

**United States Department of the Interior
Bureau of Land Management**

Categorical Exclusion

DOI-BLM-CO-SO50-2013-0008

May 2013

Buried Power Line – Cathedral Peaks Subdivision

*Location: approximately 7 miles south of Crawford
Montrose County, Colorado*

**U.S. Department of the Interior
Uncompahgre Field Office
2465 South Townsend Avenue
Montrose, CO 81401
Phone: (970) 240-5300**



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CATEGORICAL EXCLUSION

NUMBER: DOI-BLM-CO-S050-2013-0008

CASEFILE: COC-75981

PROJECT NAME: Buried powerline to serve private residences

PLANNING UNIT: Uncompahgre Basin Resource Management Unit

LEGAL DESCRIPTION: New Mexico Principal Meridian, Colorado,
T. 50 N., R. 6 W., Secs. 7 and 8.

APPLICANT: Delta Montrose Electric Association (DMEA)

DESCRIPTION OF PROPOSED ACTION: The proposed action is to issue a right-of-way to DMEA to construct, operate and maintain a buried powerline. The powerline would provide permanent power to residences within the Cathedral Peaks Subdivision. The project is located approximately seven miles south of Crawford.

DMEA is proposing to bury a powerline within the drainage ditch of the access road serving the subdivision. The right-of-way would be approximately 1200 feet long, 25 feet wide and encumber 0.689 acres.

The right-of-way would be issued under FLPMA for 30 years with the right of renewal and would be subject to the stipulations in Exhibit A. DMEA's facilities are recognized under the Rural Electrification Act and are rental exempt.

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

Name of Plan: Uncompahgre Basin Resource Management Unit

Date Approved: July 1989

Decision Number/Page: MU-16, General Land Uses, page 156

Decision Language: No single resource or resource use would have management priority. Lands cases would be analyzed and processed on a case-by-case basis.

CATEGORICAL EXCLUSION REVIEW: The proposed action qualifies as a categorical exclusion under 516 DM 11.9, Number E(12) which allows grants of right-of-way wholly within the boundaries of other compatibly developed rights-of-way. None of the following exceptions in 516 DM 2, Appendix 2, apply.

Exclusion	YES	NO
1. Have significant adverse effects on public health and safety.	_____	_____ <u>X</u>
2. Have adverse effects on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; 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.	_____	_____ <u>X</u>
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.	_____	_____ <u>X</u>
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	_____	_____ <u>X</u>
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.	_____	_____ <u>X</u>
6. Be directly related to other actions with individually insignificant but cumulatively significant environmental effects.	_____	_____ <u>X</u>
7. Have adverse effects on properties listed, or eligible for listing, in the National Register of Historic Places.	_____	_____ <u>X</u>
8. Have adverse effects on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species.	_____	_____ <u>X</u>
9. Have the potential to violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.	_____	_____ <u>X</u>
10. Have the potential for a disproportionately high and adverse effect on low income or minority populations.	_____	_____ <u>X</u>
11. Restrict access to and ceremonial use of Indian sacred sites by Indian religious practitioners or adversely affect the physical integrity of such sacred sites.	_____	_____ <u>X</u>
12. Significantly, 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.	_____	_____ <u>X</u>

INTERDISCIPLINARY REVIEW:

Name	Title	Area of Responsibility
Linda Reed	Realty Specialist	Lands and Realty
Glade Hadden	Archaeologist	Cultural, Native American Religious Concerns
Ken Holsinger	Biologist	T&E and Migratory Birds

REMARKS:

Cultural Resources: The proposed buried powerline is to be installed in an area which has been inventoried at a Class III level with negative results. In addition, the area has little original surface context remaining, having been disturbed by previous construction projects. No additional cultural resource inventory is necessary under the provisions of BLM manual 8110.23B2 and 8110.23B3, and no further work is required.

Native American Religious Concerns: There are none known or anticipated for this project.

