

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

Categorical Exclusion

DOI-BLM-CO-SO50-2014-0010

May 2014

Overhead Powerline to Serve Private Property

*Location: approximately 3 miles east of Naturita
in western Mailbox Park
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-S050-2014-0010

CASEFILE: COC-76362

PROJECT NAME: Overhead Powerline to Serve Private Property

PLANNING UNIT: San Juan/San Miguel Resource Management Unit

LEGAL DESCRIPTION: New Mexico Principal Meridian, Colorado,
T. 46 N., R. 15 W., Sec. 22.

APPLICANT: San Miguel Power Association (SMPA)

DESCRIPTION OF PROPOSED ACTION: The proposed action is to issue a right-of-way to SMPA to construct, operate and maintain a 7.2 kv overhead powerline. The project is located approximately 3 miles east of Naturita and in the very western edge of Mailbox Park.

The single-pole powerline right-of-way would be approximately 2532 feet long, 20 feet wide and contain 1.163 acres. At angle points along the alignment, additional area is needed for anchors that would be located 40 feet from centerline of the right-of-way. The project would consist of 8 wooden poles on public land. Access to the right-of-way would utilize existing roads to the extent possible and then be overland access along the right-of-way. A new access road would not be constructed.

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. SMPA'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: San Juan/San Miguel Resource Management Unit

Date Approved: September 1985

Decision Number/Page: Emphasis Area G, General Natural Resource Management, page 47

Decision Language: Allow land actions to occur with appropriate stipulations.

CATEGORICAL EXCLUSION REVIEW: The proposed action qualifies as a categorical exclusion under 516 DM 11.9, Number E(17) which allows granting of a short right-of-way for utility service to an individual residence. 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> </u> | <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> </u> | <u> X </u> |
| 3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources. | <u> </u> | <u> X </u> |
| 4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. | <u> </u> | <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> </u> | <u> X </u> |
| 6. Be directly related to other actions with individually insignificant but cumulatively significant environmental effects. | <u> </u> | <u> X </u> |
| 7. Have adverse effects on properties listed, or eligible for listing, in the National Register of Historic Places. | <u> </u> | <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> </u> | <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> </u> | <u> X </u> |
| 10. Have the potential for a disproportionately high and adverse effect on low income or minority populations. | <u> </u> | <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> </u> | <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> </u> | <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, Native American Religious Concerns |
| Ken Holsinger | Biologist | T&E and Migratory Birds |

REMARKS:

Cultural Resources: The proposed powerline ROW was inventoried by the BLM archaeologist on January 21, 2014 with negative results. There are no known or anticipated National Register or otherwise eligible historic properties within this ROW 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: There are no threatened or endangered species (i.e. listed under the Endangered Species Act), that inhabit or derive important use from the project area.

Migratory Birds: To minimize impacts on migratory bird populations, it is recommended that no surface disturbing activities occur from May 15 through July 15. This timeframe encompasses the core breeding season for the majority of migratory birds in the project area. Project activities shall retain and avoid modifying identified cavity trees, snags, and perches in the project area.

NAME OF PREPARER: Linda Reed, May 12, 2014

NAME OF ENVIRONMENTAL COORDINATOR: /s/ Bruce Krickbaum
Bruce Krickbaum

DATE: 5/21/14

COMPLIANCE WITH NEPA

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(17). 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,
Field Manager, Uncompahgre Field Office

DATE SIGNED: 5/21/14

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 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.

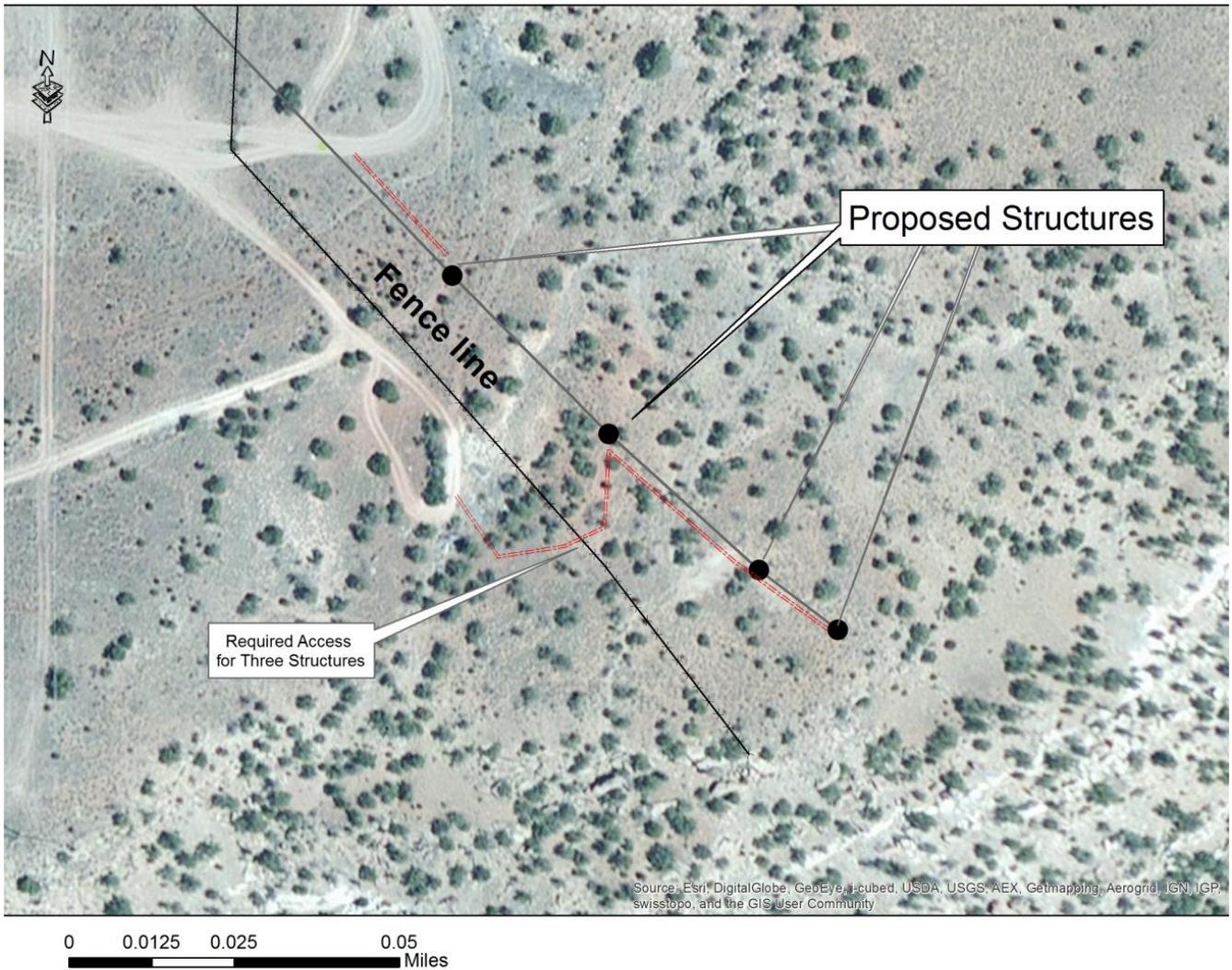
The seed shall be evenly and uniformly planted over any disturbed areas. Seed shall be broadcast and the area shall be raked or chained to cover the seed. The seeding will be repeated until a satisfactory stand is established as determined by the authorized officer. Evaluation of growth will not be made 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. 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. Unless otherwise agreed to by the authorized officer in writing, powerlines shall be constructed in accordance to standards outlined in “Suggested Practices for Avian Protection on Powerlines: The State of the Art in 2006” (Avian Power Line Interaction Committee, 2006. Available at: [http://www.aplic.org/SuggestedPractices2006\(LR-2watermark\).pdf](http://www.aplic.org/SuggestedPractices2006(LR-2watermark).pdf)). The holder shall assume the burden and expense of proving that pole designs not shown in the above publication are “eagle and raptor safe.” Such proof shall be provided by a raptor expert approved by the authorized officer. The BLM reserves the right to require modifications or additions to all powerline structures placed on this right-of-way, should they be necessary to ensure the safety of large perching birds. Such modifications and/or additions shall be made by the holder without liability or expense to the United States. All pole replacements will be brought up to this standard. For all maintenance activities that involve, but are not limited to, nest relocation or destruction, temporary possession, depredation, salvage/disposal, harassment, and scientific collection of raptors, the right-of-way holder shall provide the BLM with a copy of their current Migratory Bird Permit for those activities.
18. Typically at angles along the aerial alignment and at the final pole, guyed wires are required to anchor and stabilize the poles. The guyed wires and anchors typically require additional space outside of the designated right-of-way limits. The anchors will be located within 40 feet from centerline of the right-of-way.
19. Access to the right-of-way will utilize existing roads to the extent possible and then be overland access along the right-of-way. On the southeastern end, utilize the existing BLM road into the Mailbox Park area and the access route along the fence line, and on the northwestern end utilize the county road west of Highway 90. Upon leaving the existing roads, overland access along the powerline right-of-way will be utilized. In order to minimize recreational traffic along the southeastern end, the holder shall utilize the existing access route along the fence line as shown on Map 1, below, to access the two poles leading out to the mesa point. This will require cutting the existing grazing allotment fence which will need to be repaired by the holder upon construction and reclamation of the powerline.

Map 1



20. 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.
21. To minimize impacts on migratory bird populations, it is recommended that no surface disturbing activities occur from May 15 through July 15. This timeframe encompasses the core breeding season for the majority of migratory birds in the project area. Project activities shall retain and avoid modifying identified cavity trees, snags, and perches in the project area.

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Uncompahgre Field Office
2465 South Townsend Avenue
Montrose, CO 81401**

Decision Record

(DOI-BLM-CO-S050-2014-0010 CX)

PROJECT NAME: Overhead Powerline to Serve Private Property

DECISION: It is my decision to issue a right-of-way to SMPA to construct, operate and maintain a 7.2 kv overhead powerline to provide permanent power to a residence. The project is located approximately 3 miles east of Naturita.

The right-of-way is approximately 2532 feet long, 20 feet wide and encumbers 1.163 acres. At angles along the powerline alignment additional area is needed for anchors which will be located 40 feet from centerline of the right-of-way. The project consists of 8 new single wood poles on the public land. Access to the right-of-way will utilize existing roads to the extent possible and then be overland access along the right-of-way. A new access road is not authorized to be constructed.

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. The facility is recognized under the Rural Electrification Act and is rental exempt.

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(17). 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 San Juan/San Miguel 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).

NAME OF PREPARER: Linda Reed

NAME OF ENVIRONMENTAL COORDINATOR: /s/ Bruce Krickbaum
Bruce Krickbaum

DATE 5/21/14

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

DATE SIGNED 5/21/14