such properties, or disapprove any activity that is likely to result in damage to historic properties or areas of Native American concern.

5. The National Historic Preservation Act (NHPA) requires that if newly discovered cultural resources are identified during project implementation, work in that area must stop and the agency Authorized Officer notified immediately (36 CFR 800.13). The Native American Graves Protection and Repatriation Act (NAGPRA), requires that if inadvertent discovery of Native American Remains or Objects occurs, activity must cease in the area of discovery, a reasonable effort made to protect the item(s) discovered, and immediate notice made to the BLM Authorized Officer, as well as the appropriate Native American group(s) (IV.C.2). Notice may be followed by a 30-day delay (NAGPRA Section 3(d)). Further actions also require compliance under the provisions of NHPA and the Archaeological Resource Protection Act. Further actions also require compliance under the provisions of NHPA and the Archaeological Resource Protection Act.
6. Pursuant to 43 CFR 10.4(g) the holder of this authorization or its contractor must notify the AO, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the holder must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.
7. The operator or its contractor is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are uncovered during any project or construction activity, the operator must stop work in the area of the discovery that might further disturb such materials, and immediately contact the AO. Within five working days the AO will inform the operator as to the mitigation measures the operator will likely have to undertake before the site can be used (assuming in place preservation is not necessary).
8. The holder shall notify the AO at least 180 days prior to non-emergency activities that would cause surface disturbance in the ROW or TUP. The BLM will determine if a cultural resource inventory, treatment, or mitigation is required.
9. The applicant will monitor the project area for the presence of any noxious weeds and will be responsible for promptly controlling any noxious weeds on the Colorado State List A or B (except redstem filaree) within the right-of-way. If the applicant chooses to use herbicides as the control method on public lands, a Pesticide Use Proposal shall be submitted to the BLM and approved prior to initiating any herbicide spraying.
10. To prevent impacts to raptors and migratory bird species, the power line shall comply with the APLIC's *Suggested Practices for Raptor Protection on Power Lines* publication, and the National Electric Safety Code
11. Reference: Avian Power Line Interaction Committee (APLIC). 2006. *Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 2006*. Edison

Electric Institute, APLIC and the California Energy Commission. Washington, D.C. and Sacramento, CA.

- 12. This Grant shall not be assignable without written permission of the authorized officer.
- 13. This Grant may be renewed. If renewed, the Grant shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant.

Signature of Holder

Signature of Authorized Officer

Title

Associate Field Manager

(Date)

(Effective date of Grant)