

**United States Department of the Interior
Bureau of Land Management
Royal Gorge Field Office
3028 E. Main Street
Cañon City, CO 81212**

Environmental Assessment

**William's Road Amendment/Reclamation
And
Black Hills Energy
25 kV Underground Electric Distribution Line**

DOI-BLM-CO-200-2012-0017 EA

March, 2012



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CHAPTER 1 - INTRODUCTION

1.1 IDENTIFYING INFORMATION

CASEFILE/PROJECT NUMBER (optional): COC-73304 and COC-75337

PROJECT TITLE: William's Road Amendment/Reclamation and 25KV Underground Electric Distribution

PLANNING UNIT: Gold Belt Subregion #5

LEGAL DESCRIPTION: Teller county, 6 pm, T. 14 S., R. 69 W., Sec. 20 SW1/4, SW1/4;
Sec. 29, NW1/4;
Sec. 30 SE1/4NE1/4.

APPLICANT: Daniel and Suzan Williams COC-73304
Black Hills Energy COC-75337

1.2 INTRODUCTION AND BACKGROUND

BACKGROUND: This EA has been prepared by the Bureau of Land Management (BLM) to analyze the proposal to move an existing access route to the Larson Placer MS, in Teller County, which has been in existence for over 100 years. The access to private property was officially recognized with a right-of-way grant in 2008 under the serial number COC-73304. Since that time it has been observed that the access is dangerous in the way it departs Teller County road 61 (letter in file from Teller County). Additionally the straight path directly down slope causes excess erosion and deterioration of the road and surrounding terrain, and does not fit in to the desirable criteria described in the BLM Gold Book - standard for roads. The applicant proposes to move the road exit from the county road to a safer existing intersection which is already established. This intersection is formed by BLM right-of-way COC-53816 to Rainbow Ridge and Teller County Road 61, and is located to the west of the current road location.

The applicant has provided engineered drawings for their proposal that are in compliance with both County requirements, and the BLM Gold Book Standards. These drawings have been reviewed and approved by the BLM engineering department (available in file).

The applicant also proposes to run an underground electric distribution line down the existing road right of way, which is the closest location to an existing electricity source. After the electric line is in place the road and the trench will be reclaimed, and a barrier will be created near the county road to prevent further use of the road, and to aid in the vegetation of the area.

The desired outcome of the proposed action will be to relocate a dangerous and erodible road to a safer existing intersection, and reclaim the bad section of road. Additional benefits are that an existing visible scar from the road will be reclaimed and the new disturbance is located away from County Road view behind a grove of evergreens, and cross slope following natural contours of the terrain.

The proposed action specifically is: 1) to amend the existing road authorization COC-73304 by moving the northern portion of the road and allowing construction in a safer location and with a more environment conscious design. 2) To authorize a buried 25 KV electric distribution line COC-75337 constructed, operated and maintained by Black Hills Energy. 3) to reclaim the northern portion of the original road authorized with serial number COC-73304.

1.3 PURPOSE AND NEED

The purpose of this proposal is to address the need of the applicant to have a practical access to their private property, and to supply electricity. The existing road is not engineered to the terrain and soils but was the original path to the Larson Placer MS. The project will solve the design issues of the current access and the erosion it creates. It will also address the fact the existing road does not meet county or Federal standards for roads and has a dangerous exit from the county road in its current location. The proposal for the electric line will use the existing road to lay the cable and will not create a new disturbance but will reclaim the troubled area once the line is buried. The need of the BLM is to address the direction of Title V, Federal Land Policy and Management Act of October 21, 1976 (FLPMA) and the RGFO Resource Management Plan (RMP) May 13, 1996 to respond to the request for rights of way on a case by case basis.

1.4 DECISION TO BE MADE

The BLM will decide whether to approve the proposed William's Road Amendment, Black Hills Energy's 25 kV Underground Electric Distribution Line and the road reclamation, based on the analysis contained in this Environmental Assessment (EA). This EA will analyze the construction of the new portion of road, the placement of the electric line and the reclamation of the northern portion of the existing road. The EA will analyze impacts to surrounding lands and resources, and the mitigation to address the impacts. The BLM may choose to: a) accept the project as proposed, b) accept the project with modifications/mitigation, c) accept an alternative to the proposed action, or d) not authorize the project at this time. The finding associated with this EA may not constitute the final approval for the proposed action.

1.5 PLAN CONFORMANCE REVIEW

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

Name of Plan: Royal Gorge Resource Management Plan

Date Approved: May 13, 1996

Decision Number/Page: 5-61

Decision Language: Minor rights-of-way will be authorized on a case-by-case basis on proposals outside of exclusion areas.

In January 1997, the Colorado State Office of the BLM approved the Standards for Public Land Health and amended all RMPs in the State. Standards describe the conditions needed to sustain public land health and apply to all uses of public lands.

Standard 1: Upland soils exhibit infiltration and permeability rates that are appropriate to soil type, climate, land form, and geologic processes.

Standard 2: Riparian systems associated with both running and standing water function properly and have the ability to recover from major disturbance such as fire, severe grazing, or 100-year floods.

Standard 3: Healthy, productive plant and animal communities of native and other desirable species are maintained at viable population levels commensurate with the species and habitat's potential.

Standard 4: Special status, threatened and endangered species (federal and state), and other plants and animals officially designated by the BLM, and their habitats are maintained or enhanced by sustaining healthy, native plant and animal communities.

Standard 5: The water quality of all water bodies, including ground water where applicable, located on or influenced by BLM lands will achieve or exceed the Water Quality Standards established by the State of Colorado.

Because standards exist for each of these five categories, a finding must be made for each of them in an environmental analysis. These findings are located in Chapter 3 of this document.

1.6 SCOPING, PUBLIC INVOLVEMENT AND ISSUES

1.6.1 Scoping: NEPA regulations (40 CFR §1500-1508) require that the BLM use a scoping process to identify potential significant issues in preparation for impact analysis. The principal goals of scoping are to allow public participation to identify issues, concerns, and potential impacts that require detailed analysis.

Persons/Public/Agencies Consulted: Agencies consulted prior to the application being complete included the Teller County Road and Bridge, The Teller County Engineer, The Contractor for the project, the BLM Engineering Office, and the BLM State Office Cadastral. Issues concerning safety, effectiveness and accuracy of design were addressed prior to the application being complete. To address scoping, this project was posted on the Royal Gorge Field Office NEPA website. This was the primary mechanism used by the BLM to initially identify issues. No comments were received.

Issues Identified: The present road does not meet Teller County road standards.

CHAPTER 2 - PROPOSED ACTION AND ALTERNATIVES

2.1 INTRODUCTION

The purpose of this chapter is to provide information on the Proposed Action and Alternatives. Alternatives considered but not analyzed in detail are also discussed.

