

**U.S. Department of the Interior
Bureau of Land Management**

Categorical Exclusion

**ROW for Old Schoolfield Road Existing Underground Power
Line**

PREPARING OFFICE

U.S. Department of the Interior
Bureau of Land Management



Categorical Exclusion
ROW for Old Schoolfield Road Existing
Underground Power Line

DOI-BLM-CO-F02-2015-0028 CX

Prepared by
U.S. Department of the Interior
Bureau of Land Management
Cañon City, CO

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A. Background

BLM Office: Royal Gorge Field Office, LLCOF02

Lease/Serial/Case File No.: COC76488

Proposed Action Title/Type: Right-of-way for an existing underground power line.

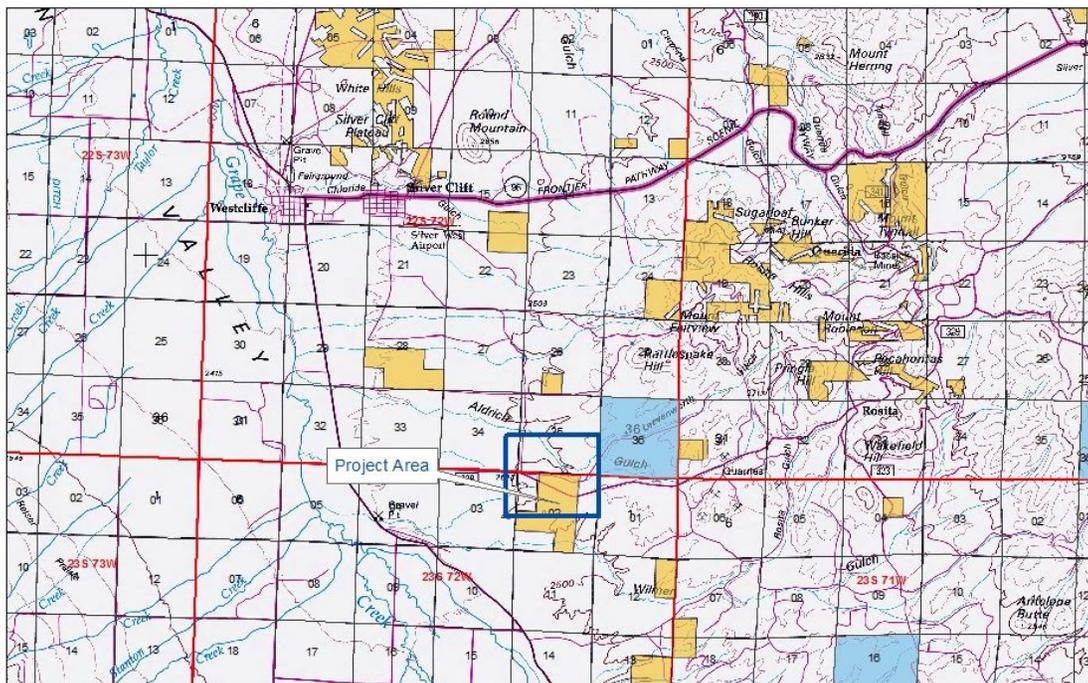
Location of Proposed Action: Custer County, CO

6th PM, T.23S., R. 72 W., Section 2; Lot 2,3, SW1/4NE1/4

Applicant: CenturyTel of Eagle, Inc.

Description of Proposed Action:

The BLM action is to respond to an application for a Right-of-Way received from CenturyTel of Eagle, Inc. for the construction, operation, and maintenance of an underground 7.2kV electrical copper cable within the road prism of Schoolfield Road. The right-of-way 2832 feet long and 10 feet wide would include the mitigation measures formulated into the attached stipulations..



COC-76488 CenturyTel of Eagle, Inc.
Underground Power Line 7.2kV



NOTE TO MAP USERS
No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of the data layers shown on this map. The official land records of the data providers should be checked or current status on any specific tract of land.



COC-76488 CenturyTel of Eagle, Inc.
Underground Power Line 7.2kV

6PM, T23S R72W Sec. 2

0 0.175 0.35 0.7
Miles



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B. Land Use Plan Conformance

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):

Land Use Plan Name:

Name of Plan: Royal Gorge Management Plan

Date Approved: May 13, 1996

Decision Number: 10-43

Decision Language: The Western Utility Group's study for corridor designation will be adopted for major rights-of-way with addition of the existing transportation corridors. Minor rights-of-way will be authorized on a case-by-case basis on proposals outside of exclusion areas. Minor rights-of-way could be authorized in avoidance areas only when stipulations will protect values. Specific measures to minimize impacts to sensitive resources and reduce potential for conflict of uses have been identified in the attached and are incorporated in the proposed action.

Date Approved/Amended: May 13, 1996

Chapter 1 Name

B. Land Use Plan Conformance

10-43

C. Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 2, Appendix 1, or 516 DM 11.9,

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.

I considered:

CATEGORICAL EXCLUSION REVIEW: This proposed action is listed as a Categorical Exclusion in DOI Departmental Manual Part 516 Chapter 11.9 (E12). None of the following exceptions in 43CFR46.215, Appendix 2, apply.

