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**U.S. Department of the Interior
Bureau of Land Management
Kremmling Field Office
P.O. Box 68
Kremmling, CO 80459**

ENVIRONMENTAL ASSESSMENT

NUMBER: CO-120-2008-02-EA

PROJECT NAME: Scholl Powerline

LEGAL DESCRIPTION: T. 1N., R. 79W., Section 2: Lot 4

APPLICANT: Mountain Parks Electric, Inc.

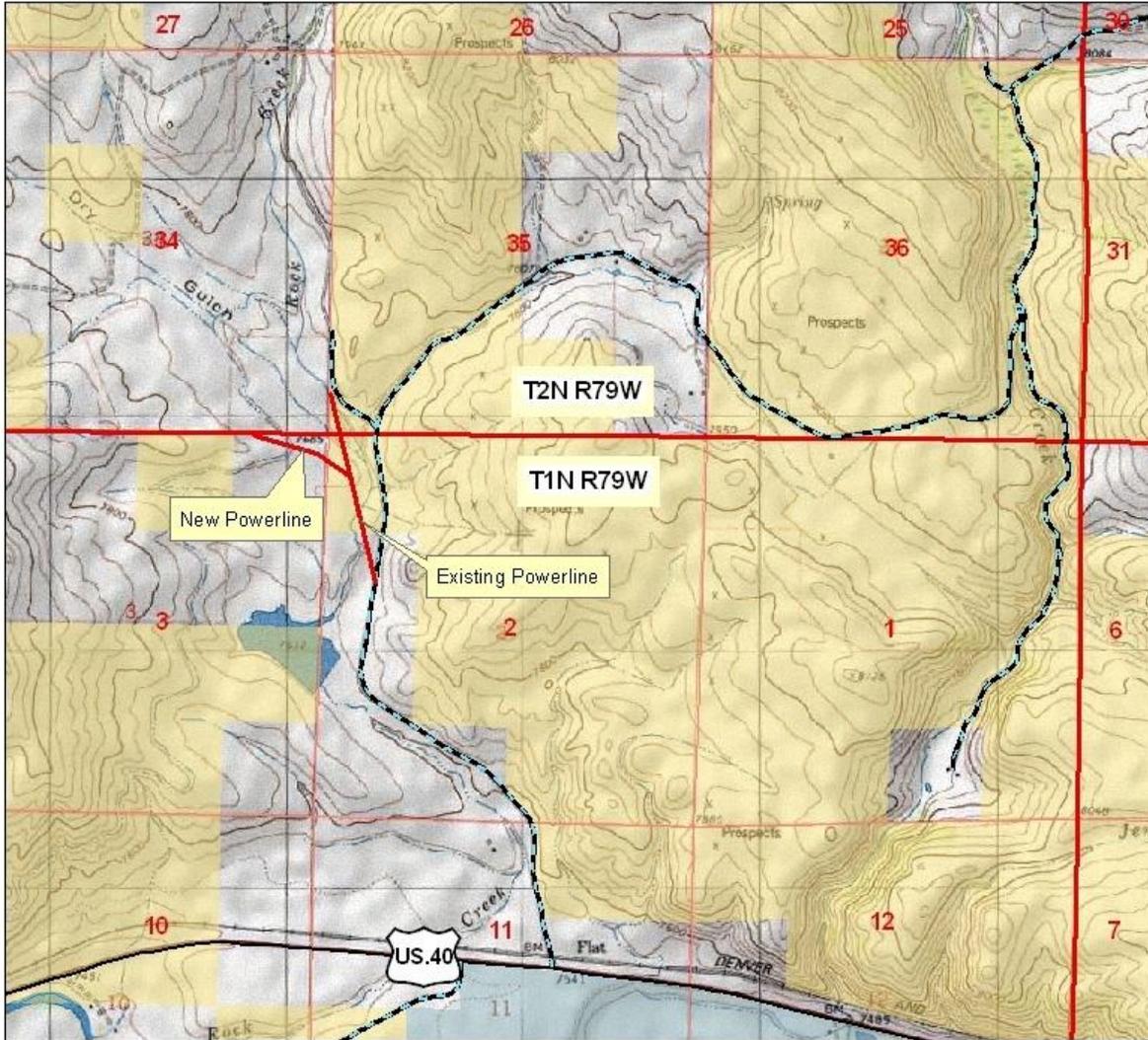
DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES:

