

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

Categorical Exclusion

DOI-BLM-CO-SO50-2013-0028

June 2013

**Cathodic Protection System for Gas Pipeline
and Buried Powerline**

*Location: approximately 9 miles northwest of Delta,
Delta County, Colorado*

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



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CATEGORICAL EXCLUSION

NUMBER: DOI-BLM-CO-S050-2013-0028

CASEFILES: COC-36677 and COC-51280

PROJECT NAME: Cathodic Protection System for Gas Pipeline and Buried Powerline

PLANNING UNIT: Uncompahgre Basin Resource Management Unit

LEGAL DESCRIPTION: Ute Principal Meridian, Colorado,
T. 4 S., R. 3 E., Sec. 24 NE1/4NW1/4

APPLICANTS: TransColorado Gas Transportation Co. (TransCo) and
Delta Montrose Electric Association (DMEA)

DESCRIPTION OF PROPOSED ACTION:

TransCo is proposing to install a cathodic protection system (CPS) on their existing pipeline right-of-way (ROW). DMEA's nearby buried powerline would provide permanent power to the CPS. The pipeline is located immediately adjacent to Tri State's two transmission powerlines and is approximately 9 miles northwest of Delta. Existing routes used by the utility companies would be used to access the project area.

The proposed ROWs would entail the following:

TransCo: A Temporary Use Permit for the ROW, COC-51280, would be issued to allow TransCo enough room outside of their existing 50-foot ROW for equipment turnaround. All other construction work for installation of the cathodic protection system would be done within TransCo's existing ROW. TransCo is proposing an area adjacent to and contiguous with the eastern edge of their existing ROW in order to avoid working under Tri-State's high-voltage transmission line. The area needed for equipment turnaround would be 150' long and 25' wide, containing 0.086 acres. The Temporary Use Permit would be issued for 6 months.

DMEA: DMEA's existing buried powerline is located between Tri-State's two transmission lines and the new segment would be buried across one of the transmission line ROWs to tie into TransCo's pipeline. The proposed action would amend COC-36677 to include an additional buried segment 60' long and 25' wide, containing 0.034 acres.

The Temporary Use Permit to Transco would be issued under the Mineral Leasing Act (MLA) for 6 months. Since DMEA's existing ROW expires in November 2013, an amendment and renewal would be issued under FLPMA for 30 years. Both ROWs have the right of renewal and would be subject to the attached stipulations, see Exhibit A. DMEA is rental exempt but Transco would be charged rental.

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-5, Soils, Recreation, Oil and Gas, page 156

Decision Language: Lands cases would be analyzed and processed on a case-by-case basis. The area is open to development of major utility facilities, and this project entails an upgrade to the gas transmission line.

CATEGORICAL EXCLUSION REVIEW: The proposed actions qualify as categorical exclusions under 516 DM 11.9. Amend COC-36677 (powerline): E(12) allows for grants of rights-of-way wholly within the boundaries of other compatibly developed rights-of-way. (Tri-State and TransCo's transmission lines.) Amend COC-51280 (gas pipeline): E(20) which allows for short-term (3 years or less) ROWs where the proposal includes rehabilitation to restore the land to its natural or original condition. 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> _____

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| 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:

<u>Name</u>	<u>Title</u>	<u>Area of Responsibility</u>
Linda Reed	Realty Specialist	Lands and Realty
Glade Hadden	Archaeologist	Cultural Resources
Ken Holsinger	Wildlife Biologist	TES, Migratory Birds, Wildlife

Cultural Resources: The project area has little original surface context remaining, having been disturbed by previous electric and pipeline construction projects. No additional cultural resource inventory is necessary under the provisions of BLM manual 8110.23B3, and no further work is required.

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

Threatened and Endangered Species: The area is degraded from weed infestations, rights-of-way development and recreational use. A detailed survey of the project area conducted on 5/21/2013 found 3 individual Colorado Hookless cacti along the southeastern boundary of the proposed project survey area. The closest construction related activities to cactus would be approximately 50 meters away. The closest occurrence of cactus to the access route is approximately 80 meters and the cacti are located on the outer edge of the project area where physical impact will likely not occur (see Figures 1 and 2).

Though impact to cactus is unlikely to occur, the individuals will be covered by milk crates, or roped off as an avoidance area, to prevent any accidental impact. No cacti were observed adjacent to the access road nor in any area in which the plants are likely to be impacted by construction or equipment.

With the required mitigation no direct effects are anticipated, and given the current degraded nature of the identified work areas no additional indirect effects are anticipated. Based on the above information no effects to Colorado Hookless cactus are anticipated from the proposed action.