Table 1.1. Exclusion Criteria

Exclusion Criteria	YES	NO
1. Have significant impacts on public health or safety.		X
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; lands with wilderness characteristics; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.		X
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.		X
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.		X
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.		X
9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		X
10. Have a disproportionately high and adverse effect on low income or minority populations.		X
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites.		X
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species.		X

Table 1.2. Interdisciplinary Team Review

INTERDISCIPLINARY TEAM REVIEW			
NAME	TITLE	AREA OF RESPONSIBILITY	Initials/date
Matt Rustand	Wildlife Biologist	Terrestrial Wildlife, T&E, Migratory Birds	MR, 2/17/2015
Jeff Williams	Range Management Spec.	Range, Vegetation, Farmland	NA
Chris Cloninger	Range Management Spec.	Range, Vegetation, Farmland	NA
John Lamman	Range Management Spec.	Range, Vegetation, Farmland, Weeds	JL, 02/11/2014
Dave Gilbert	Fisheries Biologist	Aquatic Wildlife, Riparian/Wetlands	DG, 2/17/15
Stephanie Carter	Geologist	Minerals, Paleontology, Waste Hazardous or Solid	SSC, 3/16/15
John Smeins	Hydrologist	Hydrology, Water Quality/Rights, Soils	JS, 2/11/15
Ty Webb	Fire Management Officer	Air Quality	TW, 2/17/15
Dave Parker	Cadastral Surveyor	Cadastral Survey	DP 6/4/2015
Linda Skinner	Outdoor Recreation Planner	Recreation, Wilderness, LWCs, Visual, ACEC, W&S Rivers,	LS 3/3/2015
Ken Reed	Forester	Forestry	KR, 5/21/15
Monica Weimer	Archaeologist	Cultural, Native American	MMW, 2/11/15
Rich Rotte	Realty Specialist	Realty	RAR, 1/21/15
Ty Webb	Fire Management Officer	Fire	TW, 2/17/15

REMARKS:

Cultural Resources: Although cultural resources were found near the area of potential effect [Site 5CR582.1; see report CR-RG-12-68 (P)], no sites determined to be eligible for the National Register of Historic Places (NRHP) were found. Therefore, the proposed project will have no effect on any historic properties (those eligible for the NRHP).

Native American Religious Concerns: No possible traditional cultural properties were located during the cultural resources inventory (see above). There is no other known evidence that suggests the project area holds special significance for Native Americans.

Threatened and Endangered Species: There are no records of any federally listed or BLM sensitive species within or near the project area. The Proposed Action will not result in impacts to TES species.

Migratory Birds: To be in compliance with the Migratory Bird Treaty Act (MBTA) and the Memorandum of Understanding between BLM and USFWS required by Executive Order 13186, BLM must avoid actions, where possible, that result in a “take” of migratory birds. Pursuant to BLM Instruction Memorandum 2008-050, to reduce impacts to Birds of Conservation Concern (BCC), no habitat disturbance (removal of vegetation such as timber, brush, or grass) is allowed during the periods of May 15 - July 15, the breeding and brood rearing season for most Colorado migratory birds. The provision will not apply to completion activities in disturbed areas that were initiated prior to May 15 and continue into the 60-day period.

An exception to this timing limitation will be granted if nesting surveys conducted no more than one week prior to vegetation-disturbing activities indicate no nesting within 30 meters (100 feet)

of the area to be disturbed. Surveys shall be conducted by a qualified breeding bird surveyor between sunrise and 10:00 a.m. under favorable conditions.

Equipment used for project implementation must be washed prior to entering project area. Washing is to remove soil, grease, or vegetative mater that may contain noxious or invasive weed seed and other plant parts.

Wastes, Solid or Hazardous: Nothing in the analysis or approval of this action by BLM authorizes or in any way permits a release or threat of a release of hazardous materials (as defined under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9601 et seq., and its regulations) into the environment that will require a response action or result in the incurrence of response costs. Nothing in the analysis or approval of this action by BLM authorizes or in any way permits a release or threat of a release of hazardous materials (as defined under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9601 et seq., and its regulations) into the environment that will require a response action or result in the incurrence of response costs.

D. Approval and Contact Information

COMPLIANCE PLAN (optional):

NAME OF PREPARER: Rich Rotte

SUPERVISORY REVIEW: Jay Raiford

NAME OF ENVIRONMENTAL COORDINATOR: /s/ Martin Weimer

DATE: 8/17/15

DECISION AND RATIONALE: I have reviewed this Categorical Exclusion and have decided to implement the Proposed Action.

This action is listed in the Department Manual as an action that may be categorically excluded. I have evaluated the action relative to the 10 criteria listed above and have determined that it does not represent an exception and is, therefore, categorically excluded from further environmental analysis.

SIGNATURE OF AUTHORIZED OFFICIAL:

/s/ Keith E. Berger

Keith E. Berger, Field Manager

DATE SIGNED: 8/18/15

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Appendix A. Stipulations

EXHIBIT A

Stipulations, January 2015

Right-of-Way Grant, COC 76488

CenturyTel of eagle, Inc.

1. The BLM Authorized Officer for the administration of this lease is the Field Manager, Royal Gorge Field Office, 3028 East Main Street, Cañon City, CO, Phone (719) 269-8500.
2. In the event that the public land underlying the right-of-way (ROW) encompassed in this grant, or a portion thereof, is conveyed out of Federal ownership and administration of the ROW or the land underlying the ROW is not being reserved to the United States in the patent/deed and/or the ROW is not within a ROW corridor being reserved to the United States in the patent/deed, the United States waives any right it has to administer the ROW, or portion thereof, within the conveyed land under Federal laws, statutes, and regulations, including the regulations at 43 CFR Part 2800, including any rights to have the holder apply to BLM for amendments, modifications, or assignments and for BLM to approve or recognize such amendments, modifications, or assignments. At the time of conveyance, the patentee/grantee, and their successors and assigns, shall succeed to the interests of the United States in all matters relating to the ROW, or portion thereof, within the conveyed land and shall be subject to applicable State and local government laws, statutes, and ordinances. After conveyance, any disputes concerning compliance with the use and the terms and conditions of the ROW shall be considered a civil matter between the patentee/grantee and the ROW holder.
3. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on their behalf, on public or Federal land shall immediately be reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.

If in connection with operations under this authorization, any human remains, funerary objects, sacred objects or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (P.L. 101-601; 104 Stat. 3048; 25 U.S.C. 3001) are discovered, the holder shall stop operations in the immediate area of the discovery, protect the remains and objects, and immediately notify the authorized officer. The holder shall continue to protect the immediate area of the discovery until notified by the authorized officer that operations may resume.

4. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the holder shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of

containers, and any other information deemed necessary by the authorized officer. Emergency use of pesticides shall be approved in writing by the authorized officer prior to such use.

5. Equipment used to implement the proposed action shall 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. Monitoring is required for the life of the project and for three years following project completion. Identified noxious weeds shall be treated.
6. The holder shall conduct all activities associated with the operation, and termination of the right-of-way within the authorized limits of the right-of-way.
7. The holder shall maintain the lease in a safe, usable condition, as directed by the authorized officer.
8. **Protection of Survey Corner and Boundary Line Markers:** Evidence of the Public Land Survey System (PLSS) and related Federal property boundaries will be identified and protected prior to commencement of any ground-disturbing activity. This will be accomplished by contacting Bureau Land Management (BLM) Cadastral Survey to coordinate data research, evidence examination, and evaluation, and locating, referencing or protecting monuments of the PLSS and related land boundary markers from destruction. In the event of obliteration or disturbance of the Federal boundary evidence, the responsible party shall immediately report the incident, in writing, to the Authorizing Official. BLM Cadastral Survey will determine how the marker is to be restored. In rehabilitating or replacing the evidence the responsible party will be instructed to use the services of a Certified Federal Surveyor (CFedS), procurement shall be per qualification based selection 4, or reimburse the BLM for costs. All surveying activities will conform to the Manual of Surveying Instructions (Manual) and appropriate State laws and regulations. Local surveys will be reviewed by Cadastral Survey before being finalized or filed in the appropriate State or county office. The responsible party shall pay for all survey, investigation, penalties, and administrative costs.
9. The holder(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by, or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.

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. Nothing in the analysis or approval of this action by BLM authorizes or in any way permits a release or threat of a release of hazardous materials (as defined under the Comprehensive Environmental Response, Compensation, and Liability Act

of 1980, as amended, 42 U.S.C. 9601 et seq., and its regulations) into the environment that will require a response action or result in the incurrence of response costs.

10. 180 days prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination (and rehabilitation) plan. This plan shall include, but is not limited to, removal of facilities, drainage structures, surface material, recontouring, topsoiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.
11. Construction activity and surface disturbance will be prohibited during the period from May 15 to July 15 for the protection of migratory birds. Any exceptions to this requirement must have prior written approval from the authorized officer.

To be in compliance with the Migratory Bird Treaty Act (MBTA) and the Memorandum of Understanding between BLM and USFWS required by Executive Order 13186, BLM must avoid actions, where possible, that result in a "take" of migratory birds. Pursuant to BLM Instruction Memorandum 2008-050, to reduce impacts to Birds of Conservation Concern (BCC), no habitat disturbance (removal of vegetation such as timber, brush, or grass) is allowed during the periods of May 15 - July 15, the breeding and brood rearing season for most Colorado migratory birds. The provision will not apply to completion activities in disturbed areas that were initiated prior to May 15 and continue into the 60-day period.

An exception to this timing limitation will be granted if nesting surveys conducted no more than one week prior to vegetation-disturbing activities indicate no nesting within 30 meters (100 feet) of the area to be disturbed. Surveys shall be conducted by a qualified breeding bird surveyor between sunrise and 10:00 a.m. under favorable conditions.

12. If the project involves oil or fuel usage, transfer, or storage, an adequate spill kit and shovels are required to be on site during project implementation. 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.
13. The holder shall be responsible for weed control on disturbed areas within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods.