

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:** CO-100-2006-094 EA

**CASEFILE/PROJECT NUMBER/LEASE NUMBER:** COC70186

**PROJECT NAME:** White River Electric Power line for Moffat County Comm Site

**LEGAL DESCRIPTION:** T.5N.,R.92W., Section 28, S½SE¼; Section 27, S½SW¼, 6<sup>th</sup> PM, Moffat County, Colorado

**APPLICANT:** White River Electric Association (WREA)

**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 power line would be located within Management Unit #8, Axial Basin, (Little Snake Resource Management Plan). The objectives of Management Unit #8 are to maintain and improve critical habitats for mule deer, elk, and sage grouse. Realty actions such as rights-of-way can occur consistent with the management objectives for this unit.

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 power line is to provide power to the Moffat County Communication facility on Iles Mountain.

**PUBLIC SCOPING PROCESS:** The NEPA log is posted on the Little Snake Field Office web site before the grant is issued to the applicant.

**DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES:** The proposed action is to grant a right-of-way (ROW) to WREA for a single phase 14.4-kV power line on public land from the existing Union Telephone Iles Mountain Communication Site to the new Moffat County Communication Site. The proposed power line would be located on public land in T.5N.,R.92W., Section 28, S½SE¼; Section 27, S½SW¼, 6<sup>th</sup> PM, Moffat County, Colorado.

The approximate date work would start is fall 2006 and the estimated duration of construction is three weeks.

The WREA existing route starts at the power lines off Highway 13 and goes through Colowyo's property, then on to the public land to Union's existing site. The proposed power line route would continue on from the existing pole in SW¼, Section 27, and then head to the top of the hill 1,063 feet in a northeast direction, and then continue east 6,975 feet to the Moffat County Communication site located on Colowyo's private property. The total length of the power line is expected to be 8,038 feet, or 1.52 miles. It will take 26 poles, spaced approximately 300 feet apart for the power line project. The power poles will be 35 feet high. All poles will be electrically safe for birds and animals, and mitigated against perching raptors if requested. The power line route will be located along the proposed line indicated on the WREA reference map which approximately parallels the existing two track road on the North side of the bluff and out of sight of CO Hwy 13.

This is the shortest route, causing the least amount soil disturbance, and the most economical route.

WREA has looked at two other routes, but these routes will not meet the purpose and need of the project:

- Build a power line from the overhead power line located on the east end of Iles Mountain. This route was rejected because the landowner would not grant permission to cross private property. Second, the route would span two large, undisturbed draws and require considerable right-of-way clearing, and the terrain would be difficult to traverse.
- Beginning at Highway 13, heading north across private land, and then up the cliff. This route may be shorter in length, yet there is not a feasible route up to the cliff to construct a power line and the cost of construction would be significantly more than our chosen route. Also this would have a negative visual impact on the area.

The proposed route will not require road construction. The road on the proposed route will be less than a two-track. The equipment to be used will be a 2 Ton, 4-wheel drive digger/derrick truck, 2 Ton 4-wheel drive backhoe, basic utility trucks, and possible a tracked implement for right-of-way work. Driving over vegetation is all that will be required by the proposed route. No bladed roads are necessary.

For fire mitigation purposes a 25' right-of-way clearing is requested around each power pole and cut trees that may be beneath the proposed power line.

The proposed route involves Colowyo and BLM. Colowyo has given permission to Moffat County and WREA to cross their property for the communication site.

The Union and Moffat County facility is within WREA's District.

The length of the right-of-way on BLM is 8,038 feet and 25 feet wide, consisting of 4.61 acres.

**NO ACTION ALTERNATIVE:** The right-of-way will not be issued and the power line will not be constructed.

## **AFFECTED ENVIRONMENT/ENVIRONMENTAL CONSEQUENCES/MITIGATION MEASURES**

### **CRITICAL RESOURCES**

## **AIR QUALITY**

Affected Environment: Not Affected

Environmental Consequences: None

Mitigative Measures: None

Name of specialist and date: Ole Olsen 7/31/06

## **AREA OF CRITICAL ENVIRONMENTAL CONCERN**

Affected Environment: Not present.