2.2 ALTERNATIVES ANALYZED IN DETAIL

2.2.1 Proposed Action

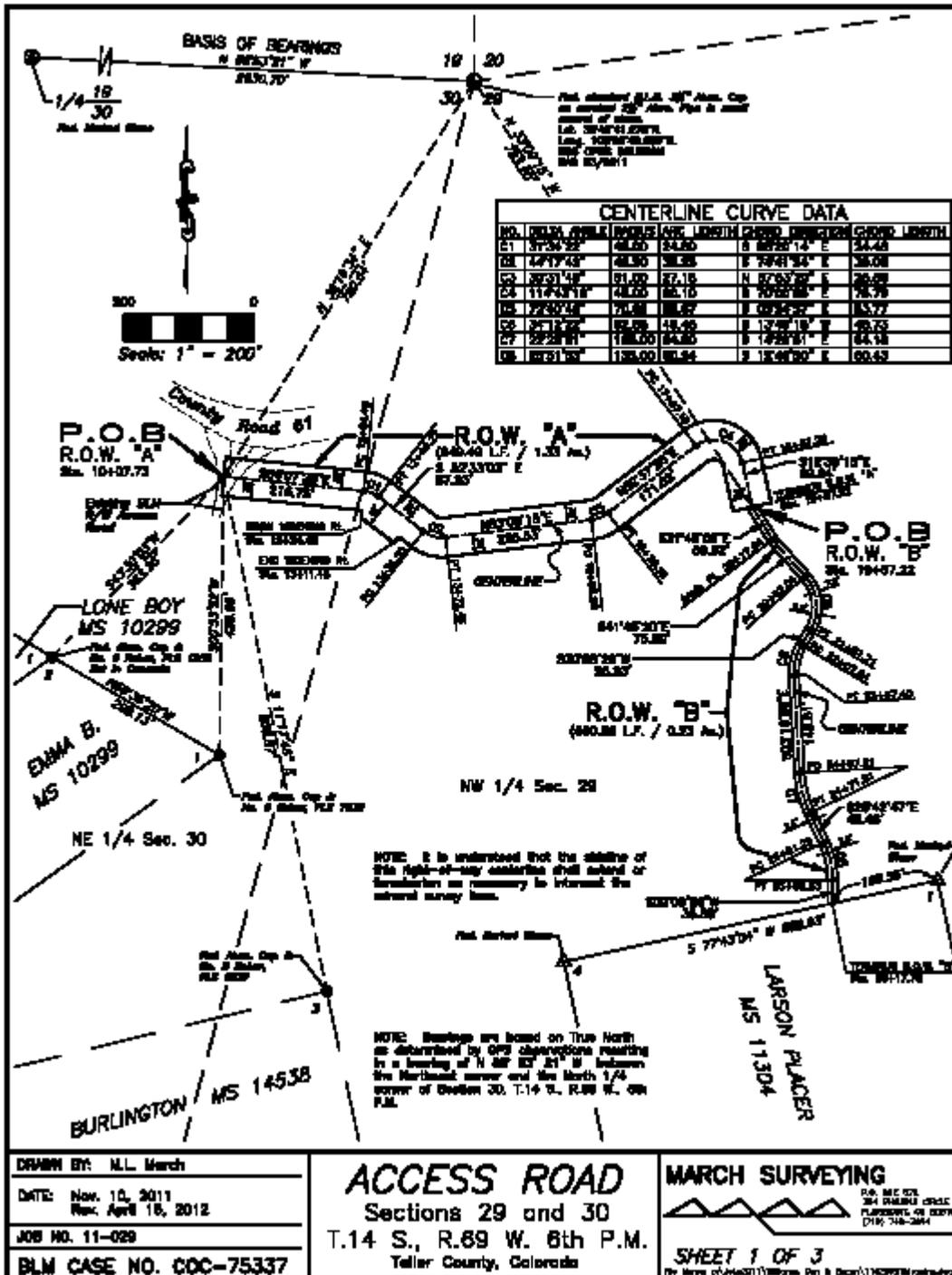
The proposed action is to amend the right of way for COC-73304 and construct a portion of road in a safer location for exit off of CR-61. The project includes plans for Black Hills Energy to construct a 25 KV buried electric distribution line which will be placed the length of the original right of way for the purpose of bringing power to the private residence. After the construction of the electric distribution line the abandoned portion of road will be reclaimed to a natural state of vegetation and contouring. The portion of the road to be reclaimed is approximately 762 feet by 15 feet for a total of .262 acres more or less. The new section of road is 924 feet by 60 feet for a total of approximately 1.272 acres. This right of way takes in to consideration construction, operation and maintenance, side slopes, ditches and drainage, the actual running surface of the road is engineered at 12 feet wide with a 30 to 45 foot turning radius with less than a 12 % grade. The modification to the road (COC-73304) will be an increase of 1.01 acres. A detailed description of the plan of development, engineered drawings, certified surveys, and reclamation of the road are available in the file. The electric line (COC-75337) will be approximately 1,583.00 feet by 15 feet for a total of approximately 0.545 acres.

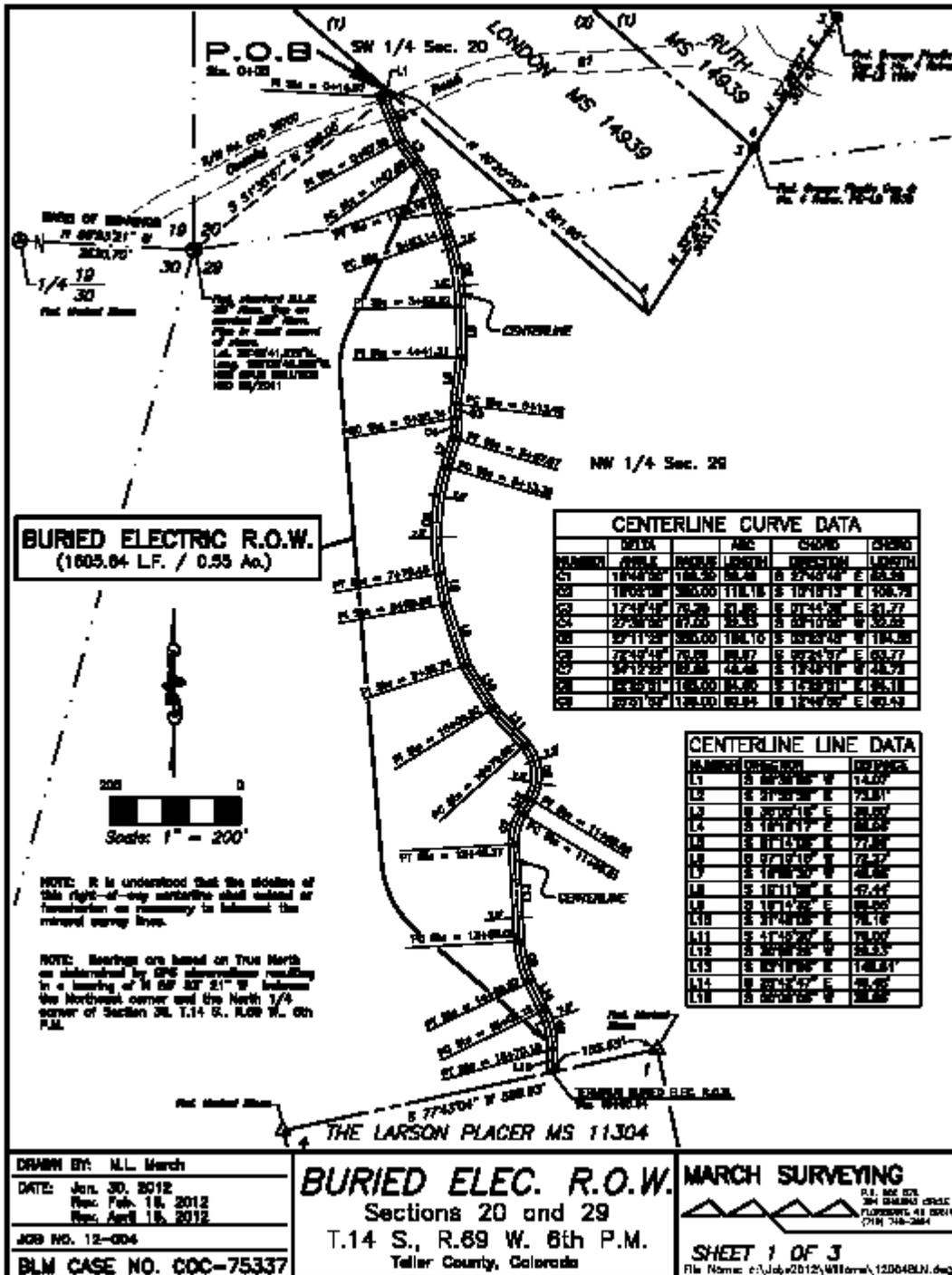
Black Hills Energy Standard Operating Procedures and best management practices will be incorporated into the construction of the buried electric power line.