Background: The proposed powerline starts from an existing pre-FLPMA powerline along Grand County Road 21. Pre-FLPMA grants cannot be amended, therefore a new serial number has been given to the proposed powerline which would be authorized under FLPMA.

Proposed Action: Mountain Parks Electric, Inc. proposes to construct and maintain a 14.4 kV powerline leading from an existing line that runs parallel to Grand County Road 21. The entire project would be 1,207 feet long with 435 feet crossing BLM-administered public land. The requested right-of-way width is 50 feet encompassing .50 acres of public land (see map below). No temporary work areas or access roads are needed. Access would be under the powerline. The work would be completed in the summer of 2008.

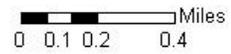


Scholl Powerline



Legend

County Roads	Bureau of Land Mgt
Major Roads	Division of Wildlife
Reservoirs	National Park
Major Streams	National Rec Area
Wilderness Study Area	National Wildlife Refuge
ACEC	Private
	State
	State Forest
	US Forest Service



1:24,000

No Warranty is made by the Bureau of Land Management as to the Accuracy, Reliability, or Completeness of this Data for Individual Use or Aggregate Use with Other Data.

Maps: Parshall
BLM, Kremmling FO 05/23/2007
gisuser/cassel/schollpwn

No Action Alternative: The No Action Alternative would be to deny the proposal for construction and maintenance of a powerline to a private residence. The private landowner would be denied electricity unless Mountain Parks Electric could find another route through private land.

PURPOSE AND NEED FOR THE ACTION: The BLM is responding to a right-of-way application from Mountain Parks Electric to construct and maintain a 14.4 kV powerline across public land to provide electricity to a private landowner. Crossing public land would be the most direct route for a powerline from the existing powerline along Grand County Road 21. An objective in the Kremmling Resource Management Plan is to provide the opportunity to utilize public lands for development of facilities which benefit the public, while considering environmental and agency concerns. Thus, there is a need to consider the application.

PLAN CONFORMANCE REVIEW: The Proposed Action is subject to and has been reviewed for conformance with the following plan (43 CFR 1610.5, BLM 1617.3):

Name of Plan: Kremmling Resource Management Plan (RMP), Record of Decision (ROD)

Date Approved: December 19, 1984; Updated February 1999

Decision Number/Page: The Proposed Action is in conformance with the LUP because it is specifically provided for in the following RMP decision:

Decision Language: **12. Realty**, a. Objective *“Provide the opportunity to utilize public lands for development of facilities which benefit the public, while considering environmental and agency concerns.”*

Standards for Public Land Health: In January 1997, Colorado Bureau of Land Management (BLM) approved the Standards for Public Land Health. Standards describe conditions needed to sustain public land health and relate to all uses of the public lands. The following are the approved standards:

Standard	Definition/Statement
#1 Upland Soils	Upland soils exhibit infiltration and permeability rates that are appropriate to soil type, climate, land form, and geologic processes. Adequate soil infiltration and permeability allows for the accumulation of soil moisture necessary for optimal plant growth and vigor, and minimizes surface runoff.
#2 Riparian Systems	Riparian systems associated with both running and standing water, function properly and have the ability to recover from major surface disturbances such as fire, severe grazing, or 100-year floods. Riparian vegetation captures sediment, and provides forage, habitat and bio-diversity. Water quality is improved or maintained. Stable soils store and release water slowly.
#3 Plant and Animal Communities	Healthy, productive plant and animal communities of native and other desirable species are maintained at viable population levels commensurate with the species and habitat’s potential. Plants and animals at both the community and population level are productive, resilient, diverse, vigorous, and able to reproduce and sustain natural fluctuations, and ecological processes.
#4 Threatened and	Special status, threatened and endangered species (federal and state), and other plants and

Endangered Species	animals officially designated by the BLM, and their habitats are maintained or enhanced by sustaining healthy, native plant and animal communities.
#5 Water Quality	The water quality of all water bodies, including ground water where applicable, located on or influenced by BLM lands will achieve or exceed the Water Quality Standards established by the State of Colorado. Water Quality Standards for surface and ground waters include the designated beneficial uses, numeric criteria, narrative criteria, and anti-degradation requirements set forth under State law as found in (5 CCR 1002-8), as required by Section 303(c) of the Clean Water Act.

Because a standard exists for these five categories, a finding must be made for each of them in the environmental analysis. These findings are located in specific elements below or in the Interdisciplinary Team Analysis Review Record and Checklist (IDT-RRC) (Appendix 1).

AFFECTED ENVIRONMENT / ENVIRONMENTAL CONSEQUENCES / MITIGATION MEASURES:

CRITICAL ELEMENTS: The following critical elements: Air Quality, Areas of Critical Environmental Concern, Cultural Resources, Environmental Justice, Farmlands- Prime and Unique, Floodplains, Invasive/Non-Native species, Native American Religious Concerns, Wastes- Hazardous or Solid, Wetlands and Riparian Zones, Wild and Scenic Rivers, and Wilderness were evaluated and determined that they were not present or that there would be no impact to them from the Proposed Action or No Action Alternative. See IDT-RRC in Appendix 1 for further information.

The following critical elements were determined to be potentially impacted and were carried forward for analysis from the IDT-RRC in Appendix 1.

MIGRATORY BIRDS

Affected Environment: The project would be constructed in sagebrush steppe habitat which supports a variety of migratory bird species. Some of the more common species include Brewer's sparrows, sage sparrows, common nighthawks, green-tailed towhees, sage thrashers, mountain bluebirds, golden eagles, bald eagles, and red-tail hawks.

Environmental Consequences: The project could be hazardous to migratory birds since the new powerline would be an obstacle to birds in flight causing injury and/or mortality if collisions occur. Mortality or injury occurrence as a result of the Proposed Action could initially increase until the birds become accustomed to the new location of the line. Large birds, such as eagles, could be electrocuted if wire spacing is not adequate to avoid contact with their wings. The No Action Alternative would not change existing habitat conditions for migratory birds in the project area since no line would be constructed. The standard right-of-way stipulations includes stipulations on pole and cross arms specifications to mitigate potential impacts.

THREATENED, ENDANGERED, AND SENSITIVE SPECIES (includes a finding on Standard 4)

Affected Environment: A list of threatened, endangered, and candidate species, which could inhabit the proposed project area, was received from the U.S. Fish and Wildlife Service on September 18, 2007. Analysis of this list indicated no listed or candidate species would be impacted by the proposed project.

Greater sage-grouse, a BLM designated Sensitive Species, have been observed in and adjacent to the proposed project area. The closest active strutting ground or lek is located less than 0.3 miles to the east. Since research has determined that approximately 80% of sage-grouse nests within 4 miles of a lek, it is likely that sage-grouse are nesting and raising young in and adjacent to the

project area. The area has also been identified as winter range by the Colorado Division of Wildlife.

Environmental Consequences: The Proposed Action would provide perching habitat for golden eagles, a bird of prey which preys on sage-grouse. Male sage-grouse are especially vulnerable to eagle predation during the breeding season when they display on strutting grounds or leks. In addition to perching sites for eagles, power distribution lines can be obstacles to sage-grouse in flight with injury or death resulting from collisions with lines, poles, and/or guy wires. Sage-grouse mortality, or injury occurrence as a result of the Proposed Action, could initially increase until the birds become accustomed to the new line. Sage-grouse in the area are also likely to be displaced during construction activities. The No Action Alternative would not change existing habitat conditions for Greater Sage-grouse in the project area since no line would be constructed.