Environmental Consequences: Not applicable.

Mitigative Measures: Not applicable

Name of specialist and date: Jim McBrayer – 8/31/06

## **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, 14.4 kV 1.6 mile-long Power line Route to the Moffat Communication Site, has undergone a Class III cultural resource survey:

Martin, Curtis  
2006 White River Electric Association, Inc., 14.4 1.6 mile-long Power line Route  
to the Moffat Communication Site, GRI2682 BLM 11.3.06. Grand River  
Institute, Grand Junction, Colorado.

The survey identified no eligible to the National Register of Historic Places prehistoric cultural resources. The proposed project may proceed as described in this EA 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.

Name of specialist and date: Gary D. Collins August 14, 2006

### **ENVIRONMENTAL JUSTICE**

Affected Environment: The project would not directly affect the social, cultural, or economic well being and health of Native American, minority or low-income populations. The project area is relatively isolated from population centers, so no populations would be affected by physical or socioeconomic impacts from the project.

Environmental Consequences: None.

Mitigative Measures: None.

Name of Specialist and Date: Louise McMinn 07/17/2006

### **FLOOD PLAINS**

Affected Environment: Not Affected

Environmental Consequences: None

Mitigative Measures: None

Name of specialist and date: Ole Olsen 7/31/06

### **INVASIVE, NONNATIVE SPECIES**

Affected Environment: Dalmation toadflax, houndstongue, hoary cress, Canada thistle and other biennial thistles are present in the affected area. Cheatgrass and other annual weeds are common along roads and on disturbed areas in the vicinity of the project. There is the potential to have other invasive and noxious weeds present in the affected area.

Environmental Consequences: The surface disturbing activities and associated traffic involved with installing the power line will create an environment and provide a mode of transport for invasive species

and other noxious weeds to become established. Surface disturbance will be quite minimal near each of the power poles installed. Construction equipment and any other vehicles and equipment brought onto the site can introduce these weed species. Wind, water, recreation vehicles, livestock and wildlife will also assist with the distribution of weed seed into the newly disturbed areas. The right-of-way holder will be required to control any invasive and/or noxious weeds that become established within the disturbed areas involved with the new power line.

Mitigative Measures: None

Name of specialist and date: Ole Olsen 7/31/06

## **MIGRATORY BIRDS**

**Affected Environment:** Golden eagles, prairie falcons, Brewers sparrows and sage sparrows are all likely to nest along the top and edge of Isles Mountain. Ten historic golden eagle nests are known to exist within a quarter mile of the power line. While all ten of these nests are not likely to be occupied during a given year, it can be expected that several of them would be. The area along the top of Isles Mountain is likely to be visited by golden eagles through out the year. A power line would be a likely spot for golden eagles to perch while searching for pray during foraging activities. Prairie falcons are also known to nest along Isles Mountain and would have a similar risk of electrocution.

**Environmental Consequences:** Power lines pose a serious threat to golden eagles and are a major cause of golden eagle mortality by electrocution. In order to minimize potential of electrocution mortality of raptors, construction of the power line should utilize methods and designs described in “Suggested practices for raptor protection on power lines: State of the Art in 1996” (Avian Power Line Interaction Committee (APLIC). 996). A copy of this book is available to look at in the BLM’s Little Snake Field Office in Craig, CO.

Brewer’s sparrows and sage sparrows are unlikely to be directly affected by the power line. Predation from prairie falcons may increase as a result of this power line. It is unlikely that predation rates would be high enough to affect either species population in the area.

As mitigated, chance of take of any species listed on the USFWS 2002 Birds of Conservation Concern list is low.

**Mitigative Measures:** Power line design should follow suggested practices outlined in “Suggested practices for raptor protection on power lines: State of the Art in 1996” (Avian Power Line Interaction Committee (APLIC). 996)

Name of specialist and date: Timothy Novotny 7/13/06

## **NATIVE AMERICAN RELIGIOUS CONCERNS**

A letter was sent to the Uinta and Ouray Tribal Council, Southern Ute Tribal Council, Ute Mountain Ute Tribal Council, and the Colorado Commission of Indian Affairs on January 21, 1999. The letter listed the projects that the BLM would notify them on and projects that would not require notification. No comments were received (Letter on file at the Little Snake Field Office). This project requires no additional notification.

