

U.S. Department of the Interior
Bureau of Land Management
Little Snake Field Office
455 Emerson Street
Craig, CO 81625-1129

ENVIRONMENTAL ASSESSMENT

EA-NUMBER: DOI-BLM-CO-N010-2010-0046-EA

CASEFILE/PROJECT NUMBER/LEASE NUMBER: COC073545

PROJECT NAME: Castor Gulch Road Right-of-Way

LEGAL DESCRIPTION: Lot 6, 7, & 11, Sec. 15; Lot 2, 6, 7, & 8, Sec. 21;
Lot 3, Sec. 22, T5N, R91W, 6th PM, Moffat County, Colorado

APPLICANT: Yampa Valley Electric Association

PLAN CONFORMANCE REVIEW: The proposed action is subject to the following plan:

Name of Plans: Little Snake Resource Management Plan and Record of Decision (ROD)

Date(s) Approved: April 26, 1989

Remarks: The proposed road right-of-way would be located within Management Unit 1 (Little Snake Resource Management Plan). The objectives of Management Unit 1 are to realize the potential for development of coal, oil, and gas resources. Realty actions such as rights-of-way, leases, and permits, can be allowed on public land consistent with the management objectives.

Results: The proposed action has been reviewed for conformance with this plan (43 CFR 1610.5, BLM 1617.3). The proposed action is in conformance with the objectives for this management unit.

NEED FOR PROPOSED ACTION: The purpose of the proposed road right-of-way is to allow legal access over an existing road for maintenance of an existing 69 kV electric power line.

PUBLIC SCOPING PROCESS: The NEPA log is posted on the Little Snake Field Office web site and published in the Craig Daily Press before the grant is issued to the applicant.

DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES: Yampa Valley Electric Association (YVEA) filed an application for a right-of-way over two existing two-track roads to access their authorized power line ROW (COC036305) in the Castor Gulch area. The longest

existing two-track road is currently used to access private land. Both roads have likely been in use for many years by big game hunters in the fall. Access to the Castor Gulch area is by Moffat County Road 93 and the proposed road ROWs would take off from the county road in two locations. YVEA would be required to obtain access permits from the county. The ROW for the two roads would be 6,415 feet long and 25 feet wide, for a total area of 3.682 acres. YVEA would be required to maintain the existing roads including noxious weed control and drainage control. The roads would not be intended for use as all-weather access roads. The roads would not be reclaimed at ROW termination and would continue to exist as two-track roads primarily for recreation use.

NO ACTION ALTERNATIVE: The right-of-way would not be issued and the power line would not be maintained as required or YVEA could choose to access the power line by trespassing on the existing road where it crosses public land. As the licensed electric cooperative in this service territory, it is YVEA's legal obligation to provide power to consumers and maintain their power lines. This alternative was eliminated from detailed study.

AFFECTED ENVIRONMENT/ENVIRONMENTAL CONSEQUENCES/MITIGATION MEASURES

CRITICAL RESOURCES

AIR QUALITY

Affected Environment: There are five federal Class I areas within 100 kilometers of the Little Snake Resource Management Area boundary, all of which occur in Colorado. There are no federal Class I areas in Utah or Wyoming within 100 km of the LS RMA boundary. There are no non-attainment areas nearby that would be affected by either alternative.

Environmental Consequences: Activities associated with the occasional road maintenance, weed control, and drainage control within the proposed right-of-way that may affect air quality, namely dust and exhaust from vehicles, fall below EPA emission standards for the six criteria pollutants of concern (sulfur dioxide, nitrogen oxide, ground-level ozone, carbon monoxide, particulate matter [both PM2.5 and PM10], and lead). Furthermore, these types of activities are not a significant source of these pollutant emissions that do occur in Moffat County. Impacts to air quality caused by either alternative are therefore considered negligible.

Mitigative Measures: None

Name of specialist and date: Emily Spencer, 6/21/10

Source: United States Environmental Protection Agency National Ambient Air Quality Standards:
<http://www.epa.gov/air/criteria.html>

AREA OF CRITICAL ENVIRONMENTAL CONCERN

Affected Environment: Not Present

Environmental Consequences: None

Mitigative Measures: None

Name of specialist and date: K. Shane Dittlinger, 6/22/10

CULTURAL RESOURCES

Affected Environment: Cultural resources, in this region of Colorado, range from late Paleo-Indian to Historic. For a general understanding of the cultural resources in this area of Colorado, see An Overview of Prehistoric Cultural Resources, Little Snake Resource Area, Northwestern Colorado, Bureau of Land Management Colorado, Cultural Resources Series, Number 20, An Isolated Empire, A History of Northwestern Colorado, Bureau of Land Management Colorado, Cultural Resource Series, Number 2 and Colorado Prehistory: A Context for the Northern Colorado River Basin, Colorado Council of Professional Archaeologists.