Mitigation:

-Due to the close proximity of one active sage-grouse lek, no construction should take place between Dec 16 to June 30 to prevent disturbance to sage-grouse during critical periods (winter, breeding, and nesting).

Finding on the Public Land Health Standard for Threatened & Endangered species: The proposed project area was assessed for compliance with the Standards for Public Land Health in July 2006. It was determined at that time that the allotment is in compliance with standards.

WATER QUALITY, SURFACE AND GROUND (includes a finding on Standard 5)

Affected Environment: The Proposed Action is located adjacent to Rock Creek, a tributary to the Colorado River above Kremmling. Rock Creek is a very small stream that has several irrigation diversions upstream. The state of Colorado does not have identified water quality concerns for either Rock Creek or this segment of the Colorado River. The streams are both designated for class 1 coldwater aquatic life, water supply, and agricultural uses. The river is designated for primary contact (class 1a) recreation, while Rock Creek is class 2. The difference is due to current uses and not due to water quality. The cold temperatures of streams within the Colorado River headwaters limit primary contact. Both streams are fully supporting their designated uses.

Environmental Consequences: The current line is located west of Rock Creek and the proposed extension does not cross any drainage. Slopes are gentle and soils have a loam surface texture. There is an existing road that accesses the extension's route, so no new stream crossings would be needed. Since construction is stipulated to occur during dry soil conditions, and if repairs are necessary during wet conditions, then erosion from the site would be minimal.

Finding on the Public Land Health Standard for water quality: The general area is considered to be meeting the Land Health Standard. The proposed action would not affect the area's ability to continue to meet the Standard.

NON-CRITICAL ELEMENTS: The following non-critical elements were determined to be potentially impacted and were carried forward for analysis from the IDT-RRC in Appendix 1.

SOILS (includes a finding on Standard 1)

Affected Environment: The proposed powerline would cross soils mapped in the Soil Survey as Leavitt Loams. The soils formed in local alluvial material and have gentle slopes, averaging about 4.8 degrees. The soils have moderate permeability and the water erosion hazard is low with slow runoff rates. From aerial photographs, there appears to be some seepage from uphill irrigation that has resulted in salt deposits.

Environmental Consequences: By reducing the surface disturbances during construction, preventing the creation of a road, and insuring good re-vegetation of disturbed areas, there would only be limited soil impacts.

Mitigation:

-If the area does have salt deposits, then it would be important to include salt tolerant plants in the seeding mix.

Finding on the Public Land Health Standard for upland soils: The Proposed Action is within an area that is generally considered to be meeting the Land Health Standard. The powerline extension would not affect the area's ability to continue to meet the Standard.

VEGETATION (includes a finding on Standard 3)

Affected Environment: The project area is entirely within the sagebrush steppe vegetation community. The area is dominated by big sagebrush (*Artemisia tridentata*), with minor amounts of other shrubs, such as rabbitbrush (*Crysothamnus* spp), broom snakeweed (*Gutierrezia sarothrae*), and snowberry (*Symphoricarpos occidentalis*). The understory is composed mostly of native, cool season grasses such as western wheatgrass (*Pascopyrum smithii*), blue grasses (*Poa* spp.), bottlebrush squirreltail (*Elymus elymoides*), and pine needlegrass (*Stipa pinetorum*). Some introduced species, such as crested wheatgrass (*Agropyron cristatum*) and smooth brome (*Bromus inermis*) are found in the area, but not in areas proposed for disturbance. Forbs in the project vary greatly from year to year depending highly upon the amount and timing of precipitation. In wet years, the area can contain a large annual and perennial forb component. In dry years, forbs are usually not nearly as abundant and make up only a small fraction of the vegetation.

Environmental Consequences: The Proposed Action would create 5 very small areas of disturbance where the new power poles would be installed. These areas would be expected to re-vegetate with the proposed seeding.