Engineered drawings dated November 18, 2011 including 6 - 11 X 17 pages, plus description and summary submitted with the application January prepared by Alpine Engineering Group located in the file.

Additional survey and notes in file, submitted by March surveying dated 11-10-2011 and 1-30-2012 revised 2-16-2012 that were submitted with the application are located in the file.

Maps and survey below show the right-of-way across BLM only.





BURIED ELECTRIC R.O.W.
(1605.04 LF. / 0.55 Ac.)

CENTERLINE CURVE DATA					
STATION	ANGLE	RADIUS	ARC LENGTH	CHORD	CHORD BEARING
C1	180°00'00"	1000.00	00.00	0	S 90°00'00" E 00.00
C2	180°00'00"	300.00	118.18	S 10°18'13" E 308.79	
C3	173°15'00"	30.00	31.42	S 07°44'36" E 31.77	
C4	27°38'30"	87.00	30.33	S 08°10'36" W 30.33	
C5	87°11'28"	300.00	188.10	S 08°20'48" W 184.38	
C6	77°42'48"	70.00	88.87	S 02°31'37" E 88.77	
C7	24°12'22"	60.00	48.46	S 12°38'18" W 48.79	
C8	82°30'01"	100.00	62.83	S 12°58'01" E 62.51	
C9	270°00'00"	1000.00	00.00	S 180°00'00" E 00.00	

CENTERLINE LINE DATA		
STATION	DIRECTION	LENGTH
L1	S 89°58'00" W	14.00
L2	S 27°38'30" E	73.81
L3	S 20°00'18" E	88.00
L4	S 18°18'17" E	88.00
L5	S 07°45'00" E	77.80
L6	S 07°10'18" E	78.77
L7	S 18°08'30" W	48.00
L8	S 18°11'30" E	47.44
L9	S 18°14'30" E	88.00
L10	S 27°48'00" E	78.18
L11	S 41°40'00" E	78.00
L12	S 20°00'00" W	33.33
L13	S 89°18'00" E	148.81
L14	S 89°15'00" E	78.00
L15	S 89°38'30" W	38.88

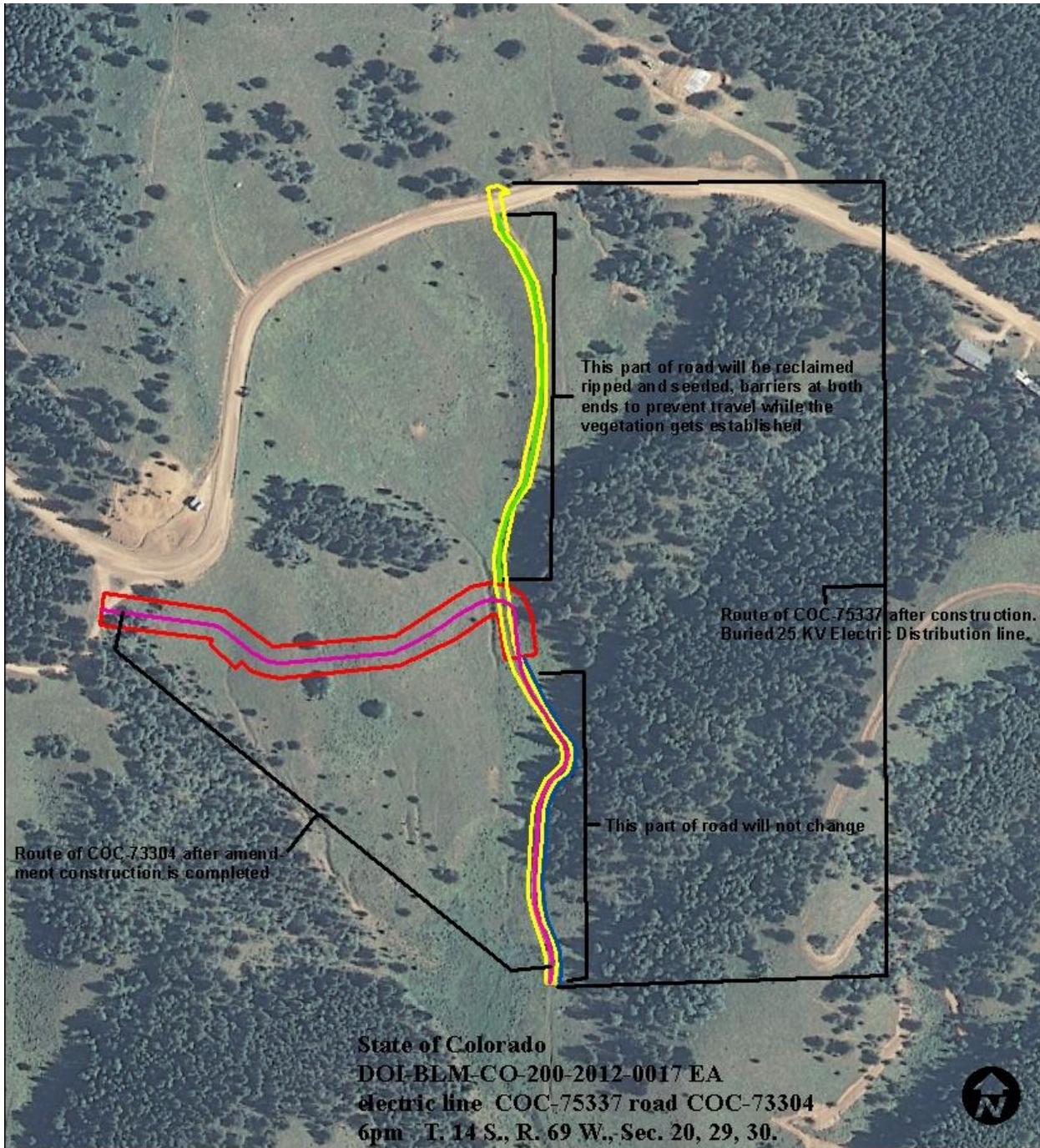
NOTE: It is understood that the location of this right-of-way centerline shall extend or terminate as necessary to follow the intended survey lines.

NOTE: Bearings are based on True North as determined by GPS observations resulting in a bearing of N 89° 58' 21" W between the Northwest corner and the North 1/4 corner of Section 28. T.14 S., R.69 W., 6th P.M.