Name of specialist and date: Gary D. Collins August 14, 2006

**PRIME & UNIQUE FARMLANDS**

Affected Environment: Not Present

Environmental Consequences: None

Mitigative Measures: None

Name of specialist and date: Ole Olsen 7/31/06

**T&E SPECIES – ANIMALS**

Affected Environment: There are no special status species, threatened or endangered species or habitat for such species in or near the project area.

Environmental Consequences: None

Mitigative Measures: None

Name of specialist and date: Timothy Novotny 7/13/06

**T&E SPECIES – PLANTS**

Affected Environment: There are no federally listed threatened or endangered plant species within or in the vicinity of the Proposed Action.

Environmental Consequences: None

Mitigative Measures: None

Name of specialist and date: Hunter Seim 7/11/06

**T&E SPECIES - SENSITIVE PLANTS**

Affected Environment: There are no BLM sensitive plant species within or in the vicinity of the Proposed Action.

Environmental Consequences: None

Mitigative Measures: None

Name of specialist and date: Hunter Seim 7/11/06

**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 will be no environmental impact.

Environmental Consequences: Consequences will 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 will occur, but they can be remedied, and long-term impacts will be minimal.

Mitigative Measures: None:

Name of specialist and date: D. Johnson 7/11/06

### **WATER QUALITY - GROUND**

Affected Environment: Groundwater will not be impacted by this proposed action.

Environmental Consequences: None

Mitigative Measures: None

Name of specialist and date: Robert Ernst 12 July 2006

### **WATER QUALITY - SURFACE**

Affected Environment: Runoff water from the temporary and existing access roads and power pole locations will flow northerly to Ralston Draw an ephemeral tributary of the Yampa River or southerly towards Stinking Gulch, which is a perennial tributary to Milk Creek. Milk Creek is a perennial tributary to the Yampa River. All of these stream segments are presently supporting the beneficial uses classified for these stream segments.

Environmental Consequences: None

Mitigative Measures: None

Name of specialist and date: Ole Olsen 7/31/06

### **WETLANDS/RIPARIAN ZONES**

Affected Environment: Not Affected

Environmental Consequences: None

Mitigative Measures: None

Name of specialist and date: Ole Olsen 7/31/06

### **WILD & SCENIC RIVERS**

Affected Environment: Not present.

Environmental Consequences: Not applicable.

Mitigative Measures: Not applicable

Name of specialist and date: Jim McBrayer – 8/31/06

### **WILDERNESS, WSAs**

Affected Environment: Not present.

Environmental Consequences: Not applicable.

Mitigative Measures: Not applicable

Name of specialist and date: Jim McBrayer – 8/31/06

### **NON-CRITICAL ELEMENTS**

#### **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: Robert Ernst 12 July 2006

## RECREATION

Affected Environment: The proposed project area receives very heavy big game hunting use and related camping use during the second and third rifle seasons in the fall. This year's second and third big game season dates are: October 21 to 29 and November 4 to 10.

Environmental Consequences: The project work should not impact the hunting and camping use due to the short time frame involved.

Mitigative Measures: None

Name of specialist and date: Rob Schmitzer. July 13, 2006.

## SOILS

Affected Environment: The main access road to the communication site presently exists. Temporary access to pole locations will occur over existing vegetation.

Environmental Consequences: Temporary use of access routes to pole locations which are not along existing roads will have minimal impact to vegetative cover and surface soil properties, provided that soils are not excessively wet. Minor soil disturbance will result from installing the power poles, but the small disturbance should easily be colonized by the surrounding native plant community.

Mitigative Measures: None

Name of specialist and date: Ole Olsen 7/31/06

## VEGETATION

Affected Environment: The Proposed Action lies within a mountain shrub plant community. Dominant species include serviceberry (*Amelanchier alnifolia*), Gambel oak (*Quercus gambelii*), basin big sagebrush (*Artemisia tridentata tridentata*), Utah juniper (*Juniperus utahensis*), mountain mahogany (*Cercocarpus montanus*), snowberry (*Symphoricarpos albus*), arrowleaf balsamroot (*Balsamorhiza sagittata*), green rabbitbrush (*Crysothamnus viscidiflorus*), prairie junegrass (*Koeleria pyramidata*), needle-and-thread (*Stipa comata*), and Kentucky bluegrass (*Poa pratensis*).

Environmental Consequences: The Proposed Action would have little direct and long term impact to the plant community. Highly localized disturbance would occur where poles are installed and native vegetation would be crushed by vehicles and heavy equipment, however, this diverse and resilient community would recover quickly from such disturbances. Clearing vegetation within the right-of-way would reduce the amount of canopy cover of woody vegetation, but this would not affect the larger community. There is the potential to introduce seeds from non-native and invasive plants whether weed mitigations are introduced or not, but the impacts from construction would not reduce the competitive ability of the existing plant community against invasives.

Mitigative Measures: None

Name of specialist and date: Hunter Seim 7/11/06

**WILDLIFE, AQUATIC**

Affected Environment: There is no aquatic wildlife or habitat in or near the project area.

Environmental Consequences: None

Mitigative Measures: None

Name of specialist and date: Timothy Novotny 7/13/06

**WILDLIFE, TERRESTRIAL**

Affected Environment: The proposed project is located within year round habitat for elk, mule deer and pronghorn antelope including severe winter range for elk. Several species of birds, small mammals and reptiles also use the area.

Environmental Consequences: Construction activities associated with installing the power line are likely to displace wildlife from the area. Any displaced wildlife would likely return once construction activities are completed. Construction during winter months could have a negative impact on wintering elk. In order to avoid increasing stress and displacing elk into less suitable habitat during winter months, construction should not be conducted between December 1 and April 30. Once installed, the power line will have little impact on most wildlife. The power line may serve as new perch sites for various raptor species common along Isles Mountain. This could increase predation of birds, small mammals and reptiles along the power line corridor. Increased predation is not likely to affect any species populations in the project area.

Mitigative Measures: CO-09 No surface disturbing activities should be conducted between December 1 and April 30 in order to protect wintering elk.

Name of specialist and date: Timothy Novotny 7/13/06

**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		RE 7/12/06	
Forest Management	7/17/06 LM		
Hydrology/Ground		RE 7/12/06	
Hydrology/Surface		OO7/31/06	
Paleontology			See Paleontology
Range Management		HS 7/11/06	
Realty Authorizations		LM 7/17/06	
Recreation/Travel Mgmt			See Recreation
Socio-Economics		LM 7/17/06	
Solid Minerals		RE 7/12/06	

Visual Resources		JM 7/11/06	
Wild Horse & Burro Mgmt	LM 7/17/06		

**CUMULATIVE IMPACTS SUMMARY:** Cumulative impacts may result from the development of the power line and routine maintenance 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, recreation, hunting, grazing, mining, and ranching activities.

Surface disturbance associated with the project has the potential for an increase of erosion and sedimentation. Only a small reduction in forage would be anticipated. Some wildlife species may be temporarily displaced by construction, but should return upon completion of the project. 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 Isles Mountain area provides productive habitat for diverse species of wildlife. The proposed power line may displace animals during construction activities. Most displaced animals will return once construction is complete. The installed power line has potential to cause mortality to raptors using the power line for perching. By following guidelines established in “Suggested practices for raptor protection on power lines: State of the Art in 1996”, electrocution should be minimized to the point populations of golden eagles on Isles Mountain would not be impacted. This standard is currently being met and will continue to be met.

Name of specialist and date: Timothy Novotny 7/13/06

**SPECIAL STATUS, THREATENED AND ENDANGERED SPECIES (animal) STANDARD:**

There are no special status species, threatened or endangered animals or habitat for such animals in the project area. This standard does not apply.

Name of specialist and date: Timothy Novotny 7/13/06

**PLANT AND ANIMAL COMMUNITY (plant) STANDARD:**

This area is currently meeting this standard. The Proposed Action would result in only minor and highly localized impacts to the plant community and would not reduce vigor, abundance, and reproductive capability of existing plants. The Proposed Action would meet this standard. The No Action Alternative would meet this standard as no construction related disturbances would occur.

Name of specialist and date: Hunter Seim 7/11/06

**SPECIAL STATUS, THREATENED AND ENDANGERED SPECIES (plant) STANDARD:** There are no federally listed threatened or endangered or BLM sensitive plant species within or in the vicinity of the Proposed Action. This standard does not apply.

Name of specialist and date: Hunter Seim 7/11/06

**RIPARIAN SYSTEMS STANDARD:** The proposed action will not affect the riparian standard for healthy rangelands. This standard does not apply.

Name of specialist and date: Ole Olsen 7/31/06

**WATER QUALITY STANDARD:** The proposed action will meet the water quality standard for healthy rangelands. All stream segments in the affected area are presently supporting their classified beneficial uses.

Name of specialist and date: Ole Olsen 7/31/06

**UPLAND SOILS STANDARD:** The proposed action will meet the upland soil standard for healthy rangelands. Minimal use of the off-road routes and driving over established vegetation to temporary construction sites will not change the soil properties substantially. The vegetative surface will help to absorb vehicle influence on the soil surface. Although some vegetation would likely be crushed and may die-back, the resulting litter will still be available to cover the soil resource in the short term. Minimal soil disturbance will result adjacent to each power pole location and this should allow the native plants to seed or grow into the disturbance rapidly. The following growing season is expected to have perennial grasses and forbs re-emerge on the temporary construction routes and colonize the small disturbance around the poles.

Name of specialist and date: Ole Olsen 7/31/06

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

**FINDING OF NO SIGNIFICANT IMPACT (FONSI)**  
**EA CO-100-2006-094**

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.
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 construction of the power line 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 White River Electric Association. The grant is for construction, operation, maintenance, and termination of a power line located on public land in T.5N.,R.92W., Section 28, S½SE¼; Section 27, S½SW¼, 6<sup>th</sup> PM, Moffat County, Colorado. The ROW is 8,038 feet long and 25 feet wide. The R/W 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 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 B, Stipulations.

**COMPLIANCE PLAN(S):**

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

**Monitoring Plan:** The power line 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.

**SIGNATURE OF PREPARER:**

**DATE SIGNED:**

**SIGNATURE OF ENVIRONMENTAL REVIEWER:**

**DATE SIGNED:**

**SIGNATURE OF AUTHORIZED OFFICIAL:**

**DATE SIGNED:**

Exhibit A Map  
Exhibit B Stipulations

Exhibit B  
Stipulations  
COC70186

1. The holder shall construct, operate, and maintain the facilities, improvements, and structures within the right-of-way in strict conformity with the plan of development which was approved and made part of the grant. Any relocation, 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 construction, operation, and termination, shall be made available on the right-of-way during the construction, operation, and termination to the authorized officer. 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. 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.
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) 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.
4. 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.
5. 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.

6. The United States will not be held liable for any damage to the Powerline caused by the general public or as a result of fire, wind, or other natural disasters or as a result of vegetation and fuel management operations, including prescribed or managed fires, or other actions stemming from the normal land management activities of the Bureau of Land Management.
7. Power line design should follow suggested practices outlined in “Suggested practices for raptor protection on power lines: State of the Art in 1996” (Avian Power Line Interaction Committee (APLIC). 996)
8. No surface disturbing activities will be conducted between December 1 and April 30 in order to protect wintering elk.
9. 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.
10. Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. ‘Waste’ means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.
11. The holder shall be responsible for weed control on disturbed areas within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations).
12. 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. The authorized officer prior to such use shall approve emergency use of pesticides in writing.
13. 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 grant.

RECLAMATION:

The lessee/permittee is required to use the reclamation practices necessary to reclaim all disturbed areas. Reclamation will ensure surface and subsurface stability, growth of self-generating, permanent, vegetative cover and compatibility with post land use. The vegetation will be diverse and of the same seasonal growth as adjoining vegetation. Post land use will be determined by the authorized officer but normally will be the same as adjoining uses.

Reclamation practices which must be applied or accomplished are: regrading the approximate original contour, effectively controlling noxious weed, separating, storing and protecting topsoil for redistribution during final abandonment, seeding, and controlling erosion. If topsoil is not present, or quantities are insufficient to achieve reclamation goals, a suitable plant growth media will be separated, stored, and protected for later use. Reclamation will begin with the salvaging of topsoil and continue until the required standards are met. If use of the disturbed area is for a short time (less than one year), practices, which ensure stability, will be used as necessary during the project, and practices needed to achieve final abandonment will commence immediately upon completion of the approved activity use and be completed, with exception of vegetative establishment, within one year. If use of the area is for longer periods of time (greater than one year), interim reclamation is required on the unused areas. Interim reclamation of the unused areas will begin immediately upon completion of the permanent facility (s) and be completed, with exception of vegetative establishment, within one year. For both short and long term projects, vegetative establishment will be monitored annually. If the desired vegetation is not established by the end of the second growing season, cultural practices necessary for establishment will be implemented prior to the beginning of the next growing season. If it becomes evident prior to the conclusion of the second growing season that establishment will not be achieved, cultural practices will be implemented prior to the beginning of the next growing season. Interim reclamation, unless otherwise approved, will require meeting the same standards as final abandonment with the exception of original contour, which may be only partially achievable.

Annual reports consisting of reclamation practices completed and the effectiveness of the reclamation will be provided to the Little Snake Field Office. The first report will be due in January following initiation of reclamation practices and annually thereafter until final reclamation is approved.

There are numerous reclamation practices and techniques, which increase the success rate of reclamation and stabilization. With the exception of those stated above, it is the permittee's prerogative to use the methods of reclamation necessary to accomplish the objective. However, it is recommended that the state-of-the-art reclamation, stabilization, and management practices be used to achieve the desired objective in a timely and cost-effective manner.

The following definitions and measurements will be used to accomplish and determine if reclamation has been achieved.

-"permanent vegetative cover" will be accomplished if the basal cover of perennial species, adapted to the area, is at least ninety (90) percent of the basal cover of the undisturbed vegetation of adjoining land or the potential basal cover as defined in the Soil Conservation Service Range Site (s) for the area.

-"diverse" will be accomplished if at least two(2) perennial genera and three (3) perennial species, adapted to the area, make up the basal cover of the reclaimed area in precipitation zones thirteen (13) inches or less and three(3) perennial genera and four (4) perennial species in precipitation zones greater than thirteen (13) inches. One species will not make up more than fifty (50) percent of the perennial vegetation by basal cover.

-"self regenerating" and "adapted to the area" will be evident if the plant community is in good vigor, there is evidence of successful reproduction, and the species are those commonly used and accepted in the area.

"surface stability" will be accomplished if soil movement, as measured by deposits around obstacles, depths of truncated areas, and height of pedestal, is no greater than three tenths (0.3) of an inch and if erosion channels (rills, gullies, etc.) are less than one (1) inch in depth and at intervals greater than ten (10) feet.

If this standard is not met by the end of the second growing season, two alternatives exist depending on the severity of the erosion:

a. If erosion is greater than two (2) times the allowable amount, correctional action would have to be taken by the responsible company at that time.

b. If erosion is less than or equal to two (2) times the allowable amount, and it is determined the erosion occurred during vegetative establishment and the site may become stable, no correctional action would be required at that time. Another check (and measurement) would be performed a year later to determine if the stability standards had been met. If the original measurements have not increased by more than the allowed standard, the standard would be considered met. However, if the increase is greater than the allowed standard, corrective action would be required.

- "subsurface stability" (mass wasting event) is of concern if disturbance has included excavation over four (4) feet in depth and greater than 10,000 square feet in area on slopes thirty-five (35) percent and greater, or on any erosion-prone slope (Danforth Hills, Vermillion Bluffs, and Badland areas). When these conditions occur, length of liability for reclamation and final abandonment will continue for ten (10) years following recontouring to original contour for such time that climatic patterns provide two (2) consecutive years in which measurable precipitation totals at least 120 percent of average from October 1 through September 30, as measured by data averaged from nearby regional weather stations.

The LSFO Manager may waive this stipulation, or portions of it. Such waiver will be documented and justified when not applicable or objectives are accomplished through another method.