The holder is required to notify the Uncompahgre Field Office, BLM, at least 72 hours prior to any surface disturbing activities so staff can locate the individual cacti and either cover them with milk crates, or rope off as an avoidance area, to prevent any accidental impact. Within 24 hours of completion of the proposed work the BLM shall be notified so that mitigation materials can be removed from the site.

Figure 1 identifies the cleared and recommended work areas. An on-the-ground preconstruction meeting with the BLM, the holder and their construction crew will be required to identify the appropriate work area for cacti conservation. If plants are impacted, work will cease immediately until BLM and U.S. Fish and Wildlife Service can visit the site and assess the damage and determine an appropriate course of action.

NAME OF PREPARER: Linda Reed June 19, 2013

NAME OF ENVIRONMENTAL COORDINATOR: /s/ Bruce Krickbaum

DATE: 6/24/13

COMPLIANCE WITH NEPA

The Proposed Actions are categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E(12) and E(20). 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.

SIGNATURE OF AUTHORIZED OFFICIAL: /s/ Barbara Sharrow
Barbara Sharrow,
Uncompahgre Field Office, Field Manager

DATE SIGNED: 7/1/13

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 Linda Reed, Realty 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 Barney Buria, Environmental Protection 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 and maintain the authorized facility

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 facilities 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
Bottlebrush squirreltail or Indian Ricegrass	<u>4</u>
Total	8 lbs/acre PLS

- 15. Open trenches and construction holes should be filled at the end of each work day. If this cannot be avoided, open trenches and holes shall be covered overnight. Covers shall be secured in place and shall be strong enough to prevent wildlife and humans from falling through.
- 16. 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.

17. The holder is required to notify the Uncompahgre Field Office, BLM, at least 72 hours prior to any surface disturbing activities so staff can locate the individual cacti and either cover them with milk crates, or rope off as an avoidance area, to prevent any accidental impact. Within 24 hours of completion of the proposed work the BLM shall be notified so that mitigation materials can be removed from the site.
18. Exhibit D identifies both the biologically cleared and authorized work areas. An on-the-ground preconstruction meeting with the BLM, the holder and their construction crew will be required to identify the appropriate work area for cacti conservation. If plants are impacted, work will cease immediately until BLM and U.S. Fish and Wildlife Service can visit the site and assess the damage and determine an appropriate course of action.
19. (Stipulation applies only to TransCo's TUP) All construction of the Cathodic Protection System shall be within the authorized limits of the permanent 50-foot right-of-way and the Temporary Use Permit granted herein. The holder shall clearly flag the exterior boundaries of the temporary work area, prior to any surface disturbing activities, in order to identify the location and limits of the additional work space. At a minimum the four corners of the temporary work space shall be staked or flagged.

**U.S. Department of the Interior
Bureau of Land Management
Uncompahgre Field Office
2465 South Townsend Avenue
Montrose, CO 81401**

Decision Record

(DOI-BLM-CO-S050-2013-0028 CX)

DECISION:

It is my decision to amend the TransCo and DMEA grants to allow TransCo to install a cathodic protection system within their existing gas transmission pipeline ROW and allow DMEA to provide permanent electric power to the system. The pipeline is located immediately adjacent to Tri-State Generation's two transmission powerlines and is approximately 9 miles northwest of Delta. Existing routes used by the utility companies will be used to access the project area.

The ROWs will include the following:

TransCo: COC-51280 - A TUP will be issued to TransCo for 6 months to allow them enough room outside of their existing right-of-way for equipment turnaround. All other work for installation of the cathodic protection system will be done within their existing ROW. The area needed is 150' long and 25' wide, containing 0.086 acres.

DMEA: COC-36677 will be amended to include an additional buried segment 60' long and 25' wide, containing 0.034 acres. The existing buried powerline is located between Tri-State's two transmission lines and the new segment will be buried across one of the transmission line ROWs to tie into the TransCo pipeline.

The TUP to Transco will be issued under the Mineral Leasing Act (MLA) for 6 months. DMEA's existing ROW expires in November 2013, therefore an amendment and renewal will be issued under FLPMA for 30 years. Both ROWs have the right of renewal and will be subject to the attached stipulations, see Exhibit A.

MITIGATION MEASURES:

All stipulations shown in Exhibit A of the CX will be followed.

RATIONALE:

The Proposed Actions are categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, Numbers E(12) and E(20). 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 Resource Management Plan.

PUBLIC COMMENT:

The BLM informed the public about this project by listing it on the online Uncompahgre Field Office NEPA Register and a copy of the completed Categorical Exclusion 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).

NAME OF PREPARER: Linda Reed

NAME OF ENVIRONMENTAL COORDINATOR: /s/ Bruce Krickbaum

DATE 6/24/13

SIGNATURE OF AUTHORIZED OFFICIAL Barbara Sharrow
Barbara Sharrow
Field Manager
Uncompahgre Field Office

DATE SIGNED 7/1/13