DRAWN BY: M.L. March
DATE: Jan. 30, 2012
Rev. Feb. 18, 2012
Rev. April 18, 2012
JOB NO. 12-004
BLM CASE NO. COC-75337

BURIED ELEC. R.O.W.
Sections 20 and 29
T.14 S., R.69 W. 6th P.M.
Teller County, Colorado

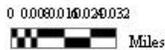
MARCH SURVEYING
P.L. BOX 878
204 BASKING CRICK
FLORENCE, CO 81034
(303) 758-2844
SHEET 1 OF 3
File Name: c:\job\2012\blm\1204BLN.dwg



March 13, 2012



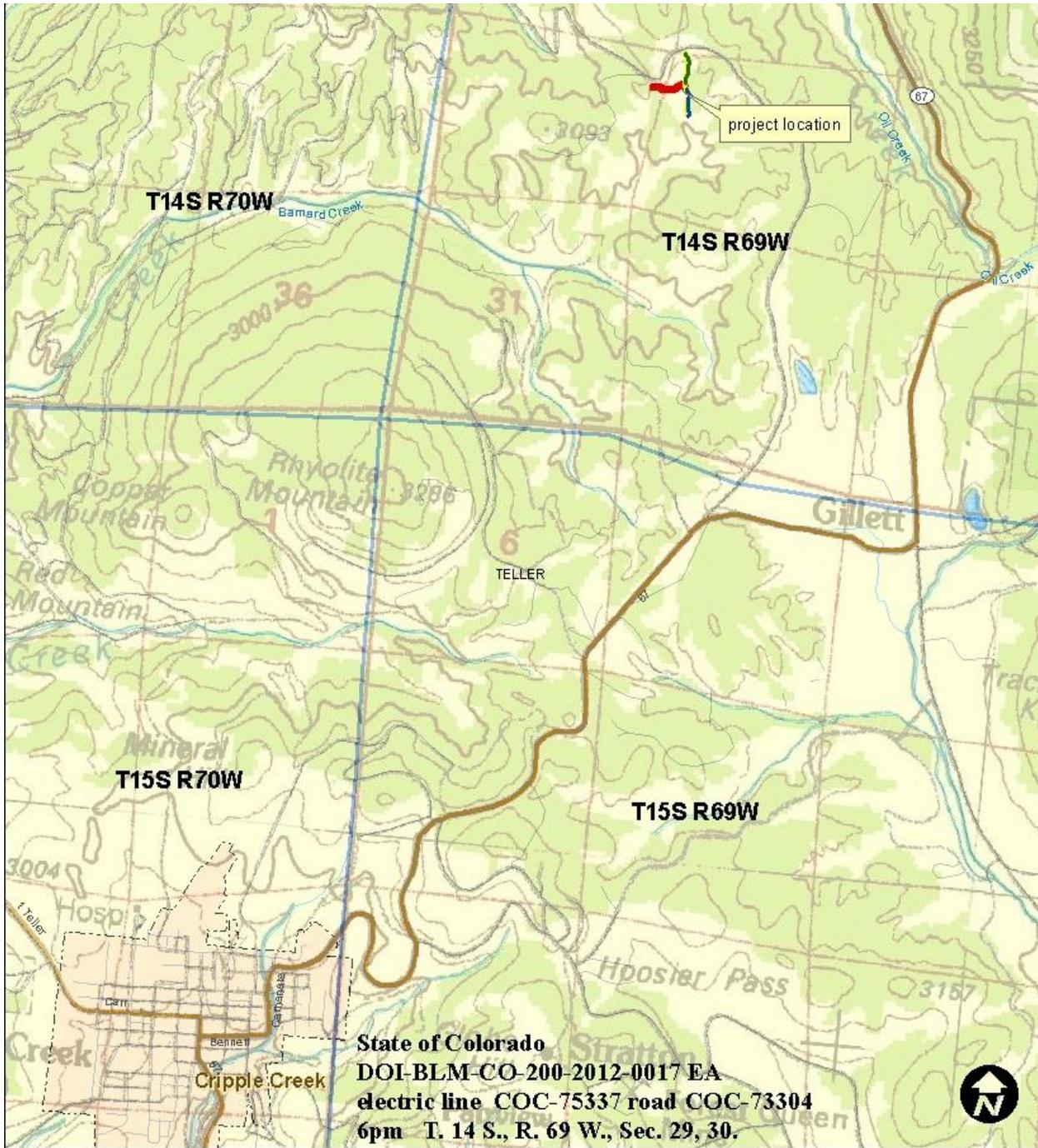
1:2,800



Road and Electric line across BLM

- Portion of road to be constructed COC-73304
- Buried electric cable Black Hills COC 75337
- Portion of existing road to be reclaimed
- Portion of existing road with no change COC-73304
- Center line COC-73304 after amendment

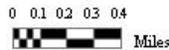
CAUTION:
 Land ownership data is derived from less accurate data than the 1:24,000 scale base map. Therefore, land ownership may not be shown for parcels smaller than 40 acres, and land ownership lines may have plotting errors due to source data.



March 13, 2012



1:34,215



Road and Electric line across BLM

- Portion of road to be constructed COC-73304
- buried electric cable Black Hills COC 75337
- Portion of existing road to be reclaimed
- Portion of existing road with no change COC-73304

CAUTION:
 Land ownership data is derived from less accurate data than the 1:24,000 scale base map. Therefore, land ownership may not be shown for parcels smaller than 40 acres, and land ownership lines may have plotting errors due to source data.

2.2.2 No Action Alternative

If no action is taken, the old road would remain in place and the conditions would remain as they are currently.

2.3 Alternatives Considered but not Analyzed in Detail

There were no other alternatives that were considered due to the topography of the area, and the location of suitable areas for construction. Engineered drawings and survey of the lands were analyzed prior to application to select the best route for safety and environmental concerns. Routes that would not meet county specifications particularly road grades greater than 13% were eliminated from consideration.

CHAPTER 3 - AFFECTED ENVIRONMENT AND EFFECTS

3.1 INTRODUCTION

This section provides a description of the human and natural environmental resources that could be affected by the Proposed Action and presents comparative analyses of the direct, indirect and cumulative effects on the affected environment stemming from the implementation of the actions under the Proposed Action and other alternatives analyzed.

3.1.1 Interdisciplinary Team Review

The following table is provided as a mechanism for resource staff review, to identify those resource values with issues or potential impacts from the proposed action and/or alternatives. Those resources identified in the table as potentially impacted will be brought forward for analysis.

Impact Types: NP = Not Present; NI = Present but Not Impacted; PI = Present and Potentially Impacted*

*All PIs are brought forward for analysis in the EA. NIs needing longer comment or discussion use Affected Environment in EA – Review Comment should read “see affected Environment”

<u>Resource</u>	<u>Impact Type</u>	<u>Date Reviewed</u>	<u>Initials</u>	<u>Review Comment</u>
<u>Air Quality</u> <i>Ty Webb, Angela Z.</i>	NI	3/26/2012	TW	Air quality will be affected for a short period of time during the construction phase. No long term air quality issues are foreseen.
<u>Geology/Minerals</u> <i>Stephanie Carter, Melissa Smeins</i>	NI	4/6/12	SSC	The federal minerals in the proposed project area are open to mineral location, therefore requiring coordination between surface uses as applicable. If there are unpatented mining claims that are active in the proposed project location, any associated claim markers encountered during project implementation cannot be disturbed. As of April 2012, the applicants hold an active placer claim in the subject area.

<u>Resource</u>	<u>Impact Type</u>	<u>Date Reviewed</u>	<u>Initials</u>	<u>Review Comment</u>
<u>Soils</u> <i>John Smeins</i>	PI	4/3/2012	JS	Impacts to soils would be less with the Proposed Action then existing conditions.
<u>Water Quality Surface and Ground</u> <i>John Smeins</i>	PI	4/3/2012	JS	Impacts to water quality would be less with the Proposed Action then existing conditions.
<u>Invasive Plants</u> <i>John Lamman</i>	PI	04/04/2012	JL	See affected environment.
<u>T&E and Sensitive Species</u> <i>Matt Rustand</i>	NP	03/26/2012	MR	There is no documentation of T&E and sensitive species within the action area.
<u>Vegetation</u> <i>Jeff Williams, Chris Cloninger, John Lamman</i>	PI	4/12/2012	CC	See affected environment.
<u>Wetlands and Riparian</u> <i>Dave Gilbert</i>	NP	03/19/2012	DG	
<u>Wildlife Aquatic</u> <i>Dave Gilbert</i>	NP	03/19/2012	DG	
<u>Wildlife Terrestrial</u> <i>Matt Rustand</i>	NI	03/26/2012	MR	The project will not impact terrestrial wildlife beyond current conditions within the action area.
<u>Migratory Birds</u> <i>Matt Rustand</i>	PI	03/26/2012	MR	Construction will not occur from May 15 th thru July 15 th to prevent the destruction of migratory bird nests, fulfilling BLM's obligation to EO13186 and the Migratory Bird Treaty Act.
<u>Cultural Resources</u> <i>Monica Weimer, Erin Watkins</i>	NI	5/3/12	MMW	See Section 3.4.1.
<u>Native American Religious Concerns</u> <i>Monica Weimer, Erin Watkins</i>	NP	5/3/12	MMW	
<u>Economics</u> <i>Dave Epstein, Martin Weimer</i>	NP	7/5/12	mw	This action will not result in significant impacts to the socio economics of the region.
<u>Paleontology</u> <i>Melissa Smeins, Stephanie Carter</i>	NP	4/6/12	SSC	
<u>Visual Resources</u> <i>Kalem Lenard</i>	NI	3/16/2012	KL	The project is located in a developed area with a high density of roads and homes and would introduce minimal contrasts in the physical landscape.

