

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

Categorical Exclusion

DOI-BLM-CO-SO50-2013-0003

November 2012

Cloud Seeding Station

*Location: approximately 13 miles northwest of Delta
Delta 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-S050-2013-0003

CASEFILE: COC-75707

PROJECT NAME: Cloud Seeding Station

PLANNING UNIT: Uncompahgre Basin Resource Management Unit

LEGAL DESCRIPTION: 6th Principal Meridian, Colorado,
T. 14 S., R. 97 W., Sec. 4, Lot 2.

APPLICANT: City of Grand Junction, CO

DESCRIPTION OF PROPOSED ACTION:

The proposed action is to issue a right-of-way to the City of Grand Junction to install, operate and maintain a cloud seeding station. The project is a collaboration including such entities as the states of Colorado, Utah, Arizona, Nevada, and California; local communities surrounding the Grand Mesa; Delta County; the City of Grand Junction and the Water Enhancement Authority. The project would benefit those using water from the Colorado River including the State of Colorado and the City of Grand Junction. The proposed site is located approximately 13 miles northwest of Delta, east of Highway 50 and about ½ mile south of the Delta County line.

The site would be similar to fourteen existing stations located along the north, west and south flanks of the Grand Mesa; with the first station installed in 1990. The project would entail the following: the equipment and a 40 gallon tank containing the cloud seeding solution would be enclosed within a trailer. The trailer would provide secondary containment of the 40 gallon tank. A 10' high tower with the burner device attached at the top would be mounted on top of the trailer. Guyed wires would be used to secure the tower to the trailer and the trailer to the ground. A solar panel and battery would be used to power the station. Propane is used to heat the cloud seeding solution. By using a 1000 gallon propane tank it should only be necessary once every three years to fill the tank. See attached photo of a similar station.

Access to the site would be approximately 5.1 miles on an existing road on public land. The station would be located approximately 160 feet from the access road and would be accessed cross-country. No new access routes would be constructed. Installation of the station would require approximately one day and entail towing the trailer and propane tank in by pickup truck, securing the trailer and tower with guyed wires, and establishing cell phone communication at

the station. Ground leveling should not be required since the site is flat, but rocks in the immediate area would need to be moved. The station is remotely operated and would require one site visit at the beginning of each season to fill the acetone solution tank. Occasional maintenance may require additional visits to the site each season. After installation of the station access from Highway 50 to the site would primarily use ATVs to the extent possible, with the exception of filling the propane tank every 3rd season. The propane truck would remain on the existing access road and would use a hose to fill the propane tank.

The cloud seeding station would be authorized as a 60' x 40' site; approximately 0.055 acres. The cross-country access would be 160' long and 12 feet wide; approximately 0.044 acres. Total acres of new disturbance for the site and cross-country access would be approximately 0.1 acre. The existing access road is approximately 5.1 miles long and 20 feet wide; approximately 12.364 acres.

The City's cloud seeding permit allows them to seed storms from November 1st through April 30th. The City prefers to keep the station at the site year-around to minimize jarring of the equipment on the rocky access road; however, it could be removed from the site at the end of each season and re-deployed at the start of the next season if needed.

The right-of-way would be issued under FLPMA for 30 years with the right of renewal and would be subject to the attached stipulations, see Exhibit A. As a local government the city is rental exempt per 43 CFR 2806.14 (b).

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-1, Livestock grazing, wildlife habitat, recreation and woodlands, page 143

Decision Language: Lands cases generated by other agencies, individuals and entities 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(17) which allows for grant of a short right-of-way for utility service, terminal access road, outbuilding or water well (site and cross-country access) and Number E(12) grants of right-of-way wholly within the boundaries of other compatibly developed rights-of-way (existing access road). 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
Chad Meister	Air Resource Scientist	Air Quality
Alan Kraus	HazMat Coordinator	Solid and Hazardous Wastes

REMARKS:

Air Quality: The acetone used in the cloud seeding solution is not a listed VOC in accordance with EPA's determination. The burner would produce negligible quantities of criteria and greenhouse gas pollutants, on the order of a small household or less.

Hazardous Materials: The design of the unit provides adequate security and excellent secondary containment for potential spills of the acetone/naphthalene/silver iodide solution. The proposed site further minimizes any damage from releases of chemicals from the equipment. Mitigation over and above standard right-of-way stipulations should not be necessary.

Cultural Resources: The project area was examined for Cultural Resources on October 22, 2012 by the BLM Archaeologist with negative results. There are no known or anticipated National Register or otherwise eligible historic properties in the project area 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:

A survey for the federally threatened Colorado Hookless Cactus (*Sclerocactus glaucus*) was conducted around approximately 40 acres of the project site in suitable habitat. The survey was conducted on October 17, 2012 and no cacti individuals or populations were observed within 200 meters of the project site. Based on the results of the survey and lack of cacti within 200 meters of the proposed action there would be "no effect" to the federally threatened Colorado Hookless Cactus. No other federally listed species are known to inhabit or derive important use of the proposed project area.

Survey was also conducted for potential raptor nest sites and no nest locations were observed within the same 40 acre survey block.

The project is within the Uncompahgre River watershed.

- The project may have occurrences of and may have impacts to the following BLM sensitive species: Spotted bat, Townsend's big-eared bat, fringed myotis, midget-faded rattle snake, milksnake.
- The project contains special habitat for and may have impacts to elk.
- The project may have occurrences of and may have impacts to Migratory Bird species.

NAME OF PREPARER:

Linda Reed

November 7, 2012

NAME OF ENVIRONMENTAL COORDINATOR: /s/ Bruce Krickbaum

DATE: 11-13-12

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) and 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.

SIGNATURE OF AUTHORIZED OFFICIAL: /s/ Barbara Sharrow

Barbara Sharrow,
Uncompahgre Field Office, Field Manager

DATE SIGNED: 11-14-12

STIPULATIONS

1. The holder and/or its subcontractor shall contact the authorized officer at least two days prior to the anticipated start of installation and/or surface disturbing activities on the right-of-way. 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 install, operate, and maintain the facilities, improvements and structures within this right-of-way in conformance with the terms, conditions and stipulations of this right-of-way. 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 installation, operation and maintenance shall be within the authorized limits of the right-of-way granted herein.
11. All brush, grasses, woody material and rocks cleared from the right-of-way shall be removed from the public land and not scattered on site; unless the debris can be used to camouflage and secure the station from view from the access road in a natural looking manner.
12. No burning of trash, litter, trees, brush or other vegetative material shall be allowed under this grant.

13. No installation 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 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.
14. The holder shall disturb and remove only the minimum amount of soils, rocks and vegetation necessary for the installation, operation, and maintenance of the cloud seeding station. Any disturbed topsoil shall be conserved during installation and reused as cover on disturbed areas to facilitate regrowth of vegetation.
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. The holder shall obtain and comply with all State and Federal permit requirements, regulations and resolutions.
16. Any fuel or cloud seeding solution spills shall be immediately contained and reported to the authorized officer, and copies of characterization and remediation spill data and reports shall be filed within two days. Spill reporting, containment and cleanup shall occur immediately and be removed to the nearest approved landfill. Releases of hazardous substances or fuels during operation shall be contained and disposed in accordance with State and Federal regulations.
17. The BLM right-of-way serial number (COC-75707) shall be posted on the station. It is recommended a current emergency telephone number be provided on the sign.
18. If seeding is required at the site, the holder shall seed all disturbed areas using an agreed upon seed mix and method suitable for the location. Seeding shall be repeated if a satisfactory stand is not obtained as determined by the authorizing officer upon evaluation after the second growing season.
19. Access: Access to the site from Highway 50 utilizes an existing road on public land, see Exhibit C. Installation and removal of the station requires cross-country access from the road to the site. The cross-country access is approximately 160 feet long and 12 feet wide. No new access routes shall be constructed. After installation of the station, access from the highway to the site will primarily use ATVs to the extent possible with the exception of filling the propane tank. The propane truck will remain on the existing access road using a hose to fill the propane tank.
20. The cloud seeding station may remain at the site throughout the term of the authorization. However, if determined necessary the station may be removed from the site at the end of each season (April 30th) and re-deployed each year prior to the beginning of the season (November 1st).
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 protect wintering big game and crucial habitats, no surface disturbing¹ activities shall occur from December 1 through April 30. Exceptions or variances to this restriction will be considered and evaluated according to UFO policies².
22. To minimize impacts on migratory bird populations, it is recommended that no surface disturbing¹ 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.
23. To protect roosting bats, where applicable, limit activities to existing disturbance to the extent possible and avoid cutting, damaging, or removing trees. Where vegetation treatment is necessary or proposed, retain and avoid modifying identified cavity trees and other hibernacula in the project area.
24. To protect sensitive reptiles, to the extent possible, observed reptiles will be avoided by treatment activities and will not be intentionally harmed. Additionally, to the extent possible, project activities will avoid disturbing known or potential hibernacula.

¹ *Surface disturbance*- includes, but is not limited to, vegetation clearing/ removal, drilling, dirt work, surface blasting, or similar activities; if it is uncertain whether a particular activity qualifies as surface disturbance, the operator shall consult with the BLM authorized officer prior to implementation

² Exceptions and variances to standard restrictions and protection measures must be requested in writing to the BLM authorized officer. Such requests are evaluated on a case-by-case basis and may be granted depending on animal or herd status, topographic characteristics, site context, weather severity, and other factors, provided species and habitats are adequately protected. Any modifications to prescribed restrictions, and the rationale behind those decisions, will be documented in the project case file(s). In some cases, site characteristics and/or conditions may warrant expanding buffer distances to ensure adequate protection of species.

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

Decision Record

(DOI-BLM-CO-S050-2013-0003 CX)

PROJECT NAME: Cloud Seeding Station

DECISION: It is my decision to issue a right-of-way to the City of Grand Junction to install, operate and maintain a cloud seeding station. The project will benefit those using water from the Colorado River including the State of Colorado and the City of Grand Junction. The proposed site is located approximately 13 miles northwest of Delta, east of Highway 50 and about ½ mile south of the Delta County line.

The project will entail the following: the station equipment and a 40 gallon tank containing the cloud seeding solution will be enclosed within a trailer. The trailer will provide secondary containment of the 40 gallon tank. A 10' high tower with the burner device attached at the top will be mounted on top of the trailer. Guyed wires will be used to secure the tower to the trailer and the trailer to the site. A solar panel and battery will be used to operate the station. Propane is used to heat the cloud seeding solution; by using a 1000 gallon propane tank it should only be necessary once every three years to fill the tank.

Access to the site will be approximately 5.1 miles along an existing road on public land. The station will be located approximately 160' off the existing access road and will be accessed cross-country. No new access routes will be constructed. The station is remotely operated but will require 1 site visit at the beginning of each season to fill the acetone solution tank. Occasional maintenance may require an additional 1 to 2 visits to the site each season. Once the station is installed access from Highway 50 to the site will primarily use ATVs to the extent possible, with the exception of the truck filling the propane tank every 3rd season. The propane truck will remain on the existing access road and will use a hose to fill the propane tank. The City's cloud seeding permit allows them to seed storms from November 1st through April 30th.

The cloud seeding station will be authorized as a 60' x 40' site; approximately 0.055 acres. The cross-country access route will be approximately 160' long and 12 feet wide; approximately 0.044 acres. Total acres of new disturbance for the site and cross-country access route will be approximately 0.1 acre. The existing access road is approximately 5.3 miles long and 20 feet wide; approximately 12.364 acres.

The right-of-way will be issued under FLPMA for 30 years with 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 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) and 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).

NAME OF PREPARER: Linda Reed

NAME OF ENVIRONMENTAL COORDINATOR: /s/ Bruce Krickbaum

DATE 11-13-12

SIGNATURE OF AUTHORIZED OFFICIAL /s/ Barbara Sharrow

Barbara Sharrow
Field Manager
Uncompahgre Field Office

DATE SIGNED 11-14-12