Threatened, Endangered Species, and Sensitive & Migratory Birds:

The area surrounding the proposed project has been mapped as proposed critical habitat for Gunnison sage-grouse by USFWS under their proposed rule to list the grouse as endangered (USFWS 2013). After a field assessment of the project area, there is limited probability that Gunnison sage-grouse could carry out life processes in the sagebrush communities surrounding the project due to substantial habitat fragmentation. The site is heavily encroached upon by piñon juniper, has a 320kV overhead transmission line, one wooden pole distribution powerline with no perch deterrents in place, an aerial phone line, fences, home sites with year round residences, a state highway, a reservoir, and numerous roads/travel ways. The understory has been either invaded by or planted to crested wheatgrass and or smooth brome in places. The project site has nearly every anthropogenic disturbance cited by USFWS in their proposed listing as causative factors for declining grouse populations.

After confirming with DMEA, the proposed powerline is planned to be buried within the existing road prism thus no site scale primary constituent elements are anticipated to be affected by the project. The road cut is largely bare or vegetated with aggressive grasses like crested wheatgrass and smooth brome. Additionally there were no observed sagebrush plants that could be conceivably damaged by construction activities.

Based on the above information, the proposed action will not affect proposed critical habitat as none of the site scale primary constituent elements identified in the FWS proposed listing would be affected by implementing the proposed action. Additionally, no evidence suggests that Gunnison sage-grouse currently occupy the project area, GPS and VHF telemetry data for Crawford population birds and Gunnison Basin transplanted birds has not shown evidence that birds ever come within less than 3.5 miles of the project site. Local CPW personnel have not documented local Crawford grouse in the vicinity of the project area in more than 30 years of observation. (Homan pers. comm.) In 2012 a Gunnison Basin transplanted bird was located 3.5 miles south of Gould Reservoir west of Highway 92; that individual promptly returned to the Gunnison Basin after being transplanted into the Crawford population.

NAME OF PREPARER:

Linda Reed

May 15, 2013

STIPULATIONS

1. The holder shall contact the authorized officer at least five days prior to the anticipated start of construction and/or any surface disturbing activities. For emergencies, the holder will contact the BLM as soon as possible after maintenance activities. The authorized officer may require and schedule a preconstruction conference with the holder prior to the holder's commencing construction and/or surface disturbing activities on the right-of-way. The holder and/or his representative shall attend this conference. The holder's contractor, or agents involved with construction and/or any surface disturbing activities associated with the right-of-way, shall also attend this conference to review the stipulations of the grant. The BLM authorized representative is Barney Buria, Environmental Protection Specialist, who can be reached at the Uncompahgre Field Office, 2465 South Townsend, Montrose, Colorado 81401 or phone at (970) 240-5333. An alternate contact is Linda Reed, Realty Specialist, Uncompahgre Field Office, (970) 240-5322.
2. The holder shall construct, operate and maintain the facilities, improvements and structures within this right-of-way in conformance with the terms, conditions and stipulations contained herein. Any relocation, additional construction, or use that is not in accord with the approved conditions shall not be initiated without the prior written approval of the authorized officer. A copy of the complete right-of-way grant, including all plans and stipulations shall be made available at the right-of-way site during construction. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health or the environment.
3. 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. 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.
4. Pursuant to 43 CFR 10.4(g), the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.
5. Use of pesticides/herbicides shall comply with the applicable Federal and state laws. Pesticides/herbicides 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/herbicides, the holder shall obtain from the authorized officer written approval of the applicant's plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. The plan should be submitted no later than March 1 of any calendar year to cover the proposed activities for the next growing season. Emergency use of pesticides/herbicides shall be approved in writing by the authorized officer prior to such use.

6. The holder shall be responsible for weed control within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations) including pesticides/herbicides approved for use on BLM land.
7. The holder shall comply with applicable State standards for public health and safety, environmental protection and siting, construction, operation and maintenance, if these State standards are more stringent than Federal standards for similar projects.
8. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated regarding toxic substances or hazardous materials. In any event, the holder 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 of 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 of State government.
9. The authorized officer may suspend or terminate in whole, or in part, any construction or maintenance activities, when in his judgment, unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.
10. All construction, operation and maintenance shall be within the authorized limits of the right-of-way granted herein.
11. No burning of trash, litter, trees, brush or other vegetative material shall be allowed under this grant.
12. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support such equipment. If the equipment creates ruts in excess of four (4) inches deep, the soil shall be deemed too wet to adequately support the construction equipment. Emergency repairs to restore access are exempt; however, any

damages to resources caused by emergency repairs during wet conditions will be repaired as directed by the authorized officer as soon as possible after the occurrence.

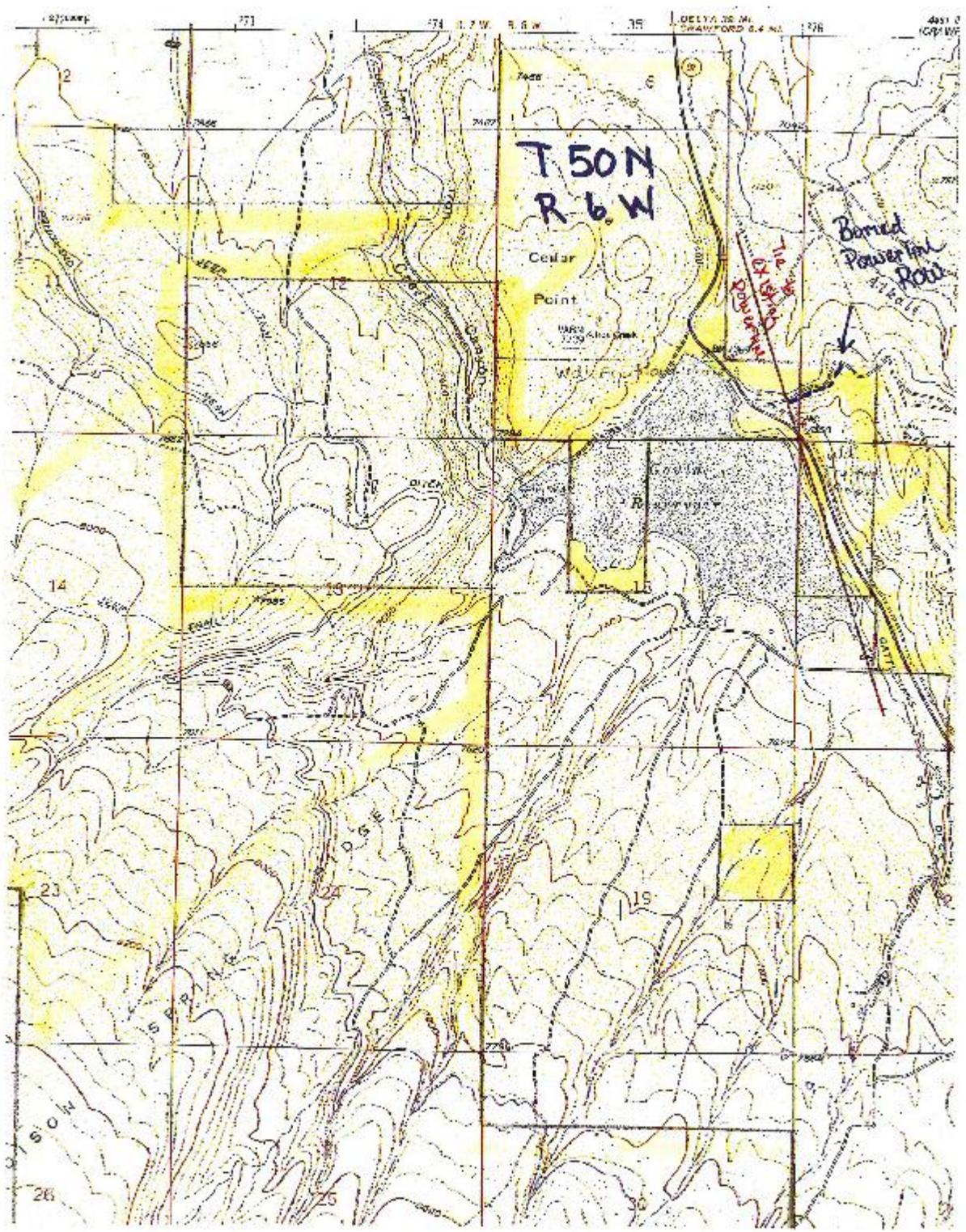
13. The holder shall disturb the minimum amount of soils and vegetation necessary for the construction, operation and maintenance of the buried powerline under this right-of-way. The holder shall recontour disturbed areas as necessary by grading to restore the area to approximately the original contour of the ground as directed by the authorized officer.
14. The holder shall seed all disturbed areas with the following seed mix. There shall be no primary or secondary noxious weed seed in the seed mixture. In addition, there should be no more than 0.5% total weed seed, less than 2% other seed, and no trash larger than ¼ inch in length. Seed shall not be stored in burlap bags. Seed going on projects less than 20 acres or less than 200 lbs. shall be tested, and the viability testing of seed shall be done in accordance with State law(s). Seed tests shall be less than one year old and can be from the company's seed test. Seed test documents can be from: a) certified "blue" tag(s); b) an independent seed lab test; or c) a seed lab analysis either by seed lot or by seed mix. Copies of the seed test documents shall be forwarded to the BLM, Uncompahgre Field Office. Commercial seed shall be either certified or registered pure live seed (PLS). The seed container shall be tagged in accordance with State law(s) and available for inspection by the authorized officer. Only State Certified weed free mulch shall be used.

The seed shall be evenly and uniformly planted over any disturbed areas. Seed shall be broadcast and the area shall be raked or chained to cover the seed. 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 the second growing season after seeding. The authorized officer is to be notified a minimum of two days prior to seeding of the project. Seeding shall be completed at a time of optimum soil moisture content, i.e., early spring or the fall.

<u>Seed Mix</u>	<u>Pounds/acre PLS</u>
Western Wheatgrass	4
Slender Wheatgrass or Indian Ricegrass	<u>4</u>
Total	8 lbs/acre PLS

15. It is the holder's responsibility to comply with all applicable Federal, State, and local laws and regulations existing or hereafter enacted or promulgated.
16. The holder shall obtain and comply with all County, State and Federal permit requirements, regulations and resolutions.

17. 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 as necessary. This plan shall include, but is not limited to, removal of facilities, drainage structures, or 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.



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Montrose, CO 81401**

Decision Record

(DOI-BLM-CO-S050-2013-0008 CX)

PROJECT NAME: Buried Powerline ROW

DECISION: It is my decision to issue a right-of-way to DMEA to construct, operate and maintain a buried powerline to provide permanent electrical power to residences within the Cathedral Peaks Subdivision. The project is located approximately 7 miles south of Crawford.

DMEA will bury their powerline within the drainage ditch of the existing access road to the subdivision. The right-of-way will be approximately 1200 feet long, 25 feet wide and encumber 0.689 acres. The right-of-way will be issued under FLPMA for 30 years with the right of renewal and will be subject to the stipulations in Exhibit A.

MITIGATION MEASURES:

All stipulations shown in Exhibit A of the Categorical Exclusion (CX) will be followed.

RATIONALE:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, Number E(12). 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.

COMPLIANCE WITH MAJOR LAWS and CONFORMANCE WITH LAND USE PLAN:

The decision is in compliance with applicable laws, regulations and policy, including the Endangered Species Act, Migratory Bird Treaty Act and National Historic Preservation Act. It is also in conformance with the Uncompahgre Basin RMP.

PUBLIC COMMENT:

The BLM informed the public about this project by listing it on the online Uncompahgre NEPA Register and a copy of the completed CX will be posted on the NEPA website.

ADMINISTRATIVE REMEDIES:

If you are adversely affected by this decision, within 30 days of receipt of this decision you have the right of appeal to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR §4.400. This decision goes into effect immediately and will remain in effect pending appeal unless a stay is granted (43 CFR §2801.10).