Finding on the Public Land Health Standard for plant and animal communities (partial, see also Wildlife, Aquatic and Wildlife, Terrestrial): The proposed project area is part of BLM livestock

grazing Allotment # 07500 (Breeze). The Breeze allotment was analyzed for compliance with the Standards for Public Land Health in Colorado in July 2006. The ID team found the allotment to be in compliance with all of the Standards.

PALEONTOLOGY

Affected Environment: The Area of Potential Effect (APE) is geologically mapped as Troublesome formation. The Troublesome formation is given a Primary Fossil Yield Classification of 5 and a Condition of 1. These rankings indicate that the formation is known to contain vertebrate fossil or noteworthy occurrences of invertebrate animals or plant fossils.

Environmental Consequences: A preliminary paleontological inventory was completed on November 21, 2007 and May 21, 2008. Fossils were not discovered or recorded during either the initial or subsequent inventory.

Mitigation:

-The KFO archaeologist/paleontologist would monitor construction and post construction in case fossils are uncovered. If significant fossil resources are discovered during or post treatment, they would be documented and protected from future ground disturbing projects. If the fossils cannot be protected, they must be mitigated by a BLM permitted and qualified paleontologist.

CUMULATIVE IMPACTS SUMMARY: The area considered for analyzing the incremental effect of the Proposed Action when added to other past, present, and reasonably foreseeable future actions is the Corral Creek and Williams Fork Valleys. While the boundaries for cumulative impact analysis will vary for different resources and activities, this area was considered appropriate for all resources and uses.

In regards to past actions, the valley, with the two County Roads, is heavily disturbed with powerlines and development. There are also buried telephone lines along the 2 county roads.

In regards to present and future actions, the Proposed Action would add an additional overhead powerline from an existing line. Five new structures would be constructed in this corridor. With the amount of development in this valley, there is a high probability that more requests for additional structures within the existing corridor would occur.

The direct and indirect impacts that would result from the Proposed Action would be minimal due to the proposed mitigation. Thus, there would be no cumulative impacts as a result of the Proposed Action.

PERSONS / AGENCIES CONSULTED: None

INTERDISCIPLINARY REVIEW: See IDT-RRC in Appendix 1.

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Based on the analysis of potential environmental impacts contained in the attached environmental assessment, and considering the significance criteria in 40 CFR 1508.27, I have determined that the Proposed Action will not have a significant effect on the human environment. An environmental impact statement is therefore not required.

DECISION RECORD

DECISION: It is my decision to authorize the Proposed Action as described in the attached EA. This decision is contingent on meeting all mitigation measures and monitoring requirements listed below.

RATIONALE: The decision to grant Mountain Parks Electric a right-of-way was based upon a thorough analysis by the BLM Interdisciplinary Team. The Proposed Action is in conformance with the Kremmling Resource Management Plan which directs the BLM provide the opportunity to utilize public lands for development of facilities which benefit the public, while considering environmental and agency concerns. The growth in Grand County has increased the need for power to individual residences. BLM's authorization to grant Mountain Park Electric a right-of-way will help meet this local need.

MITIGATION MEASURES:

Sensitive Species:

--Due to the close proximity of one active sage-grouse lek, no construction will take place between Dec 16 to June 30 to prevent disturbance to sage-grouse during critical periods (winter, breeding, and nesting).

Soils:

-If the area does have salt deposits, then salt tolerant plants must be included in the seeding mix.

Paleontology:

-The KFO archaeologist/paleontologist will monitor construction and post-construction in case fossils are uncovered. If significant fossil resources are discovered during or post treatment, they will be documented and protected from future ground disturbing projects. If the fossils cannot be protected, they must be mitigated by a BLM permitted and qualified paleontologist.

COMPLIANCE/MONITORING: These areas would need to be inspected for the establishment of invasive, non-native species. The right-of-way will be inspected and monitored periodically during terms of the grant to ensure compliance with the terms and conditions of the grant. The right-of-way will also be inspected after any maintenance activities to determine compliance with and effectiveness of reclamation measures.

NAME OF PREPARER: Susan Cassel

NAME OF ENVIRONMENTAL COORDINATOR: Joe Stout

DATE: 6/9/08

SIGNATURE OF AUTHORIZED OFFICIAL: /s/ Peter McFadden

DATE SIGNED: 6/10/08

ATTACHMENTS:

1). Stipulations

APPENDICES:

Appendix 1 – Interdisciplinary Team Analysis Review Record and Checklist

Appendix 1

INTERDISCIPLINARY TEAM ANALYSIS REVIEW RECORD AND CHECKLIST:

Project Title: Scholl Powerline

Project Leader: Susan Cassel

Consultation/Permit Requirements:

Consultation	Date Initiated	Date Completed	Responsible Specialist/ Contractor	Comments
Cultural/Archeological Clearance/SHPO	6/2/2008	6/17/2008	B. Wyatt	
Native American	12/6/2007	1/7/2008	B. Wyatt	
T&E Species/FWS	N/A	N/A	M. McGuire	
Permits Needed (i.e. Air or Water)	N/A	N/A	P. Belcher	The proposed line does not cross any wetland area and surface disturbances are less than 1 acre.

(NP) = Not Present

(NI) = Resource/Use Present but Not Impacted

(PI) = Potentially Impacted and Brought Forward for Analysis.

NP NI PI	Discipline/Name		Date Review Comp.	Initials	Review Comments (required for Critical Element NIs, and for elements that require a finding but are not carried forward for analysis.)
CRITICAL ELEMENTS					
NI	Air Quality	Belcher	12/11/07	PB	Air Quality would not be impacted by the Proposed Action.
NP	Areas of Critical Environmental Concern	Stout	6/9/08	JS	There are no Areas of Critical Environmental Concern in the proximity of the proposed project area.
NI	Cultural Resources	Wyatt	6/2/08	BBW	A cultural resource inventory report #CR-08-25 was completed to identify unknown cultural resources and two historic ditch segments and a single prehistoric isolated find were recorded. However, none of the cultural resources are considered to be eligible to the National Register of Historic Places. Thus, there would be no impacts to historic properties.
NP	Environmental Justice	Stout	6/9/08	JS	According to the most recent Census Bureau statistics (2000), there are no minority or low income communities within the Kremmling Planning Area.
NP	Farmlands,		12/11/07	PB	There are no farmlands, prime or unique, in the

	Prime and Unique	Belcher			proximity of the proposed project area.
NP	Floodplains	Belcher	12/11/07	PB	The proposed action is located in an upland area, away from any designated floodplain.
NI	Invasive, Non-native Species	Johnson	11/28/07	REJ	Currently, there are no known infestations of invasive, non-native species. There is a standard ROW stipulation informing the applicant of their responsibility to notify the BLM of any weed presence.
PI	Migratory Birds	McGuire	12/10/07	MM	See analysis in EA.
NI	Native American Religious Concerns	Wyatt	6/2/08	BBW	To date, no Native American tribe has expressed any concerns for TCP's. Thus, there would be no impacts.
PI	T/E, and Sensitive Species (Finding on Standard 4)	McGuire	12/10/07	MM	See analysis in EA.
NP	Wastes, Hazardous and Solid	Hodgson	11/28/07	KH	There are no quantities of wastes, hazardous or solid, located on BLM-administered lands in the proposed project area, and there would be no wastes generated as a result of the Proposed Action or No Action alternative.
PI	Water Quality, Surface and Ground (Finding on Standard 5)	Belcher	12/11/07	PB	See analysis in EA.
NI	Wetlands & Riparian Zones (Finding on Standard 2)	Belcher	12/11/07	PB	The proposed action is located in an upland area. There would be no direct or indirect disturbance in the Rock Creek riparian area, which is east of the existing line.
NP	Wild and Scenic Rivers	Sterin	12/1/07	BS	There are no Wild and Scenic Rivers in the Kremmling Planning Area. An Eligibility and Suitability study will be conducted during the upcoming RMP Revision (2007).
NP	Wilderness	Monkouski	12/11/07	JJM	There is no designated Wilderness or Wilderness Study Areas in the proximity of the proposed project area.
NON-CRITICAL ELEMENTS (A finding must be made for these elements)					
PI	Soils (Finding on Standard 1)	Belcher	12/11/07	PB	Finding: See Soil section.
PI	Vegetation (Finding on Standard 3)	Johnson	11/28/07	REJ	See Analysis in EA
NI	Wildlife, Terrestrial (Finding on Standard 3)	McGuire	12/10/07	MM	No impacts to aquatic wildlife are expected to occur. Finding: The Proposed Action would not affect Standard 3 for aquatic wildlife.
NI	Wildlife, Terrestrial (Finding on Standard 3)	McGuire	12/10/07	MM	No impacts to terrestrial wildlife are expected to occur. Finding: The Proposed Action would not affect Standard 3 for terrestrial wildlife.
OTHER NON-CRITICAL ELEMENTS					
NI	Access/Transportation	Monkouski	12/11/07	JJM	No impacts are expected due to no temporary or permanent access roads would be built.
NI	Fire	Wyatt	5/22/08	BBW	No impacts.
NP	Forest Management	Rosene	3/26/08	RAR	No forest vegetation.
NI	Geology and Minerals	Hodgson	11/28/07	KH	No impact
NI	Hydrology/Water Rights	Belcher	12/11/07	PB	There would be no impact to public or private water rights. Hydrology addressed in Soils & Water Quality discussions.
PI	Paleontology	Rupp	6/9/08	FR	See analysis in EA.

NI	Noise	Monkouski	12/11/07	JJM	No impact expected due to short time period required to set 2 poles on BLM lands.
NI	Range Management	Johnson	11/28/07	REJ	There would be no impact to livestock grazing with implementation of the Proposed Action or No Action Alternative.
NI	Lands/ Realty Authorizations	Cassel	12/11/07	SC	There are no leases or permits in the location of the proposed project. There are 2 ROW's – one for the powerline that this ROW is starting from (COC-12512) and a buried telephone line (COC-53090). Neither of which should be impacted by the proposed project.
	Recreation	Monkouski	12/11/07	JJM	No impacts expected due to the small area of BLM land affected along CR21.
NI	Socio-Economics	Stout	6/9/08	JS	The No Action
NI	Visual Resources	Hodgson	5/29/08	KH	There would be no impacts to VRM classification (Class IV) from implementation of the Proposed Action or the No Action Alternative.
NI	Cumulative Impact Summary	Stout	6/9/08	JS	See EA.
FINAL REVIEW					
	P&E Coordinator	J. Stout	6/9/08	JS	
	Field Manager	Stout			

STIPULATIONS
FOR
Mountain Parks Electric
COC-71972
Scholl Powerline

1. The holder shall contact the Kremmling Paleontologist at least 5 days prior to the anticipated start of construction and/or any surface disturbing activities so as the site can be monitored before and after construction for the presence of fossils.
2. The proposed transmission line should include poles and cross arms constructed to specifications which would assure large birds such as eagles cannot be electrocuted (refer to "Suggested Practices for Avian Protection on Powerlines," prepared by the Avian Power Line Interaction Committee, 2006).
3. All poles and cross arms should be fitted with devices that prevent perching and electrocution. In addition, the USFWS recommends line markers for both the ground wires and guy wires to prevent collisions.
4. Due to the close proximity of one active sage-grouse lek, **no construction should take place between Dec 16 to June 30** to prevent disturbance to sage-grouse during critical periods (winter, breeding, and nesting).
5. The holder shall mulch disturbed areas designated by the authorized officer. The type of mulch shall meet one of the following requirements:
 - (a) Straw used for mulching shall be from oats, wheat, rye, or other approved grain crops, and free from noxious weeds or other objectionable material as determined by the authorized officer. Straw mulch shall be suitable for placing with mulch blower equipment.
 - (b) Hay shall be certified weed free. Hay shall be suitable for placing with mulch blower equipment.
 - (c) Wood cellulose fiber shall be natural or cooked wood cellulose fiber, shall disperse readily in water, and shall be nontoxic. The homogeneous slurry or mixture shall be capable of application with power spray equipment. A colored dye that is non-injurious to plant growth may be used when specified. Wood cellulose fiber shall be packaged in new, labeled containers.