Environmental Consequences: The proposed project, Castor Gulch Road Right of Way, has undergone a Class III cultural resource survey:

Survey ID: MF.LM.R740

Title: CLASS III CULTURAL RESOURCES INVENTORY FOR ROAD IMPROVEMENTS ASSOCIATED WITH THE CASTOR GULCH POLE REPLACEMENT PROJECT IN MOFFAT COUNTY, COLORADO FOR YAMPA VALLEY ELECTRIC ASSOCIATION (GRI NO. 28110)

Author: MARTIN, CURTIS

Date: 11/19/2008

Contractor: GRAND RIVER INSTITUTE FOR THE BLM LITTLE SNAKE FIELD OFFICE

The survey identified no eligible to the National Register of Historic Places cultural resources. The proposed project may proceed as described with the following mitigative measures in place.

Mitigative Measures:

The following standard stipulations apply for this project:

1. The operator is responsible for informing all persons who are associated with the 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 encountered or uncovered during any project activities, the operator is to immediately stop

activities in the immediate vicinity of the find and immediately contact the authorized officer (AO) at (970) 826-5000. Within five working days, the AO will inform the operator as to:

- Whether the materials appear eligible for the National Register of Historic Places;
- The mitigation measures the operator will likely have to undertake before the identified area can be used for project activities again; and
- Pursuant to 43 CFR 10.4(g) (Federal Register Notice, Monday, December 4, 1995, Vol. 60, No. 232) the holder of this authorization must notify the AO, by telephone at (970) 826-5000, and 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.

2. If the operator wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the AO will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the operator will be responsible for mitigation costs. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction.

Name of specialist and date: Robyn Watkins Morris, 6/28/10

ENVIRONMENTAL JUSTICE

Affected Environment: The proposed action is located in an area of isolated dwellings. Oil & Gas development and ranching are the primary economic activities.

Environmental Consequences: The project area is relatively isolated from population centers, so no populations would be affected by physical or socioeconomic impacts of either alternative. Neither alternative would directly affect the social, cultural or economic well-being and health of Native American, minority or low-income populations.

Mitigative Measures: None

Name of specialist and date: Barb Blackstun, 6/15/10

FLOOD PLAINS

Affected Environment: There are no 100-year floodplains present on public lands within the proposed right-of-way.

Environmental Consequences: None

Mitigative Measures: None

Name of specialist and date: Emily Spencer, 6/21/10

Source: USDA-NRCS Soil Data Viewer version 5.2.0016: <http://soildataviewer.nrcs.usda.gov/>

INVASIVE, NONNATIVE SPECIES

Affected Environment: Invasive species and noxious weeds occur within the affected area. Downy brome (cheatgrass), yellow alyssum, blue mustard and other annual weeds are common along roadsides and on other disturbed areas. Canada thistle and several species of biennial thistles are known to occur in this area. Russian knapweed, spotted knapweed, houndstongue, hoary cress (whitetop), tall whitetop, leafy spurge and dalmation toadflax have been reported or occur in the vicinity of the proposed access road. Other species of noxious weeds could be introduced from other areas. The BLM is in cooperation with Moffat County's Cooperative Weed Management program to control noxious weeds on public lands. Principals of Integrated Pest Management are employed to control noxious weeds on public lands.

Environmental Consequences: Construction activities to upgrade the proposed access road and subsequent vehicle traffic would create a favorable environment and provide a mode of transport for invasive and noxious weeds to become established. These weeds can be spread through a variety of means including vehicular travel, construction equipment, gravel application on road surface, wind, water, wildlife and livestock movement. The annual invasive weed species (downy brome, yellow alyssum, blue mustard and other annual weeds) occur on adjacent rangelands and would occupy the disturbed areas. Establishment of perennial grasses and other seeded plants is expected to provide the necessary control of invasive annual weeds within 2 or 3 years. Additional seeding treatments of the disturbed areas may be required in subsequent years if initial seeding efforts have failed or natural colonization has not occurred.

The perennial and biennial noxious weeds in the area are less frequently established on the uplands but some potential exists for their establishment in draws and swales or in drainage ditches along the road that would collect additional water. The largest concern in the project area would be for these species to become established and not be detected, providing seed which can be moved onto adjacent rangelands. The right-of-way holder would be required to control any invasive and/or noxious weeds that become established within the right-of way.

Successful interim reclamation of the unused areas of the access road, as well as weed control utilizing integrated practices, including herbicide applications, would help to control the noxious weed species. All principles of Integrated Pest Management should be employed to control noxious and invasive weeds on public lands.

Mitigative Measures: None

Name of specialist and date: Christina Rhyne, 6/23/10

MIGRATORY BIRDS

Affected Environment: Affected Environment: BLM Instruction Memorandum No. 2008-050 provides guidance towards meeting BLM's responsibilities under the Migratory Bird Treaty Act (MBTA) and Executive Order (EO) 13186. The guidance emphasizes management of habitat for species of conservation concern by avoiding or minimizing negative impacts and restoring and enhancing habitat quality. The LSFO provides both foraging and nesting habitat for a variety of migratory bird species. Several species on the USFWS's Birds of Conservation Concern (BCC) List occupy these habitats within the LSFO.

Native plant communities in the Castor Gulch are comprised primarily of oakbrush. A variety of migratory birds may utilize this vegetation communities during the nesting period (May through July) or during spring and fall migrations. Birds common to this community include: Virginia's warbler, blue-gray gnatcatcher and green-tailed towhee. Cliffs and rocky outcrops provide potential nesting habitat for golden eagles. Golden eagles are the only bird listed on the USFWS 2008 Birds of Conservation Concern that potentially nests in the area.

Environmental Consequences: Granting a ROW on the existing road would have little potential to impact migratory bird species. Since the road has already been constructed, there would be no ground disturbance or new impacts to habitat from the ROW. There is always some chance that migratory birds would be killed by passing vehicles, but this risk would not be increased by granting the ROW. The road is already being used by the electric company for the purposed described in the Proposed Action.

Mitigative Measures: None

Name of specialist and date: Desa Ausmus, 6/23/10

NATIVE AMERICAN RELIGIOUS CONCERNS

A letter was sent to the Eastern Shoshone, Uinta and Ouray Tribal Council, Southern Ute Tribal Council, Ute Mountain Ute Tribal Council on May 26, 2009. The letter listed the FY2010 projects that the BLM would notify them on and projects that would not require notification. A followup phone call was performed on July 26, 2009. No comments were received (Letter on file at the Little Snake Field Office). This project requires no additional notification.

Name of specialist and date: Robyn Watkins Morris, 6/28/10

PRIME & UNIQUE FARMLANDS

Affected Environment: No Prime and/or Unique Farmlands are present in the vicinity of the proposed right-of-way.

Environmental Consequences: None

Mitigation Measures: None

Name of specialist and date: Emily Spencer, 6/21/10

Source: USDA-NRCS Soil Data Viewer version 5.2.0016: <http://soildataviewer.nrcs.usda.gov/>

T&E AND SENSITIVE ANIMALS

Affected Environment: There are no ESA listed or proposed species that inhabit or derive important benefit from the project area. The general area provides habitat for Columbian sharp-tailed grouse, BLM sensitive species. Sharp-tailed grouse utilize sagebrush stands and mixed mountain shrublands within the LSFO. Castor Gulch is classified as winter habitat for this species. There are no active leks in the vicinity of the proposed ROW.

Environmental Consequences: Granting a ROW on the existing road would have little potential to impact Columbian sharp-tailed grouse or their habitat. Since the road already exists, there would be no new disturbances to habitat for this species. Granting the ROW along the existing road would not change the current use of the road and is unlikely to affect sharp-tailed grouse.

Mitigative Measures: None

Name of specialist and date: Desa Ausmus, 6/23/10

T&E AND SENSITIVE PLANTS

Affected Environment: There are no federally listed threatened or endangered or BLM sensitive plant species present within or in the vicinity of the proposed right-of-way.

Environmental Consequences: None

Mitigative Measures: None

Name of specialist and date: Hunter Seim, 6/25/10

WASTES, HAZARDOUS OR SOLID

Affected Environment: If a release does occur, the environment affected would be dependent on the nature and volume of material released. If there are no releases, there would be no impact on the environment.

Environmental Consequences: Consequences would be dependent on the volume and nature of the material released. In most every situation involving hazardous materials, there are ways to remediate the area that has been contaminated. Short-term consequences would occur, but they can be remedied, and long-term impacts would be minimal.

Mitigative Measures: None

Name of specialist and date: Barb Blackstun, 06/15/10

WATER QUALITY - GROUND

Affected Environment: The surface formation is the Cretaceous Age Iles formation.

Environmental Consequences: The proposed action would not affect the ground water.

Mitigative Measures: None

Name of specialist and date: Marty O'Mara, 6/23/10

WATER QUALITY - SURFACE

Affected Environment: Any surface runoff from the proposed right-of-way would drain into Castor Gulch, a tributary to the Williams Fork River. Water quality for the mainstem of the Williams Fork River from the highway 13/317 bridge at Hamilton to the confluence with the Yampa River must support Aquatic Life Warm 2, Recreation E, Water Supply, and Agricultural uses. There are no water quality impairments or suspected water quality issues for waters influenced by the proposed action.

Environmental Consequences: Increased sedimentation from the road towards Castor Gulch during spring runoff or from high intensity rainstorms is the most likely environmental consequence from the proposed action that may impact water quality. Vegetation currently onsite, both on the road and on the roadsides/downslope appears to be capturing and holding sediment that is moving. The control of white top (hoary cress), houndstongue, and other perennial, invasive weeds, as well as the very occasional maintenance that would occur as proposed would allow much of the native, herbaceous vegetation to continue to re-establish and stabilize soil on the road and cutbank on the inside of the road bed. In some places along the road, water bars have filled in with sediment and would need to be re-graded so

that runoff will continue to be diverted off the road to prevent further sheet wash and rill erosion that is beginning to occur, particularly near the top of the hill.

Mitigative Measures: During maintenance activities, blade only the sections of the road that require it and leave as much herbaceous native vegetation as possible to help with sediment control. Maintain water bars where necessary and install additional ones where needed, particularly near the top of the hill. Stabilize any cuts on the downhill side of the road bed that appear to be actively eroding beyond what is expected using large rocks or realign/install a water bar.

Name of specialist and date: Emily Spencer, 6/21/10

Reference: Colorado Department of Public Health and Environment Water Quality Control Commission. 2010. Regulations #33, 37, and 93. <http://www.cdphe.state.co.us/regulations/wqccregs/index.html>

WETLANDS/RIPARIAN ZONES

Affected Environment: There are no identified springs, seeps, or wetlands on public lands within the proposed right-of-way. Any surface runoff from the proposed right-of-way may reach Castor Gulch (reach 1), which is below the proposed project area and runs parallel to Moffat County Road 93.

Environmental Consequences: Increased sedimentation from the road towards Castor Gulch during spring runoff or from high intensity rainstorms is the most likely environmental consequence from the proposed action that may impact riparian form and function. Vegetation currently onsite, both on the BLM road proposed right-of-way and on the roadsides/downslope appears to be capturing and holding most of the sediment that is moving. The control of white top (hoary cress), houndstongue, and other perennial, invasive weeds, as well as the very occasional maintenance that would occur as proposed would allow much of the native, herbaceous vegetation to continue to re-establish and stabilize soil on the road and cutbank on the inside of the road bed. In some places along the road, water bars have filled in with sediment and would need to be re-graded so that runoff will continue to be diverted off the road to prevent further sheet wash and rill erosion that is beginning to occur, particularly near the top of the hill.

Mitigative Measures: During maintenance activities, blade only the sections of the road that require it and leave as much herbaceous native vegetation as possible to help with sediment control. Maintain water bars where necessary and install additional ones where needed, particularly near the top of the hill. Stabilize any cuts on the downhill side of the road bed that appear to be actively eroding beyond what is expected using large rocks or realign/install a water bar.

Name of specialist and date: Emily Spencer, 6/21/10

WILD & SCENIC RIVERS

Affected Environment: Not Present

Environmental Consequences: None

Mitigative Measures: None

Name of specialist and date: K. Shane Dittlinger, 6/22/10

WSAs, WILDERNESS CHARACTERISTICS

Affected Environment: Not Present

Environmental Consequences: None

Mitigative Measures: None

Name of specialist and date: K. Shane Dittlinger, 6/22/10

NON-CRITICAL ELEMENTS

SOILS

Affected Environment: The proposed right-of-way occurs on four soil types that are characterized by steeper gradients (25-75% slopes), are well drained with slow permeability rates, and have a high runoff potential. Soil profiles in this area are relatively shallow (0-26 inches deep) and the main hazard is erosion unless close-growing plant cover is maintained. A steep cut bank on the inside of the roadbed and several water diversion features (water bars) have been created in the road as the result of unauthorized road widening two years ago. There is some evidence of rill erosion in the steeper sections of road near the top of the hill.