<u>Resource</u>	<u>Impact Type</u>	<u>Date Reviewed</u>	<u>Initials</u>	<u>Review Comment</u>
<u>Environmental Justice</u> <i>Martin Weimer</i>	NP	7/5/12	mw	The proposed action affects areas that are rural in nature. The land adjacent to these parcels is open rangeland. As a result, there are no minority or low-income populations in or near the project area. As such, the proposal will not have a disproportionately high or adverse environmental effect on minority or low-income populations.
<u>Wastes Hazardous or Solid</u> <i>Stephanie Carter</i>	PI	4/6/12	SSC	Potential impacts resulting from the use of hazardous materials and/or petroleum based products exist, but are minimal.
<u>Recreation</u> <i>Kalem Lenard</i>	NI	3/16/2012	KL	The project would not impact recreation resources in the area.
<u>Farmlands Prime and Unique</u> <i>Jeff Williams, Chris Cloninger, John Lamman</i>	NP	4/12/2012	CC	
<u>Lands and Realty</u> <i>Debbie Bellew, Vera Matthews</i>	PI	3/16/2012	VM	Increase to total acreage of authorized right of way, but reclaims the scar and erosion from the existing right of way. Moving the right of way puts it in to compliance with road standards.
<u>Wilderness, WSAs, ACECs, Wild & Scenic Rivers</u> <i>Kalem Lenard</i>	NP	3/16/2012	KL	
<u>Wilderness Characteristics</u> <i>Kalem Lenard</i>	NP	3/16/2012	KL	
<u>Range Management</u> <i>Jeff Williams, Chris Cloninger, John Lamman</i>	NP	4/12/2012	CC	
<u>Forest Management</u> <i>Ken Reed</i>	PI	3/26/2012	KR	
<u>Cadastral Survey</u> <i>Tony Mule</i>	NI	4/23/12	AM	See LDR certificate on file.
<u>Noise</u> <i>Martin Weimer</i>	NP	7/5/12	mw	This action will not result in any impacts due to noise or result in any increased noise levels.
<u>Fire</u> <i>Bob Hurley</i>	NP	3/26/2012	BH	The proposed action will not create or elevate risk factors leading to unwanted wildland fire ignition.
<u>Law Enforcement</u> <i>Steve Cunningham</i>	NP	4/3/2012	/s/ SC	There are no LE concerns.

The affected resources brought forward for analysis include:

- Soils
- Water Quality
- Invasive Plants
- Vegetation
- Migratory Birds
- Wastes Hazardous or Solid
- Lands and Realty
- Forest Management

3.2 PHYSICAL RESOURCES

3.2.1 SOILS (includes a finding on standard 1)

Affected Environment: The Proposed Action would be located on the Herbman Gravelly Sandy Loam 5-55% slope soil type. This soil is rated as “poorly suited” for naturally surfaced roads in the NRCS soil survey for this area. "Poorly suited" indicates that the soil has one or more properties that are unfavorable for the specified kind of roads. Overcoming the unfavorable properties requires special design, extra maintenance, and costly alteration. In addition, the erosion hazard for this soil is rated as severe for roads due to the slope and erodibility of the soil and the soil rutting hazard is moderate due to low strength.

Environmental Effects

Proposed Action

Direct and Indirect Impacts: The Proposed Action would reroute an existing road that has been in existence for many years. The existing road is a historic mining track that follows the fall line of the slope making it overly steep and contains no drainage features. The proposed reroute would be an engineered approach that would feature shallower slopes and engineered drainage. Engineering includes the placement of two culverts, using shallower slopes and best management practices such as erosion control matting and seeding. The old route would then be reclaimed to stabilize the soils on that portion. Overall, soil loss would be lessened under the Proposed Action and the project would benefit soil resources in the long term.

Protective/Mitigation Measures: No additional mitigation is required beyond what is contained in the engineering design.

No Action Alternative

Direct and Indirect Impacts: If no action is taken, the old road would remain in place and conditions would remain as they currently are.

Protective/Mitigation Measures: None

3.2.2 WATER (SURFACE AND GROUNDWATER, FLOODPLAINS) (includes a finding on standard 5)

Affected Environment: The proposed road reroute would be in the headwaters of Bernard Creek, which is tributary to Fourmile Creek and ultimately the Arkansas River. None of these waters are listed on the State of Colorado's 303 (d) or monitoring and evaluation lists as being water quality impaired. The road itself is in a dry upland area for most of its length.

Environmental Effects

Proposed Action

Direct and Indirect Impacts: The Proposed Action would reroute an existing road that has been in existence for many years. The existing road is a historic mining track that follows the fall line of the slope making it overly steep and contains no drainage features. The major water quality concern resulting from roads built in locations such as these is erosion and subsequent sediment production downstream. The proposed reroute would be an engineered approach that would feature shallower slopes and engineered drainage. Proposed engineering includes the placement of two culverts, using shallower slopes and implementing best management practices such as erosion control matting and seeding. The old route would then be reclaimed to stabilize the soils and slow down runoff on that portion. Overall, soil loss and resulting sediment production would be lessened downstream under the Proposed Action and the project would benefit soil resources in the long term.

Protective/Mitigation Measures: No additional mitigation is required beyond what is contained in the engineering design.

No Action Alternative

Direct and Indirect Impacts: If no action is taken, the old road would remain in place and conditions would remain as they currently are.

Protective/Mitigation Measures: None

3.3 BIOLOGICAL RESOURCES

3.3.1 INVASIVE PLANTS

Affected Environment: Invasive plants are common in the area and can be spread or introduced during ground disturbing activities at this site. It is likely that shift in a plant community has occurred resulting from the long-term grazing practices in the area. The site is stable and currently occupied by native-perennial grass species. Invasive plants in the area include, but are not limited to: Dalmatian toadflax, Canada thistle, Musk thistle, Yellow toadflax, and leafy spurge.

Environmental Effects

Proposed Action

Direct and Indirect Impacts: Due to the long-term exposure of the project area to long-term livestock grazing, expected impacts are thought to be minor.

Cumulative Impacts: None

Mitigation/Residual Effects: Equipment used to implement the proposed action should be washed prior to entering the project area to remove any plant materials, soil, or grease. Areas disturbed by project implementation will be monitored for the presence of weeds on the Colorado State Noxious Weed list. Identified invasive plants will be treated. Monitoring is required for the life of the project and for three years following completion and elimination of identified Colorado State Noxious Weeds list A and B species.