6. All equipment shall be washed for unwanted plant material prior to any construction activities on BLM lands. If invasive, non-native species do become established or spread, it would be the responsibility of Mountain Parks Electric to notify the BLM of their location.
7. The holder shall seed all disturbed areas, using an agreed upon method suitable for the location. Seeding shall be repeated if a satisfactory stand is not obtained as determined by the authorizing officer upon evaluation after the second growing season. Seed mix should include salt tolerant plants.
8. The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.
9. Holder shall maintain the right-of-way in a safe, usable condition, as directed by the authorized officer.
10. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of 4 inches deep, the soil shall be deemed too wet to adequately support construction equipment.
11. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the holder shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. Emergency use of pesticides shall be approved in writing by the authorized officer prior to such use.
12. The holder(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.
13. When construction activity in connection with the right-of-way breaks or destroys a natural barrier used for livestock control, the gap, thus opened, shall be fenced to prevent the drift of livestock. The subject natural barrier shall be identified by the authorized

officer and fenced by the holder as per instruction of the authorized officer.

14. The holder is responsible for informing all persons in the area who are associated with this project that they will be subject to prosecution for disturbing historic or archaeological sites, or for collecting artifacts.

The holder shall immediately bring to the attention of the Authorized Officer any and all antiquities, or other objects of historic, paleontological, or scientific interest including but not limited to, historic or prehistoric ruins or artifacts DISCOVERED as a result of operations under this authorization (16 U.S.C. 470.-3, 36 CFR 800.112). The holder shall immediately suspend all activities in the area of the object and shall leave such discoveries intact until written approval to proceed is obtained from the Authorized Officer. Approval to proceed will be based upon evaluation of the object(s). Evaluation shall be by a qualified professional selected by the Authorized Officer from a Federal agency insofar as practicable (BLM Manual 8142.06E). When not practicable, the holder shall bear the cost of the services of a non-Federal professional.

Within five working days the Authorized Officer will inform the holder as to:

- whether the materials appear eligible for the National Register of Historic Places;
- the mitigation measures the holder will likely have to undertake before the site can be used (assuming in situ preservation is not necessary); and,
- a timeframe for the Authorized Officer to complete an expedited review under 36 CFR 800.11 to confirm, through the State Historic Preservation Officer, that the findings of the Authorized Officer are correct and that mitigation is appropriate.

If the holder wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the Authorized Officer will assume responsibility for whatever recordation and stabilization of the exposed materials may be required.

Otherwise, the holder will be responsible for mitigation costs. The Authorized Officer will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the Authorized Officer that the required mitigation has been completed, the holder will then be allowed to resume construction.

Antiquities, historic, prehistoric ruins, paleontological or objects of scientific interest that are outside of the authorization boundaries but directly associated with the impacted resource will also be included in this evaluation and/or mitigation.

Antiquities, historic, prehistoric ruins, paleontological or objects of scientific interest, identified or unidentified, that are outside of the authorization and not associated with the resource within the authorization will also be protected. Impacts that occur to such resources, that are related to the authorizations activities, will be mitigated at the holder's cost.

15. Pursuant to 43 CFR 10.4(g), the holder of this authorization must notify the authorized

officer, 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), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.

16. If paleontological materials (fossils) are discovered during right-of-way activities, the operator is to immediately stop activities that might further disturb such materials and contact the authorized officer. The operator and the authorized officer will consult and determine the best option for avoiding or mitigating the paleontological site.
17. Prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination and rehabilitation plan. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.