**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-100-2007-058 EA

**CASEFILE/PROJECT NUMBER/LEASE NUMBER:** COC71017

**PROJECT NAME:** 138-kilovolt Transmission Line Right-of-Way

**LEGAL DESCRIPTION:** NWNENE, E2NWNE, W2SWNE, SESENW, Sec. 21, T3N, R93W, 6th PM, Rio Blanco County, CO (see Exhibit A)

**APPLICANT:** Tri-State Generation & Transmission Association, Inc. (Tri-State)

**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 138-kV transmission line right-of-way (ROW) would be located within Management Unit 1, Eastern Yampa River (Little Snake Resource Management Plan). The objectives of Management Unit 1 are to realize the potential for 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 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 action is to allow Tri-State to construct 3,322 linear feet of 138-kV transmission line ROW across public land. Tri-State provides bulk electrical power to the Craig and Meeker service areas through this line. The proposed ROW segment would replace an existing segment that was realigned in 1992 to allow for coal mine expansion. Colowyo Coal Company (Colowyo) plans to expand its coal mining activities in the area occupied by the existing alignment.

**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:** The proposed action is to issue a right-of-way grant, pursuant to the Federal Land Policy and Management Act and regulations at 43 CFR 2800, to Tri-State for a 138-kV transmission line. The new segment would replace part of the ROW granted in 1992, COC53754, to allow Colowyo to expand its mining operations. The remainder of the transmission line would be constructed on land owned by the State of Colorado and land owned by Colowyo.

The proposed ROW would be 3,322 feet long and 100 feet wide. Total surface disturbance for the ROW would be 7.63 acres; the majority of actual surface disturbance would be concentrated at the five pole locations on public land. Average span between poles would be 700 to 750 feet. No new roads would be necessary for construction. Existing two-track roads would be utilized for access, along with occasional cross-country travel. In valleys or draws, vehicular traffic would be minimized or avoided. Rubber-tired vehicles would be used during construction. All staging and construction would occur within the proposed width of 100 feet.

The three-phase transmission line would be supported on 2 two-pole wooden structures of the TH-10 type (two-pole structure with two cross-arms and bracing – see Exhibit B) and 3 triple-pole wooden structures of the TH-15 type (three single poles, guyed and anchored – see Exhibit C). Pole height would average 75 feet. Pole holes 8 to 10 feet deep would be dug using a backhoe or auger. The poles, insulators, cross-arms and hardware would be hauled to the site and erected by a bucket and boom truck. Once pole structures are in place, the conductors would be strung by ground crews utilizing pull lines and pulleys. Upon completion of construction, "as constructed" drawings would be provided to the Little Snake Field Office.

Construction is anticipated to take 6 to 10 days and would occur between May 1 – September 30, 2007. During operation and maintenance of the transmission line, Tri-State personnel would conduct annual inspections with rubber-tired vehicles and/or by helicopter. Necessary maintenance or replacement of components would be conducted using bucket and boom trucks.

A Plan of Development (POD) was submitted with the ROW application. The POD addresses construction methods, soils, vegetation and weed control. In their ROW application, Tri-State states that no hazardous materials will be used, produced, transported or stored within the ROW. Mitigation not included in the POD by Tri-State would be addressed by the BLM as stipulations (see Exhibit D) to the ROW grant.

**NO ACTION ALTERNATIVE:** The "no action" alternative is that the right-of-way application would be denied. However, since the proposed action is consistent with the Little Snake Resource Management Plan and ROD, rejection of the ROW application was considered, but will not be analyzed further in this EA.

## AFFECTED ENVIRONMENT/ENVIRONMENTAL CONSEQUENCES/MITIGATION MEASURES

## CRITICAL RESOURCES

### AIR QUALITY

Affected Environment: There are no special designation air sheds or non-attainment areas nearby that would be affected by the proposed action.

Environmental Consequences: Short term, local impacts to air quality resulting from diesel engine exhaust and dust from surface disturbing operations would result during construction activities. The emissions from these activities consist of both gaseous and particulate fractions. Gaseous constituents from diesel engine exhaust include carbon dioxide, carbon monoxide, nitric oxide, nitric dioxide, oxides of sulfur and hydrocarbons. Fine particulates of soot from diesel exhaust and fugitive dust from soils would be localized to the project area. The health effects of these emissions are largely from long-term and occupational exposure in confined areas. The proposed action would not adversely affect the regional air quality.

Mitigative Measures: None.

Name of specialist and date: Ole Olsen, 04/11/07

### AREA OF CRITICAL ENVIRONMENTAL CONCERN

Affected Environment: Not present.

Environmental Consequences: None.

Mitigative Measures: None.

Name of specialist and date: Jim McBrayer, 04/16/07

### 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(s), Tri-State Generation Proposed Powerline Relocation, has undergone a Class III cultural resource survey:

Lischka Joseph 1975 W.R. Grace and Colorado Railroad Corridors and Colowyo Mine Site.On file at BLM-Little Snake Field Office, Craig, Colorado.

Johnson, Roger and Michael S. Burney 1981 Colowyo Coal Mine. On file at BLM-Little Snake Field Office, Craig, Colorado.

Christensen, Diana 1984 Danforth Hills Proposed Coal Lease Area. On file at BLM-Little Snake Field Office, Craig, Colorado.

The survey identified no eligible to the National Register of Historic Places 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.

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, 04/16/07

## ENVIRONMENTAL JUSTICE

Affected Environment: The proposed action is located in an area of isolated dwellings. Ranching, farming and oil and gas development 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 the proposed action. The proposed action would not 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: Mike Andrews, 04/09/07

## FLOOD PLAINS

Affected Environment: Not present.

Environmental Consequences: Not applicable.

Mitigative Measures: Not applicable.

Name of specialist and date: Ole Olsen, 04/11/07

## 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 relocating the transmission line would create an environment and provide a mode of transport for invasive species and other noxious weeds to become established. Surface disturbance would be quite minimal near each of the power poles, but the potential for introduction and establishment of noxious weeds still exists. Construction equipment and any other vehicles and equipment brought onto the site can introduce these weed species. Wind, water, recreation vehicles, livestock and wildlife would also assist with the distribution of weed seed into the newly disturbed areas. The right-of-way holder would be required to control any invasive and/or noxious weeds that become established within the right-of-way.

Mitigative Measures: None.

Name of specialist and date: Ole Olsen, 04/12/07

**MIGRATORY BIRDS**

Affected Environment: No raptor nests occur in the immediate vicinity although red-tailed hawk, Cooper's hawk, golden eagle, buteo species, and accipiter species nests are present 1.5 to 3 miles from the project area. In addition to raptors, the area also provides habitat for the following species, each of which is included in U.S. Fish and Wildlife Service's Birds of Conservation Concern List (2002): Brewer's sparrow, sage sparrow, and northern harrier.

Environmental Consequences: All known raptor nests occur outside LSFO established protection buffers and would not be affected by the proposed action. Minimal loss of raptor foraging habitat may occur but is not expected to have a measurable impact on these species. Impacts on migrant passerines would be limited to a short-term loss of 7.63 acres of breeding, nesting, and foraging habitat. Given the scale of disturbance, "take" of migratory species is not expected to occur.

Mitigative Measures: To prevent raptor mortality, perch prevention features would be installed and transmission lines and infrastructure would conform to guidance provided in the following publication: "Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006."

Name of specialist and date: Charlie Sharp, 04/13/07

**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: Robyn Watkins Morris, 04/16/07

**PRIME & UNIQUE FARMLANDS**

Affected Environment: Not present.

Environmental Consequences: None.

Mitigative Measures: None.

Name of specialist and date: Ole Olsen, 04/11/07

**T&E SPECIES – ANIMALS**

Affected Environment: The proposed action would occur within general winter range, winter forage habitat, and summer forage habitat for the federally threatened bald eagle. Forage habitat has been identified as vital for the bald eagle persistence particularly during the winter. Bald eagles prey on fish, waterfowl, rodents, and carrion along river systems, lakes, and roadways. The nearest waterway, the ephemeral West Fork, is .3 miles south of the project area. Good Spring Creek, a perennial branch that parallels Highway 13 (the nearest major roadway), lies approximately .4 miles east of the project area. Good Spring Creek likely provides the highest quality hunting habitat for bald eagles in this area. No bald eagle nests have been found in this vicinity.

Environmental Consequences: Given the scale of disturbance (7.63 acres) and timing of construction (6 to 10 days of construction between May 1 and September 30), the proposed action would have a "may affect not likely to adversely affect" the bald eagle. Eagle hunting in upland habitats is typically associated with highways and vehicle-killed ungulates and small mammals. Other foraging habitat is near but not in the immediate project area. Impacts would be limited to minimal, short-term disruption of foraging eagles. In conformance with Section 7 of the Endangered Species Act of 1973, informal consultation was initiated with the U.S. Fish and Wildlife Service on 04/19/07 and concluded on 05/24/07, at which time the Service concurred with the above effects determination for the bald eagle.

Mitigative Measures: To prevent electrocution of perching eagles, perch prevention devices would be installed and the transmission line and infrastructure would conform to guidance provided in the following publication: "Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006." In addition, no construction activity would occur from November 16 to April 15 to protect wintering bald eagles.

Name of specialist and date: Charlie Sharp, 04/16/07

**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, 04/10/07

**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, 04/10/07

**WASTES, HAZARDOUS OR SOLID**

Affected Environment: If a release does occur, the affected environment would depend 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 depend on the volume and nature of the material released. In most situations involving hazardous materials, there are ways to remediate the area that has been contaminated. Short-term consequences would occur, but can be remedied, and long-term impacts would be minimal.

Mitigative Measures: None.

Name of specialist and date: Mike Andrews, 04/09/07

**WATER QUALITY - GROUND**

Affected Environment: Ground water quality would not be affected by this action.

Environmental Consequences: None.

Mitigative Measures: None.

Name of specialist and date: Jennifer Maiolo, 04/10/07

**WATER QUALITY - SURFACE**

Affected Environment: Runoff water from the existing access roads and power pole locations would flow easterly to West Fork Good Spring Creek an intermittent to perennial tributary of Good Spring Creek, 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, 04/11/07

**WETLANDS/RIPARIAN ZONES**

Affected Environment: No wetlands or riparian systems would be affected by the relocation of the transmission line.

Environmental Consequences: None.

Mitigative Measures: None.

Name of specialist and date: Ole Olsen, 04/11/07

**WILD & SCENIC RIVERS**

Affected Environment: Not present.

Environmental Consequences: None.

Mitigative Measures: None.

Name of specialist and date: Jim McBrayer, 04/16/07

**WSAs, WILDERNESS CHARACTERISTICS**

Affected Environment: Not present.

Environmental Consequences: None.

Mitigative Measures: None.

Name of specialist and date: Jim McBrayer, 04/16/07

**NON-CRITICAL ELEMENTS**

**PALEONTOLOGY**

Affected Environment: The surface formation is the Cretaceous Williams Fork Formation which consists of light brown to white sandstones, gray shale, and coal beds 1,100 – 2,000 ft. thick. The Williams Fork Formation is classified as Class Ia for the potential for occurrence of scientifically significant fossils.

Environmental Consequences: Scientifically significant fossils are found abundantly (Class Ia) within this formation (Armstrong & Wolney, 1989). The potential for discovery of significant fossils within this formation is considered to be high. 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. The proposed action could also constitute a beneficial impact to paleontological resources by increasing the chances for discovery of scientifically significant fossils.

The potential impact to paleontological resources is usually 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 terrain is such that outcrops are exposed (e.g. Badlands, therefore a surface survey for paleontological resources will be required prior to surface disturbance.

_____ The majority of the terrain is covered with developed soils and vegetation. Therefore a surface survey for paleontological resources will not be required.

__X__ The proposed action constitutes limited surface disturbance so as to make discovery of fossils by surface survey unlikely.

Mitigative Measures: Any impacts 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 develo1ped.

The majority of the terrain is covered with developed recent soils and vegetation or has been mined through by surface methods; therefore a surface survey for paleontological resources will not be required.

Any cultural and/or paleontological 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. The 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 any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.

Standard Discovery Stipulation:

If vertebrate fossil material is discovered during construction activities, all surface disturbance shall halt until an assessment of the find is completed and appropriate protective measures are taken. The AO shall be notified as soon as possible of the discovery and any mitigation efforts that were undertaken. If the find cannot be mitigated within a reasonable time, the concurrence of the AO or official representative must be obtained. Work may not resume until approval is granted by the AO or official representative.

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 Bureau of Land Management, Vol. I of V.

Miller, A. E., 1977, Geology of Moffat County, Colorado, Colo. Geol. Survey Map Series 3, 1:126720

Miller, A. E., 1977, Geologic Map, Routt County, Colorado, Colo. Geol. Survey Map Series 1, 1:126720

Name of specialist and date: Jennifer Maiolo, 04/10/07

**SOILS**

Affected Environment: The soils in the project area are mapped as Jerry-Cochetopa loams, 5 to 35 percent slopes. This soil was derived from shale and it typically has loam surface soils and clay loam to silty clay loam sub-soils to a depth of at least 60-inches. Very high runoff, slow percolation, high water holding capacity and a high shrink-swell potential are some of the soil properties associated with this soil type. Slope steepness varies within this soil type and the runoff rate would be less severe on the moderate to slight slopes.

Environmental Consequences: The resulting surface disturbance anticipated from implementation of the proposed action would be minor and short term. No road construction would be needed and the small disturbance to the soil resource would be limited to clearing vegetation cover and mixing soil horizons near each of the pole assemblies installed; some soil compaction could occur along the unimproved access routes. The undisturbed areas with dense vegetation adjacent to the minor areas disturbed would help to buffer the impacts of a very high runoff rate and decrease the potential for accelerated soil erosion. Overland travel over existing vegetation, litter and the below ground biomass within the soils would reduce the potential for soil compaction. The small surface disturbances should be quickly colonized by the native plant community and seeding should not be required.

Mitigative Measures: None.

Name of specialist and date: Ole Olsen, 04/12/2007

## UPLAND VEGETATION

Affected Environment: The proposed action is located in a mountain shrub plant community. Dominant plants include Gambel's oak (*Quercus gambelii*), mountain big sagebrush (*Artemisia tridentata pauciflora*), serviceberry (*Amelanchier alnifolia*), snowberry (*Symphoricarpos albus*), Wood's rose (*Rosa woodsii*), elk sedge (*Carex geyeri*), mountain brome (*Bromus marginatus*), slender wheatgrass (*Agropyron trachycaulum*), and Letterman needlegrass (*Achnatherum lettermanii*). This plant community is characterized by dense growth, especially on steeper slopes, and high vigor and production relative to other plant communities at similar elevations and climactic regimes.

Environmental Consequences: The proposed action would result in some disturbance to the plant community in scattered portions of the 7.6 acre right-of-way. This disturbance would be mostly localized around the pole placements. Even where the plant community is directly disturbed, it would not result in impacts that would cause the plant community as a whole to not maintain its level of productivity and diversity. Reseeding of areas of disturbance would not be necessary due to the small size of individual disturbances and the ability of this vigorous community to reestablish itself.

Mitigative Measures: None.

Name of specialist and date: Hunter Seim, 04/10/07

## WILDLIFE, AQUATIC

Affected Environment: Not present.

Environmental Consequences: Not applicable.

Mitigative Measures: Not applicable.

Name of specialist and date: Charlie Sharp, 04/16/07

## WILDLIFE, TERRESTRIAL

Affected Environment: The mountain shrub plant community provides habitat for a variety of species including deer, elk, small mammals, birds, and reptiles. Although elk use this area in moderate winters, no big game critical habitat or severe winter range is located in the project area. This area may provide critical winter habitat and food sources for the Columbian sharp-tailed grouse, a Colorado BLM sensitive species. Two sharp-tailed grouse leks occur 2 to 3 miles north of the project area.

Environmental Consequences: The proposed action "may affect but is not likely to result in a trend toward federal listing" of the Columbian sharp-tailed grouse. Transmission lines would introduce potential perches for raptors to prey on grouse. General impacts for these

species include, but are not limited to, displacement into less suitable habitat, increased stress, and loss of habitat. These impacts are more significant during critical seasons, such as winter or reproduction. Wildlife using the area are likely to be temporarily displaced during construction and may, in the short term, find the area unsuitable once construction is complete. Most small mammals using the project area would be capable of avoiding construction activities and should not be directly harmed by these activities, although some burrowing animals may be killed by construction equipment. Given the scale and timing of disturbance, the proposed action would be unlikely to have measurable impacts to wildlife populations.

Mitigative Measures: None.

Name of specialist and date: Charlie Sharp, 04/16/07

**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 | JAM 4/10/07 | | |
| Forest Management | MAA 04/10/07 | | |
| Hydrology/Ground | | JAM 4/10/07 | |
| Hydrology/Surface | | 00 04/12/07 | |
| Paleontology | | | See Paleontology |
| Range Management | | JHS 4/10/07 | |
| Realty Authorizations | MAA 04/09/07 | | |
| Recreation/Travel Mgmt | | RS 04/11/07 | |
| Socio-Economics | | MAA 04/09/07 | |
| Solid Minerals | | JAM 04/10/07 | |
| Visual Resources | | JDM 04/16/07 | |
| Wild Horse & Burro Mgmt | MAA 04/09/07 | | |

**CUMULATIVE IMPACTS SUMMARY:**

Cumulative impacts may result from the localized impacts of the relocated power line, when added to non-project impacts that result from past, present and reasonably foreseeable future actions. The power line is located in an area that is being strip mined for coal. Other past or existing actions near the project area that influence the landscape are wildfire, recreation, hunting, grazing and ranching activities. Surface-disturbing activities increase the potential for

erosion and sedimentation. Mining activities and related development cause impacts to the area's visual resources.

Due to the scattered nature of public lands and difficulty of access through private property in the vicinity of the proposed action, impacts from hunting and other recreational activities are within acceptable limits. Growth in off-road travel by hunters and other recreational users would increase erosion, soil compaction, sedimentation and the spread of invasive species.

Development of additional rights-of-way and other surface-disturbing projects in the general vicinity would cause incremental reductions of continuity in native plant communities. Loss of continuity results in smaller areas of undisturbed native vegetation and may result in loss of integrity within the larger plant community. Fragmented plant communities are more susceptible to drought and invasions by annual weeds. Impacts to native plant communities may result in a loss of forage for livestock and wildlife. Increased development, increased human activity and fragmentation of habitat may cause permanent displacement of some wildlife species.

**STANDARDS:**

**PLANT AND ANIMAL COMMUNITY (animal) STANDARD:** Wildlife using the area are likely to be temporarily displaced during construction and may, in the short term, find the project unsuitable once construction is complete. No critical habitat or severe winter range is located in the project area. The proposed action would result in a minimal, short-term loss of habitat but would not appreciably impact animal production, diversity, or resilience. Therefore, the proposed action would not preclude this landscape from meeting this standard.

Name of specialist and date: Charlie Sharp, 04/16/07

**SPECIAL STATUS, THREATENED AND ENDANGERED SPECIES (animal) STANDARD:** The project area provides habitat for two special status species, the bald eagle (federally threatened) and Columbian sharp-tailed grouse (BLM sensitive). The proposed action "may affect but is not likely to adversely affect" the bald eagle. Impacts would be limited to minimal, short-term disruption of foraging eagles. The proposed action would remove and fragment mountain shrub stands, thereby degrading sharp-tailed grouse habitat, and would potentially increase predation by introducing perches for raptors. The proposed action would result in a minimal, short-term loss of habitat but would not appreciably impact the stability or growth of either of these species' populations. Therefore, the proposed action would not preclude this landscape from meeting this standard.

Name of specialist and date: Charlie Sharp, 04/16/07

**PLANT AND ANIMAL COMMUNITY (plant) STANDARD:** The proposed action would result in small, highly localized disturbances widely scattered throughout the proposed right-of-way. None of these disturbances would prevent this mountain shrub plant community from maintaining its current level of diversity, vigor, or production. The proposed action would not preclude this area from meeting this standard.

Name of specialist and date: Hunter Seim, 04/10/07

**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, 04/10/07

**RIPARIAN SYSTEMS STANDARD:** No riparian or wetland system will be affected by the proposed projects. This standard does not apply.

Name of specialist and date: Ole Olsen, 04/11/07

**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, 04/11/07

**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, 04/12/07

**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-100-2007-058**

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 138-kV 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 Tri-State Generation & Transmission Association, Inc. The grant is for construction, operation, maintenance, and termination of a 138-kV power line located on public land in Sec. 21, T3N, R93W, 6th P.M., Rio Blanco County, Colorado. The ROW is 3,322 feet long and 100 feet wide. The ROW grant is issued for 20 years with the right of renewal. The ROW is exempt from rental pursuant to 43 CFR 2806.15. 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 ROWs 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 D, 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 ROW will be on a five-year compliance schedule after completion of the project.

**Monitoring Plan:** The power line 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 D CO-100-2007-058 EA
Stipulations
COC71017 Transmission Line Right-of-Way

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

2. The Little Snake Field Office will be given 48-hour notification prior to commencing construction and/or reclamation work. Contact the Little Snake Field Office (970) 826-5000 to report when work will commence.

3. The transmission line shall be constructed in accordance with standards outlined in "Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006", Edison Electric Institute. The holder shall assume the burden and expenses of proving that pole designs not shown in the above publication are "eagle safe". Such proof shall be provided by a raptor expert approved by the AO. The BLM reserves the right to require modifications or additions to all power line structures placed on this right-of-way, should they be necessary to ensure the safety of large perching birds. Such modifications and/or additions shall be made by the holder without liability or expense to the United States of America.

4. No construction activity shall be allowed from November 16 to April 15 to protect wintering bald eagles.

5. 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 3 inches deep, the soil shall be deemed too wet to adequately support construction equipment.

6. All vehicular traffic required to construct and maintain the facilities authorized herein shall be contained within the right-of-way, along existing roads and via designated access routes.

7. Any cultural and/or paleontological 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 AO. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the AO. An evaluation of the discovery will be made by the AO 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 any decision as to proper mitigation measures will be made by the AO after consulting with the holder.

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.
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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.

8. If vertebrate fossil material is discovered during construction activities, all surface disturbance shall halt until an assessment of the find is completed and appropriate protective measures are taken. The AO shall be notified as soon as possible of the discovery and any mitigation efforts that were undertaken. If the find cannot be mitigated within a reasonable time, the concurrence of the AO or official representative must be obtained. Work may not resume until approval is granted by the AO or official representative.

9. The holder shall be responsible for weed control on disturbed areas with the limits of the right-of-way. The holder is responsible for consultation with the AO and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations).

10. 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 AO written approval of the 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 AO. Emergency use of pesticides shall be approved in writing by the authorized officer prior to such use.

11. The holder is required to use reclamation practices necessary to reclaim all disturbed areas, as directed by the AO. Reclamation will ensure surface and subsurface stability, growth of a self-regenerating 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 AO, but normally will be the same as adjoining uses.

Reclamation practices which must be applied or accomplished are: regrading to the approximate original contour, effectively controlling noxious weeds, 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 the 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. 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 Resource Area. The first report will be due in January following initiation of reclamation practices and annually thereafter until final abandonment 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 lessees prerogative to use those (s)he chooses to accomplish the objective. However, it is recommended that 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 pedestalling, 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 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 or 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.

This stipulation, or portions of it, may be waived by the AO. Such waiver will be documented and justified when not applicable or objectives are accomplished through another method.

12. Prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a pre-termination conference. The conference will be held to review the termination provision of the grant.