No Action Alternative

Direct and Indirect Impacts: None

Cumulative Impacts: None

Mitigation/Residual Effects: None

*Invasive plants are plants that are not part of (if exotic), or are a minor component of (if native), the original plant community or communities that have the potential to become a dominant or co-dominant species on the site if their future establishment and growth are not actively controlled by management interventions, or are classified as exotic or noxious plants under state or federal law. Species that become dominant for only one to several years (e.g., short-term response to drought or wildfire) are not invasive plants.

3.3.2 VEGETATION (includes a finding on standard 3)

Affected Environment: The project area consists of a mosaic of woodlands and grasslands. Species include bristlecone pine, Engelmann spruce, quaking aspen, Blue grama, mountain muhly, Arizona fescue, parry oatgrass, muttongrass, and pine dropseed.

Environmental Effects

Proposed Action

Direct and Indirect Impacts: The Proposed Action would reroute an existing road that has been in existence for many years. The existing road is a historic mining track that follows the fall line of the slope making it overly steep and contains no drainage features. The proposed reroute would be an engineered approach that would feature shallower slopes and engineered drainage. Engineering includes the placement of two culverts, using shallower slopes and best management practices such as erosion control matting and seeding. The old route would then be reclaimed to stabilize the soils on that portion. Overall, vegetation loss would be lessened under the Proposed Action and the project would benefit vegetation resources in the long term.

Protective/Mitigation Measures: No additional mitigation is required beyond what is contained in the engineering design.

No Action Alternative

Direct and Indirect Impacts: If no action is taken, the old road would remain in place and conditions would remain as they currently are.

Protective/Mitigation Measures: None

Finding on the Public Land Health Standard for Plant and Animal Communities:

The project area was assessed for Standards for Public Land Health. The project area is meeting public land health standards

3.3.3 MIGRATORY BIRDS

Affected Environment: The project area is located in the Fourmile Creek watershed in the vicinity of Gillette, Colorado. The project site is primarily a montane grassland community dominated by blue grama (*Bouteloua gracilis*) and mountain muhly (*Muhlenbergia montana*). However, needle grass (*Stipa colombiana*), common mullein (*Verbascum thapsus*), parry goldenweed (*Oreochrysum parryii*), and lupine (*Lupinus argenteus*) are also common species. Nearby, included aspen and mixed coniferous forest habitat types.

Bird communities within the habitats just described are variable. Bird communities within aspen stands are often composites of aspen-associated species along with many species found in the surrounding conifer habitats. Habitat preferences of primary cavity excavators and the decay characteristics of aspen combine to produce much higher cavity densities in aspen than in surrounding conifer habitats. Species that are typically found in aspen habitats include broad-tailed humming bird, house wren, Lincoln's sparrow, white-crowned sparrow, dark-eyed junco, violet-green swallow, purple martin, mountain bluebird, Cooper's hawk, western wood-pewee, warbling vireo, red-naped sapsucker, mountain chickadee, pygmy and white-breasted nuthatches, and western bluebirds. Mixed conifer habitats support species such as the yellow-rumped warbler, western tanager, dark-eyed junco, and evening grosbeak. Blue grouse and Williamson's sapsucker, red-naped sapsucker, house wren, and western bluebird are also common.

Environmental Effects

Proposed Action

Direct and Indirect Impacts: If construction were to occur during the nesting season, destruction of nest and eggs/young of ground nesting birds may occur.

Protective/Mitigation Measures: No construction will be allowed during the primary nesting season (May 15th thru July 15th).

No Action Alternative

Direct and Indirect Impacts: None.

Protective/Mitigation Measures: None.

3.4 HERITAGE RESOURCES AND HUMAN ENVIRONMENT

3.4.1 CULTURAL RESOURCES

Affected Environment: Only historic sites are present in the vicinity of the area of potential effect [see Report CR-RG-12-114 (P)]. Although two historic isolated finds (5TL3796 and

5TL3797) were recorded during the cultural resources inventory, they are not eligible for the National Register of Historic Places, and therefore, do not qualify as a historic properties. Therefore, no historic properties will be affected by the proposed undertaking.

3.4.2 NATIVE AMERICAN RELIGIOUS CONCERNS

Affected Environment: Although aboriginal sites are present in the vicinity of the area of potential effect, no possible traditional cultural properties were located during the cultural resources inventory (see Cultural Resources section, above). There is no other known evidence that suggests the project area holds special significance for Native Americans.

3.4.3 WASTES, HAZARDOUS OR SOLID

Affected Environment: It is assumed that conditions associated with the proposed project site are currently clean and that no contamination is evident. No hazardous material, as defined by 42 U.S.C. 9601 (which includes materials regulated under CERCLA, RCRA and the Atomic Energy Act, but does not include petroleum or natural gas), will be used, produced, transported or stored during project implementation.

Environmental Effects

Proposed Action

Direct and Indirect Impacts: None

Protective/Mitigation Measures:

- Since this project involves some type of oil or fuel use, transfer and/or storage, an adequate spill kit is required to be onsite.
- The project proponent will be responsible for adhering to all applicable local, State and Federal regulations in the event of a spill, which includes following the proper notification procedures in BLM's Spill Contingency Plan.

No Action Alternative

Direct and Indirect Impacts:

Protective/Mitigation Measures:

3.5 LAND RESOURCES

3.5.1 FOREST MANAGEMENT

Affected Environment: The forest types found in the project area are bristlecone pine, Engelmann spruce, and quaking aspen. Stands in this area are usually a combination or mix of these tree species.

Environmental Effects

Proposed Action

Direct and Indirect Impacts: The proposed action design shall result in the cutting of a few trees less than 5 inches in diameter. These small trees must be lop and scattered with all materials left on site.

Protective/Mitigation Measures: If any tree over 5 inches in diameter needs to be removed then the RGFO forester will be contacted prior to cutting. The applicant may be required to purchase the wood from the BLM and remove the larger tree or trees as fuelwood.

No Action Alternative

Direct and Indirect Impacts: None

Protective/Mitigation Measures: None

Other Alternative

Direct and Indirect Impacts: NA

Protective/Mitigation Measures: NA

3.5.2 LANDS AND REALTY

Affected Environment: The Realty issues surrounding the project area include a fractured land pattern with mining claims, unclaimed parcels, public and private lands interspersed in a difficult to manage and interpret collage of ownership lines. This project included certified survey plats with the application and was reviewed by several levels of BLM Cadastral surveyors, the surveys and reviews are available in the file located in the RGFO.

The lands in the area of the project are a steep mountainous terrain that has increased requirements in the BLM standards for roads. This project required engineered drawings by a private contractor which were reviewed and approved by BLM engineering office. The engineered drawings and reviews are available in the file located in the RGFO. The requirements for BLM roads are found in the Gold book which was made part of the application and approval process. A copy of the Gold book can be found at:

http://www.blm.gov/wo/st/en/prog/energy/oil_and_gas/best_management_practices/gold_book.html

This is also an area of trespass, possibly brought on by the irregular land patterns resulting in mistakes in private, county and federal records. Several trespass issues are known in the area, and will be addressed as staffing and budget will allow.

There are rights of way in the area which may be affected by this authorization they include:

COC-53816 Rainbow Ridge Home Owners Association - Access Road

COC-12478 Qwest Corporation - Buried Telephone cable

COC-38700 Teller County Road and Bridge - CR-61 (et al)

Environmental Effects

Proposed Action

Direct and Indirect Impacts: The proposed action design will result in correcting the existence of a poorly designed road that causes erosion and a highly visible scar on the land to be reclaimed. The proposed project will add 1.01 of disturbance to the area, and will have erosion

and weed mitigation as part of the terms and conditions of the project, in addition to the design itself addressing visual, erosion issues identified and addressed by the engineered drawings.