Environmental Consequences: Increased sedimentation from the road during spring runoff or from high intensity rainstorms is the most likely environmental consequence from the proposed action that may impact soil stability. Vegetation currently onsite, both on the road and on the roadsides/downslope appears to be capturing and holding most of the sediment that is moving. The control of white top (hoary cress), houndstongue, and other perennial, invasive weeds, as well as the very occasional maintenance that would occur as proposed would allow much of the native, herbaceous vegetation to continue to re-establish and stabilize soil on the road and cutbank on the inside of the road bed. In some places along the road, water bars have filled in with sediment and would need to be re-graded so that runoff

will continue to be diverted off the road to prevent further sheet wash and rill erosion that is beginning to occur, particularly near the top of the hill.

Mitigative Measures: During maintenance activities, blade only the sections of the road that require it and leave as much herbaceous native vegetation as possible to help with sediment control. Maintain water bars where necessary and install additional ones where needed, particularly near the top of the hill. Stabilize any cuts on the downhill side of the road bed that appear to be actively eroding beyond what is expected using large rocks or realign/install a water bar.

Name of specialist and date: Emily Spencer, 6/21/10

PALEONTOLOGY

Affected Environment: The geologic formation at the surface is the Cretaceous Age Iles Formation (Ki). This formation has been classified a Class II formation for the potential for occurrence of scientifically significant fossils. Scientifically significant fossils are occasionally found within this formation (Armstrong & Wolney, 1989). The potential for discovery of significant fossils on this location is considered to be moderate.

Environmental Consequences: If any such fossils are located here, construction activities could damage the fossils and the information that could have been gained from them would be lost. The significance of this impact would depend upon the significance of the fossil. This impact can be effectively mitigated by ceasing operations and notifying the Field Office Manager immediately upon discovery of a fossil during construction activities. An assessment of the significance is made and a plan to retrieve the fossil or the information from the fossil is developed.

The proposed action could also constitute a beneficial impact to paleontological resources by increasing the chances for discovery of scientifically significant fossils.

Mitigative Measures: "Standard Discovery Stip", i.e., "If fossils are discovered during construction or other operations, all activity in the area will cease and the Field Office Manager will be notified immediately. An assessment of significance will be made within an agreed time frame. Operations will resume only upon written notification by the Authorized Officer."

References

Armstrong, Harley J. and Wolney, David G., 1989, Paleontological Resources of Northwest Colorado: A Regional Analysis, Museum of Western Colorado, Grand Junction, CO, prepared for Bur. Land Management, Vol. I of V.

Miller, A.E., 1977, Geology of Moffat County, Colorado, Colo. Geol. Surv. Map Series 3, 1:126,720.

Name of specialist and date: Marty O'Mara, 6/23/10

UPLAND VEGETATION

Affected Environment: The road on which the proposed right-of-way is to apply is within a mountain shrub plant community. Dominant plants include Gambel oak (*Quercus gambelii*), serviceberry (*Amelanchier alnifolia*), rubber rabbitbrush (*Chrysothamnus nauseosus*), basin big sagebrush (*Artemisia tridentata tridentata*), lupine (*Lupinus* spp.), yarrow (*Achillea millefolium*), western wheatgrass (*Agropyron smithii*), and Kentucky bluegrass (*Poa pratensis*).

Environmental Consequences: The proposed right-of-way would not create any additional disturbance beyond the existing disturbance of the road. Continued use of the road would not result in additional disturbance to the plant communities adjacent to the road. The potential for the transport of weed seed by passing vehicles into the adjacent plant community exists and would remain unchanged under the proposed action. The native plant community is vigorous and diverse and would retain its resilience to weed establishment.

Mitigative Measures: None

Name of specialist and date: Hunter Seim, 6/25/10

WILDLIFE, AQUATIC

Affected Environment: No habitat for aquatic wildlife exists along the ROW corridor.

Environmental Consequences: None

Mitigative Measures: None

Name of specialist and date: Desa Ausmus, 6/23/10

WILDLIFE, TERRESTRIAL

Affected Environment: Native plant communities in the Castor Gulch are comprised primarily of oakbrush. The area provides habitat for a variety of big game, small mammals, birds and reptiles. The proposed project area provides summer habitat for mule deer, elk and pronghorn antelope. Mule deer and elk use the area during both moderate and severe winters.

Environmental Consequences: Since there would be no new surface disturbance, there would be no impacts to terrestrial wildlife habitat. Granting the ROW along the existing road would not change the current use of the road. The road has been in place for many years and is not resulting in negative impact to wildlife species.

Mitigative Measures: None

Name of specialist and date: Desa Ausmus, 6/23/10

OTHER NON-CRITICAL ELEMENTS: For the following elements, those brought forward for analysis will be formatted as shown above.

Non-Critical Element	NA or Not Present	Applicable or Present, No Impact	Applicable & Present and Brought Forward for Analysis
Fluid Minerals	EMO 06/23/10		
Forest Management		BSB 06/15/10	
Hydrology/Ground			See Water Quality-Ground
Hydrology/Surface			See Water Quality-Surface
Range Management		JHS 6/25/10	
Realty Authorizations		BSB 06/15/10	
Recreation/Travel Mgmt		KSD 06/22/10	
Socio-Economics		BSB 06/15/10	
Solid Minerals		JAM 6/22/10	
Visual Resources		KSD 06/22/10	
Wild Horse & Burro Mgmt	BSB 06/15/10		

CUMULATIVE IMPACTS SUMMARY: Cumulative impacts may result from the maintenance of the access road to the power line when added to non-project impacts that result from past, present, and reasonably foreseeable future actions. Other past or existing actions near the project area that have influence on the landscape are wildfire, utility rights-of-way, recreation, hunting, grazing, mining, and ranching activities.

Surface disturbance associated with the project would be minor and has the potential to reduce erosion and sedimentation from the road surface. No reduction in forage would be anticipated. Some wildlife species may be temporarily displaced by maintenance activity, but should return upon completion of the human activity. No additional contrasts in line, form, color, and texture from the project would impact the visual qualities on the landscape.

STANDARDS:

PLANT AND ANIMAL COMMUNITY (animal) STANDARD: The issuance of a right-of-way on the existing road would not create any new impacts affecting terrestrial or aquatic wildlife

species. Currently, the surrounding habitat meets this standard and the Proposed Action would continue to meet this standard.

Name of specialist and date: Desa Ausmus, 6/23/10

SPECIAL STATUS, THREATENED AND ENDANGERED SPECIES (animal)

STANDARD: The issuance of a right-of-way on the existing road would not create any new impacts affecting special status animal species. Currently, the surrounding habitat meets this standard and the Proposed Action would continue to meet this standard.

Name of specialist and date: Desa Ausmus, 6/23/10

PLANT AND ANIMAL COMMUNITY (plant) STANDARD: The plant community along the right-of-way is vigorous, diverse, and currently meets this standard. The proposed action would not result in any new disturbance, but would maintain the presence of the road in its current state. There is no aspect of the proposed action that would alter any existing impacts to the plant community. The proposed action would meet this standard.

Name of specialist and date: Hunter Seim, 6/25/10

SPECIAL STATUS, THREATENED AND ENDANGERED SPECIES (plant)

STANDARD: There are no federally listed threatened or endangered or BLM sensitive plant species present within or in the vicinity of the proposed right-of-way. This standard does not apply.

Name of specialist and date: Hunter Seim, 6/25/10

RIPARIAN SYSTEMS STANDARD: It is expected that the proposed action would continue to meet the public land health standard for riparian systems. Several Best Management Practices have been designed into the project or are attached as mitigating measures that would help to prevent erosional impacts to the form and function of Castor Gulch (reach 1).

Name of specialist and date: Emily Spencer, 6/23/10

WATER QUALITY STANDARD: The proposed action would be expected to continue to meet the public land health standard for water quality. Several Best Management Practices have been designed into the project or are attached as mitigating measures that would help to reduce accelerated erosion of the site. There are no water quality impairments or suspected water quality issues for waters influenced by the proposed action.

Name of specialist and date: Emily Spencer, 6/23/10

UPLAND SOILS STANDARD: The proposed action would not meet the upland soil standard for land health, but it is not expected to because it is an access road that is used for operations and maintenance. Therefore, the access road would not exhibit the characteristics of a healthy soil.

Several Best Management Practices have been designed into the project or are attached as mitigating measures that will reduce impacts to and conserve soil materials.

Name of specialist and date: Emily Spencer, 6/23/10

PERSONS/AGENCIES CONSULTED: Uintah and Ouray Tribal Council, Colorado Native American Commission, Colorado State Historic Preservation Office.

FINDING OF NO SIGNIFICANT IMPACT (FONSI)
DOI-BLM-CO-N010-2010-0046-EA

Based on the analysis of potential environmental impacts contained in the EA and all other available information, I have determined that the proposal and the alternatives analyzed do not constitute a major Federal action that would adversely impact the quality of the human environment. Therefore, an EIS is unnecessary and will not be prepared. This determination is based on the following factors:

1. Beneficial, adverse, direct, indirect, and cumulative environmental impacts have been disclosed in the EA. Analysis indicated no significant impacts on society as a whole, the affected region, the affected interests or the locality. The physical and biological effects are limited to the Little Snake Resource Area and adjacent land.
2. Public health and safety would not be adversely impacted. There are no known or anticipated concerns with project waste or hazardous materials.
3. There would be no adverse impacts to regional or local air quality, prime or unique farmlands, known paleontological resources on public land within the area, wetlands, floodplain, areas with unique characteristics, ecologically critical areas or designated Areas of Critical Environmental Concern.
4. There are no highly controversial effects on the environment.
5. There are no effects that are highly uncertain or involve unique or unknown risk. Sufficient information on risk is available based on information in the EA and other past actions of a similar nature.
6. This alternative does not set a precedent for other actions that may be implemented in the future to meet the goals and objectives of adopted Federal, State or local natural resource related plans, policies or programs.
7. No cumulative impacts related to other actions that would have a significant adverse impact were identified or are anticipated.
8. Based on previous and ongoing cultural surveys and through mitigation by avoidance, no adverse impacts to cultural resources were identified or anticipated. There are no known American Indian religious concerns or persons or groups who might be disproportionately and adversely affected as anticipated by the Environmental Justice Policy.
9. No adverse impacts to any threatened or endangered species or their habitat that was determined to be critical under the Endangered Species Act were identified. If, at a future time, there could be the potential for adverse impacts, treatments would be modified or mitigated not to have an adverse effect or new analysis would be conducted.

FINDING OF NO SIGNIFICANT IMPACT (FONSI)
DOI-BLM-CO-N010-2010-0046-EA

10. This alternative is in compliance with relevant Federal, State, and local laws, regulations, and requirements for the protection of the environment.

DECISION AND RATIONALE: I have determined that use of the Castor Gulch Road ROW is in conformance with the approved land use plan. It is my decision to issue the right-of-way grant with the mitigation measures to Yampa Valley Electric Association. The grant is for operation, maintenance, and termination of a road located on public land in Lot 6, 7, & 11, Sec. 15; Lot 2, 6, 7, & 8, Sec. 21; Lot 3, Sec. 22, T5N, R91W, 6th P.M., Moffat County, Colorado. The ROW is 6,415.00 feet long and 25 feet wide. The ROW grant is issued for 20 years with the right of renewal. The ROW is subject to rental pursuant to 43 CFR 2803.1-2. The project will be monitored as stated in the Compliance Plan outlined below.

It is the policy of the Bureau of Land Management to grant ROW to occupy and use public land where such is consistent with resource values; the Bureau's planning system, and local government concerns. To this effect, no conflicts were found; the action does not result in any undue or unnecessary environmental degradation. The action is consistent with the Little Snake Resource Management Plan. The proposed use, as planned and mitigated, is a suitable use of the land, which will not conflict with the present or known future use of the area. The action is consistent with Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185) or Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761) and the regulations authorizing use of federal land under 43 CFR 2800.

MITIGATION MEASURES: See Exhibit A, Stipulations.

COMPLIANCE PLAN(S):

Compliance Schedule: Compliance will be conducted during the operation phase and reclamation phase to insure that all terms and conditions specified in the right-of-way grant and stipulations are followed. The Castor Gulch Road ROW will be on a five-year compliance schedule after completion of the project.

Monitoring Plan: The Castor Gulch Road ROW location will be monitored during the term of the right-of-way for compliance with the grant, stipulations, POD, and pertinent regulations until final abandonment is approved; monitoring will help determine the effectiveness of mitigation and document the need for additional mitigative measures.

Assignment of Responsibility: Responsibility for implementation of the compliance schedule and monitoring plan will be assigned to the Realty staff in the Little Snake Field Office. The primary inspector will be the Realty Specialist.

FINDING OF NO SIGNIFICANT IMPACT (FONSI)
DOI-BLM-CO-N010-2010-0046-EA

SIGNATURE OF PREPARER:

DATE SIGNED:

SIGNATURE OF ENVIRONMENTAL REVIEWER:

DATE SIGNED:

SIGNATURE OF AUTHORIZED OFFICIAL:

DATE SIGNED:

EXHIBITS: Exhibit A, Stipulations

Exhibit A
Stipulations - COC073545
Access Road ROW to Powerline ROW COC036305

1. The holder shall operate, and maintain the facilities, improvements, and structures within this right-of-way in strict conformity with the plan(s) of development which was (were) approved and made part of the grant. Any relocation, additional construction, or use that is not in accord with the approved plan(s) of development, shall not be initiated without the prior written approval of the authorized officer. A copy of the complete right-of-way grant, including all stipulations and approved plan(s) of development, shall be made available on the right-of-way area during operation, and termination. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health and safety or the environment.

2. Any cultural and/or paleontological (fossil) resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and the authorized officer will make any decision as to proper mitigation measures after consulting with the holder.

3. The operator is responsible for informing all persons who are associated with the 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 encountered or uncovered during any project activities, the operator is to immediately stop activities in the immediate vicinity of the find and immediately contact the authorized officer (AO) (970) 826-5087. Within five working days the AO will inform the operator as to:
 - whether the materials appear eligible for the National Register of Historic Places;
 - the mitigation measures the operator will likely have to undertake before the identified area can be used for project activities again and;
 - If the operator wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the AO will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the operator will be responsible for mitigation costs. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction.

4. 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.

5. The grant does not relieve you of your responsibility to obtain other required federal, state, or local permits.
6. 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.
7. The holder of Right-of-Way No. COC073545 agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C 9601, et.seq. or the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901, et. seq.) on the right-of-way (unless the release or threatened release is wholly unrelated to the right-of-way holder's activity on the right-of-way). This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.
8. Holder shall maintain the right-of-way in a safe, usable condition, as directed by the authorized officer. A regular maintenance program shall include, but is not limited to, weed and erosion control. No 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 three inches deep, the soil shall be deemed too wet to adequately support construction equipment.
9. Excess unsuitable or slide materials shall be disposed of as directed by the authorized officer.
10. The holder shall design and construct adequate water-control structures to prevent excessive erosion along the road and protect the road from the natural erosion process. Any ditches designed to provide runoff drainage will be constructed on a minimal grade and will release water onto undisturbed ground without causing accelerated erosion. Additional mitigative measures will be employed to prevent or reduce accelerated erosion if it begins to occur within the road ROW.
11. No hazardous materials/waste or trash shall be disposed of on the public lands. If a release does occur, it shall be reported to the Little Snake Field Office immediately (970) 826-5000. Any spills will be cleaned up to applicable standards.

12. The holder shall conduct all activities associated with the operation, maintenance, and termination of the right-of-way within the authorized limits of the right-of-way. New access roads or cross-country vehicle travel will not be permitted. During maintenance activities, blade only the sections of the road that require it and leave as much herbaceous native vegetation as possible to help with sediment control. Maintain water bars where necessary and install additional ones where needed, particularly near the top of the hill. Stabilize any cuts on the downhill side of the road bed that appear to be actively eroding beyond what is expected using large rocks or realign/install a water bar.

13. Control of noxious weeds will be required through successful vegetation establishment and/or herbicide application. It is the responsibility of the lease operator to insure compliance with all local, state, and federal laws and regulations, as well as labeling directions specific to the use of any given herbicide.

14. A Pesticide Use Proposal (PUP) will be approved prior to application of herbicides and/or other pesticides on Federal surface; contact the Little Snake Field Office to obtain a PUP form to request this authorization. Submit the PUP two (2) months in advance of planned application. In the event you elect to apply herbicide or other pesticide as described and authorized on the approved PUP, you must report this use within 24 hours on Bureau of Land Management form titled Pesticide Application Record.

15. The holder shall permit free and unrestricted public access to and upon the right-of-way for all lawful purposes except for those specific areas designated as restricted by the authorized officer to protect the public, wildlife, livestock, or facilities constructed within the right-of-way.

16. Utilize the "One Call" system to locate and stake the centerline and limits of all underground facilities in the area of road maintenance.

17. Prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a pretermination conference. This conference will be held to review the termination provisions of the permit.