Protective/Mitigation Measures:

The holder shall construct, operate, and maintain the facilities, improvements, and structures within this right-of-way in strict conformity with the plans of development which were approved and made part of the grant received in this office January 10 2012. Any relocation, additional construction, or use that is not in accord with the approved plans of development, shall not be initiated without the prior written approval of the authorized officer. A copy of the complete right-of-way grant, including all stipulations and approved plans of development, shall be made available on the right-of-way area during construction, operation, and termination. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health and safety or the environment. Where Plans of development differ from the mitigation measures spelled out in the grant, the mitigation should be followed.

The vacated road must be re-contoured to the approximate original contours of the site. After contouring is completed, the soils must be ripped to a depth of 6 inches then covered to a depth of approximately 6 inches with the top 8 inches of the soil from the BLM portion of the new road. The site must then be roughened and seeded with the appropriate seed mixture for the site.

The Holder shall seed all disturbed areas with the seed mixture recommended by the authorized officer. Please call John Lamman for seed mixture 719 269 8534. The seed mixture shall be planted in the amounts specified in pounds of pure live seed (PLS)* per acre. There shall be no primary or secondary noxious weeds in the seed mixture. Seed will be tested and the viability testing of seed will be done in accordance with State law(s) and within (9) months prior to purchase. Commercial seed will be either certified or registered seed. The seed container will be tagged in accordance with State Law(s) and available for inspection by the authorized officer.

Seed will be planted using a drill equipped with a depth regulator to ensure proper depth of planting where drilling is possible. The seed mixture will be evenly and uniformly planted over the disturbed area (smaller/heavier seeds have a tendency to drop the bottom of the drill and are planted first). The holder shall take appropriate measures to ensure this does not occur. Where drilling is not possible, seed will be broadcast and the area shall be raked or chained to cover the seed. When broadcasting the seed, the pounds per acre are to be doubled. The seeding will be repeated until a satisfactory stand is established as determined by the authorized officer. Evaluation of growth will not be made before completion of at least one full growing season after seeding.

Natural barriers will be allowed at the North and South end of the reclaimed portion of the road to facilitate re-vegetation, large stones, and a heavy gauge chain strung between posts can be added if necessary to prohibit travel on or around the barrier. If manmade structures are used they will be colored to match/be compatible with the natural surrounding color, line, form and

texture. If concrete will be used in the installation of the barrier, any washout will need to be containerized and disposed of offsite at an approved landfill facility.

Any Federal, State, or local authorizations that are required for the road construction/reclamation and Electric cable must be obtained prior to commencement.

Black Hills Energy Standard Operating Procedures and best management practices will be incorporated into the construction of the buried electric power line.

No Action Alternative

Direct and Indirect Impacts: If the current road is not closed, there will be continued erosion problems on the straight down slope course, the road will continue to be a driving hazard, and it is in opposition with normal road standards for the BLM. It is the traditional access to the parcel owned by the applicant, and would be allowed to remain even with the issues it creates.

Protective/Mitigation Measures: Enforce good management practices to control weed and erosion. Additional signs on curve approaching intersection to warn drivers of the abrupt turn and drop of the road. The original grant, stipulations and terms will stay in full force and effect.

Other Alternative

Other Alternatives were considered and dismissed as unreasonable and unobtainable due to the small area of possible relocation for the road, and the steep terrain.

3.6 CUMULATIVE IMPACTS SUMMARY

The Proposed Action would reroute an existing road that has been in existence for many years. The proposed reroute would be an engineered approach that features shallower slopes and engineered drainage. Engineering includes the placement of two culverts, using shallower slopes and best management practices such as erosion control matting and seeding. The old route would then be reclaimed to stabilize the soils on that portion. The area is also an area popular for housing and development, and intense grazing. The visible scar would be behind a natural swell in the landscape and a small grove of trees. It is believed that the new road will have fewer cumulative impacts to the lands and environment than the old road. There were no cumulative impacts identified by the specialists for this project.

CHAPTER 4 - CONSULTATION AND COORDINATION

4.1 LIST OF PREPARERS AND PARTICIPANTS

Please see Interdisciplinary Team Review list for BLM Participants

4.2 TRIBES, INDIVIDUALS, ORGANIZATIONS, OR AGENCIES CONSULTED

Teller County was consulted.

CHAPTER 5 - REFERENCES

- Bureau of Land Management (BLM). 1993. Draft Resource Management Plan and Environmental Impact Statement. Royal Gorge Field Office. Canon City, Colorado.
- Bureau of Land Management. 1996. Royal Gorge Field Office Area Resource Management Plan and Record of Decision. Front Range District. Canon City, Colorado.
- Bureau of Land Management. 2008 H-1790-1 National Environmental Policy Handbook. Washington, D.C.
- Bureau of Land Management Surface Operating Standards and Guidelines for Oil and Gas Exploration and Development The Gold Book Fourth Edition—Revised 2007

Finding Of No Significant Impact

(FONSI)

DOI-BLM-CO-200-2012-0017 EA

Based on review of the EA and the supporting documents, I have determined that the project is not a major federal action and will not have a significant effect on the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects from any alternative assessed or evaluated meet the definition of significance in context or intensity, as defined by 43 CFR 1508.27. Therefore, an environmental impact statement is not required. This finding is based on the context and intensity of the project as described below:

RATIONALE:

Context: The proposed action is located in a high mountain meadow with steep rolling terrain that has erodible soils that do not hold up to road development without correct design implementation. The uses include recreation, hunting, grazing, mining and other cultural events. The area is also prone to unauthorized use perhaps due to the fractured land patterns that make it difficult to identify and manage. The access to private property was officially recognized with a right-of-way grant in 2008 under the serial number COC-73304. Since that time it has been observed that the access is dangerous on the way it departs Teller County road 61. Additionally the straight path directly down slope causes excess erosion and deterioration of the road and surrounding terrain, and does not fit in to the desirable criteria described in the BLM Gold Book - standard for roads. This proposal allows the road to be moved to a safer existing intersection which is already established. It is using an engineered design that has been approved by the BLM, and will be in compliance with BLM and Teller County standards. The proposed action also includes Black Hills Energy new authorization COC-75337 allowing the construction, operation and maintenance of a 25 KV buried electric distribution line in the existing road the northern portion which will then be reclaimed to a natural state of vegetation and contouring. The improvement to the road location, addition of electricity and the rehabilitation of the erodible road will have significance implications only on a local level.

Intensity:

I have considered the potential intensity/severity of the impacts anticipated from the William's Road Amendment/Reclamation, and Black Hills Energy, 25 kV Underground Electric Distribution Line project decision relative to each of the ten areas suggested for consideration by the CEQ. With regard to each:

Impacts that may be beneficial and adverse:

The Proposed Action would reroute an existing road that has been in existence for many years. The existing road is a historic mining track that follows the fall line of the slope making it overly steep and contains no drainage features. The proposed reroute would be an engineered

approach that would feature shallower slopes and engineered drainage. Engineering includes the placement of two culverts, using shallower slopes and best management practices such as erosion control matting and seeding. The old route would then be reclaimed to stabilize the soils on that portion. Overall, soil and water were reported to be less with the proposed action, and a benefit in the long term. No impact to recreation, and nothing more than minimal impacts were reported by any resource.

Public health and safety:

The only public safety issue identified was the angle and slope of the road prior to moving it to the new location. This action addresses and remedies the safety hazard.

Unique characteristics of the geographic area:

There are not any WSAs, ACEC, W&S rivers, Prime and Unique Farmland or other unique characteristics present in the project area.

Degree to which effects are likely to be highly controversial:

There is not any disagreement among reviewers over the effects of the action on a resource values.

Degree to which effects are highly uncertain or involve unique or unknown risks:

The action is designed to improve the resource condition and alleviate current impacts and does not contain risks that would be considered unique or unknown.

Consideration of whether the action may establish a precedent for future actions with significant impacts:

This decision is like one of many that have previously been made and will continue to be made by BLM responsible officials regarding roads, electric distribution lines and rehabilitation of disturbed areas. The decision is within the scope of the Resource Management Plan and is not expected to establish a precedent for future actions. The decision does not represent a decision in principle about a future consideration.

Consideration of whether the action is related to other actions with cumulatively significant impacts:

Few actions related to public lands have occurred in the area. The action is designed to improve impacts that are currently occurring, thereby improving overall cumulative impacts. ~~None identified~~

Scientific, cultural or historical resources, including those listed in or eligible for listing in the National Register of Historic Places:

Only historic sites are present in the vicinity of the area of potential effect [see Report CR-RG-12-114 (P)]. Although two historic isolated finds (5TL3796 and 5TL3797) were recorded during the cultural resources inventory, they are not eligible for the National Register of Historic Places, and therefore, do not qualify as a historic properties. Therefore, no historic properties will be affected by the proposed undertaking.

Threatened and endangered species and their critical habitat:

There is no documentation of T&E and sensitive species within the action area.

Any effects that threaten a violation of Federal, State or local law or requirements imposed for the protection of the environment: The proposed action conforms with the provisions of NEPA (U.S.C. 4321-4346) and FLPMA (43 U.S.C. 1701 et seq.) and is compliant with the Clean Water Act and The Clean Air Act, the National Historic Preservation Act, Migratory Bird Treaty Act (MBTA) and the Endangered Species Act.

COMPLIANCE/MONITORING (optional): Staff Realty Specialist shall assure compliance with terms, conditions, and stipulations.

NAME OF PREPARER: Vera Matthews

SUPERVISORY REVIEW: Jimmy Dickerson, NRRS

NAME OF ENVIRONMENTAL COORDINATOR: /s/ Martin Weimer

DATE: 7/5/12

SIGNATURE OF AUTHORIZED OFFICIAL: /s/ Keith E. Berger
Keith E. Berger, Field Manager

DATE SIGNED: 7/6/12

APPENDICES:

ATTACHMENTS: Decision Record

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
ROYAL GORGE FIELD OFFICE**

DECISION RECORD
William's Road Amendment/Reclamation
And
Black Hills Energy
25 kV Underground Electric Distribution Line
DOI-BLM-CO-200-2012-0017 EA

DECISION: It is my decision to authorize the Proposed Action as described in the attached EA, subject to the standard stipulations for roads and electric power lines and the mitigation measures below. The proposed action is to grant the amendment of right of way for COC-73304 and allow the construction, operation and maintenance of a portion of road in a safer location for exit off of CR-61. To grant the right of way COC-75337 for Black Hills Energy to construct, operate and maintain a 25 KV buried electric distribution line which will be placed the length of the original right of way for the purpose of bringing power to the private residence. To reclaim the Northern portion of the original road right of way after the construction of the electric distribution line to a natural state of vegetation and contouring.

Agencies consulted prior to the application being considered complete included the Teller County Road and Bridge, The Teller County Engineer, The Contractor for the project, the BLM Engineering Office, and the BLM State Office Cadastral. Issues concerning safety, effectiveness and accuracy of design were addressed prior to the application being considered. To address scoping, this project was posted on the Royal Gorge Field Office NEPA website. This was the primary mechanism used by the BLM to initially identify issues and concerns of the project and no comments were received.

The Bureau of Land Management, Royal Gorge Field Office, completed an Environmental Assessment and reached a Finding of No Significant impact for the proposed action, and therefore an EIS will not be prepared.

RATIONALE: The decision to implement the proposed action was chosen due to the positive impacts that would be obtained through the action both for the improvement to the land conditions, improved compliance with county and federal regulations, and for improvements for safety reasons. There were no disagreements among reviewers over the effects of the action on a resource or resources.

MITIGATION MEASURES\MONITORING:

Black Hills Energy Standard Operating Procedures and best management practices will be incorporated into the construction of the buried electric power line.

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

Equipment used to implement the proposed action should be washed prior to entering the project area to remove any plant materials, soil, or grease. Areas disturbed by project implementation will be monitored for the presence of weeds on the Colorado State Noxious Weed list. Identified invasive plants will be treated. Monitoring is required for the life of the project and for three years following completion and elimination of identified Colorado State Noxious Weeds list A and B species.

No construction will be allowed during the primary nesting season (May 15th thru July 15th). Since this project involves some type of oil or fuel use, transfer and/or storage, an adequate spill kit is required to be onsite.

The project proponent will be responsible for adhering to all applicable local, State and Federal regulations in the event of a spill, which includes following the proper notification procedures in BLM's Spill Contingency Plan.

If any tree over 5 inches in diameter needs to be removed then the RGFO forester will be contacted prior to cutting. The applicant may be required to purchase the wood from the BLM and remove the larger tree or trees as fuel wood.

The vacated road must be re-contoured to the approximate original contours of the site. After contouring is completed, the soils must be ripped to a depth of 6 inches then covered to a depth of approximately 6 inches with the top 8 inches of the soil from the BLM portion of the new road. The site must then be roughened and seeded with the appropriate seed mixture for the site.

The Holder shall seed all disturbed areas with the seed mixture recommended by the authorized officer. Please call John Lamman for seed mixture 719 269 8534. The seed mixture shall be planted in the amounts specified in pounds of pure live seed (PLS)* per acre. There shall be no primary or secondary noxious weeds in the seed mixture. Seed will be tested and the viability testing of seed will be done in accordance with State law(s) and within (9) months prior to purchase. Commercial seed will be either certified or registered seed. The seed container will be tagged in accordance with State Law(s) and available for inspection by the authorized officer.

Seed will be planted using a drill equipped with a depth regulator to ensure proper depth of planting where drilling is possible. The seed mixture will be evenly and uniformly planted over the disturbed area (smaller/heavier seeds have a tendency to drop the bottom of the drill and are planted first). The holder shall take appropriate measures to ensure this does not occur. Where

drilling is not possible, seed will be broadcast and the area shall be raked or chained to cover the seed. When broadcasting the seed, the pounds per acre are to be doubled. The seeding will be repeated until a satisfactory stand is established as determined by the authorized officer. Evaluation of growth will not be made before completion of at least one full growing season after seeding.

Natural barriers will be allowed at the North and South end of the reclaimed portion of the road to facilitate re-vegetation, large stones, and a heavy gauge chain strung between posts can be added if necessary to prohibit travel on or around the barrier. If manmade structures are used they will be colored to match/be compatible with the natural surrounding color, line, form and texture. If concrete will be used in the installation of the barrier, any washout will need to be containerized and disposed of offsite at an approved landfill facility.

Any Federal, State, or local authorizations that are required for the road construction/reclamation and Electric cable must be obtained prior to commencement.

PROTEST/APPEALS: This decision shall take effect immediately upon the date it is signed by the Authorized Officer, and shall remain in effect while any appeal is pending unless the Interior Board of Land Appeals issues a stay (43 CFR 2801.10(b)). Any appeal of this decision must follow the procedures set forth in 43 CFR Part 4. Within 30 days of the decision, a notice of appeal must be filed in the office of the Authorized Officer at the Royal Gorge Field Office, 3028 East Main Street, Canon City, Colorado 81212. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the Authorized Officer.

If you wish to file a petition (request) pursuant to regulation 43 CFR 2801.10 or 43 CFR 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and

(4) Whether the public interest favors granting the stay.

SIGNATURE OF AUTHORIZED OFFICIAL:

/s/ Keith E. Berger
Keith E. Berger, Field Manager

DATE SIGNED: 7/6/12

ATTACHMENTS: