

**U.S. Department of the Interior
Bureau of Land Management
White River Field Office
220 E Market St
Meeker, CO 81641**

CATEGORICAL EXCLUSION

NUMBER: DOI-BLM-CO-110-2011-0065-CX

CASEFILE/PROJECT NUMBER: COCs 0 59394, 0 65586, 30131, 30136, 30368, 30369, 30756, 30771, 30772, 30838, 34012, 34159.

PROJECT NAME: Renewal of Moon Lake Power Lines

LEGAL DESCRIPTION: Sixth Principal Meridian, Colorado,

COC 0-59394: T. 2 N., R. 99 W.,
sec. 5, lots 5-8;
sec. 6, lots 18 and 21, NWNE, and SENW.
T. 3 N., R. 99 W.,
sec. 33, lots 29, 31, and 33, and SESE;
sec. 34, S2SW.
T. 2 N., R. 100 W.,
sec. 1, SENE, NWSE, and N2SW;
sec. 2, NESE, S2SE, and S2SW;
sec. 3, lot 38 and SESE;
sec. 7, lot 8, N2SE, and E2SW;
sec. 8, lots 2 and 17, and N2SW;
sec. 9, lots 1 and 4, SWNE, and S2NW;
sec. 10, NWNE and N2NW.
T. 1 N., R. 101 W.,
sec. 4, NENE, W2NE, SENW, and N2SW;
sec. 5, S2SE and NESE;
sec. 7, lot 3, SENE, NESW, and NWSE;
sec. 8, NWNE and NW;
sec. 12, SESW and S2SE;
sec. 13, N2NW;
sec. 14, lots 1, 5, 7, and 8, N2NE, and SENW;
sec. 23, lots 1, 3, and 4, and SWSW;
sec. 26, W2NW;
sec. 27, Lot 13;
sec. 33, Lot 15;
sec. 34, Lot 1 and 12.
T. 1 N., R. 102 W.,

- sec. 11, N2S2;
sec. 12, N2S2.
- COC 0-65586: T. 2 N., R. 102 W.,
sec. 6, lot 1, SENE, and E2SE;
sec. 15, SESE;
sec. 22, E2E2;
sec. 27, E2E2;
sec. 34, E2NE;
sec. 35, lot 6 and SWNW.
T. 3 N., R. 102 W.,
sec. 8, NWSE and E2SE;
sec. 17, E2NE;
sec. 20, SWNE and E2SE;
sec. 21, W2NW;
sec. 29, E2NE, SWNE, SESW, and W2SE;
sec. 31, SESE;
sec. 32, E2NW, SWNW, and W2SW.
- COC-30131: T. 1 S., R. 101 W.,
sec. 19, E2SE;
sec. 20, NWSW;
sec. 30 N2.
- COC-30136: T. 2 S., R. 101 W.
sec. 4, SESW and SWSE.
- COC-30368: T. 2 N., R. 101 W.,
sec. 2, lots 3 and 4, E2SE_{NW}, NENE_{SW}, and W2W2SE;
sec. 3, lots 1 to 4, SWNW, and NWSW;
sec. 4, NESESE;
sec. 11, lots 2 to 4 and 8.
- COC-30369: T. 2 S., R. 101 W.,
sec. 33, SWNW.
- COC-30756: T. 3 S., R. 101 W.,
sec. 18, N2NE.
- COC-30771: T. 2 N., R. 102 W.,
sec. 23, N2SW.
- COC-30772: T. 4 S., R. 102 W.,
sec. 21, NW.
- COC-30838: T. 3 N., R. 103 W.,
sec. 6, SWSE;
sec. 7, NWNE.
- COC-34012: T. 5 S., R. 103 W.,
sec. 24, W2.

COC-34159: T. 5 S., R. 103 W.,
sec. 34, N2NWNW.

APPLICANT: Moon Lake Electric

DESCRIPTION OF PROPOSED ACTION: Moon Lake Electric Association Inc, (Moon Lake) has requested the renewal of twelve existing power line rights-of-way. Review of the files shows that there have been no environmental concerns, the grants are in good standing, and are being used for the authorized purpose.

COC	Size Kv	width	length	area
0 59394	138Kv	100'	105,850'	243.0 acres
0 65586	Variable	50'	48,650'	55.84 acres
30131	7.2Kv	20'	6,760'	3.104 acres
30136	7.2Kv	20'	719'	0.33 acres
30368	Variable	20'	17,958'	8.25 acres
30369	7.2Kv	20'	342'	0.16 acres
30756	7.2Kv	20'	426'	0.20 acres
30771	Variable	20'	1,403'	0.64 acres
30772	7.2Kv	20'	315'	0.14 acres
30838	Variable	20'	776'	0.36 acres
34012	7.2Kv	20'	2,500'	1.15 acres
34159	7.2Kv	20'	300'	0.14 acres
TOTALs	Variable	Variable	185,999'	313.314 acres

The Stipulations and Conditions of Approval will be brought forward from the original grant. Standardized renewal stipulations will also be attached.

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: White River Record of Decision and Approved Resource Management Plan (ROD/RMP).

Date Approved: July 1, 1997

Decision Number/Page: 2-49

Decision Language: To make public lands available for the siting of public and private facilities through the issuance of applicable land use authorizations, in a manner that provides for reasonable protection of other resources values.

CATEGORICAL EXCLUSION REVIEW: The Proposed Action qualifies as a categorical exclusion under 516 DM 11.9, Number (E-9) "*Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations*".

The Proposed Action has been reviewed with the list of extraordinary circumstances described in the table below. This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. None of the following exceptions in 516 DM 2, Appendix 2, apply.

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

INTERDISCIPLINARY REVIEW:

The Proposed Action was presented to, and reviewed by the White River Field Office interdisciplinary team on 02/22/2011. A list of resource specialists who participated in this review is available upon request from the White River Field Office.

REMARKS:

Cultural Resources: The proposal to renew existing rights-of-way involving no new ground disturbance, even within the Canyon Pintado National Historic District, CPNHD – 5RB.984, should not result in any new impacts to any known cultural resources. The proposal is administrative in nature and authorizes no new disturbances. (MRS 3/9/2001)

Native American Religious Concerns: No Native American Religious Concerns are known in the area, and none have been noted by Northern Ute tribal authorities. Should recommended inventories or future consultations with Tribal authorities reveal the existence of such sensitive properties, appropriate mitigation and/or protection measures may be undertaken. (MRS 3/9/2011)

Threatened and Endangered Wildlife Species: There are no wildlife-related issues or concerns associated with the Proposed Action as it does not involve any additional surface disturbance. (LRB 03/03/11)

Threatened and Endangered Plant Species: There are no special status plant species concerns. (MLD 04/08/2011).

MITIGATION:

1. Any proposal involving surface disturbance, such as replacement, maintenance, or expansion, requires an application to the BLM for analysis, and authorization. New stipulations for construction would be applied to projects subject to the regulations and policies exist at the time of authorization.
2. The holder shall take such soil and resource conservation and protection measures, including weed control, on the land covered by the right-of-way as the United States representative in charge of such lands may request.
3. The holder shall monitor all disturbed and reclaimed areas through final abandonment for the presence of invasive, non-native, and/or noxious plant species resulting from the Proposed Action. The applicant will be responsible for eradication of noxious weeds that occur as a result of the Proposed Action.
4. All authorized users of public lands are expected to know and comply with regulations governing the storage, handling, application (including licensing of applicators), and disposal of hazardous substances. Application of herbicides must be under field

supervision of an Environmental Protection Agency (EPA) certified pesticide applicator. Herbicides must be registered by the EPA and application proposals must be approved by the BLM.

5. The operator is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are uncovered during any project or construction activities, the operator is to immediately stop activities in the immediate area of the find that might further disturb such materials, and immediately contact the authorized officer (AO). Within five working days the AO will inform the operator as to:
 - whether the materials appear eligible for the National Register of Historic Places
 - the mitigation measures the operator will likely have to undertake before the site can be used (assuming in situ preservation is not necessary)
 - a timeframe for the AO to complete an expedited review under 36 CFR 800-11 to confirm, through the State Historic Preservation Officer, that the findings of the AO are correct and that mitigation is appropriate.

If the operator wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the AO will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the operator will be responsible for mitigation cost. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction.

6. Pursuant to 43 CFR 10.4(g) the holder of this authorization must notify the AO, 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.
7. The operator is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for disturbing or collecting vertebrate fossils, collecting large amounts of petrified wood, or collecting fossils for commercial purposes on public lands. If significant paleontological resources are discovered during surface disturbing actions or at any other time, the operator or any of his agents must stop work immediately at the site, immediately contact the appropriate BLM representative, typically the project inspector or Authorized Officer (AO), and make every effort to protect the site from further impacts, including looting, erosion, or other human or natural damage.

The BLM or designated paleontologist will evaluate the discovery and take action to protect or remove the resource within 10 working days. Work may not resume at that location until approved by the official BLM representative.

If the operator wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the AO will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, significant delays may occur while the AO enacts mitigation procedures. The operator may elect to contract an approved paleontologist to execute site mitigations in order to expedite proceedings. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction.

8. As a reasonable and prudent right-of-way holder, acting in good faith, the holder will report all emissions or releases that may pose a risk of harm to human health or the environment, regardless of a substance's status as exempt or nonexempt and regardless of fault, to the Bureau of Land Management's White River Field Office at (970) 878-3800.
9. As a reasonable and prudent right-of-way holder, acting in good faith, the holder will provide for the immediate clean-up and testing of air, water (surface and/or ground) and soils contaminated by the emission or release of any substance that may pose a risk of harm to human health or the environment, regardless of that substance's status as exempt or non-exempt. Where the holder fails, refuses or neglects to provide for the immediate clean-up and testing of air, water (surface and/or ground) and soils contaminated by the emission or release of any quantity of a substance that poses a risk of harm to human health or the environment, the Bureau of Land Management's White River Field Office may take measures to clean-up and test air, water (surface and/or ground) and soils at the holder's expense. Such action will not relieve the holder of any liability or responsibility.
10. Prior to the abandonment of the lands authorized by this grant, the holder shall contact the Authorized Officer to arrange a joint inspection of the right-of-way. The inspection will be held to agree on an acceptable abandonment and rehabilitation plan. The Authorized Officer must approve the plan in writing prior to the holder commencing any abandonment and/or rehabilitation activities. The plan may include removal of drainage structures or surface material (e.g., gravel), recontouring, replacement of topsoil, seeding, mulching, etc.

COMPLIANCE PLAN (optional): On-going compliance inspections and monitoring of drilling, production and post-production activities will be conducted by White River Field Office staff during construction of well pads, access roads, and pipelines. Specific mitigation developed in the associated Categorical Exclusion and the lease terms and conditions will be followed. The Operator will be notified of compliance related issues in writing, and depending on the nature of the issue(s), will be provided 30 days to resolve such issues.

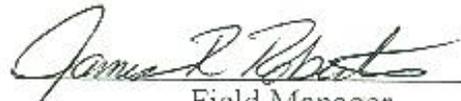
NAME OF PREPARER: Jeanne E. Newman

NAME OF ENVIRONMENTAL COORDINATOR: Heather S. Sauls

DECISION AND RATIONALE: I have reviewed this CX and have decided to approve the Proposed Action.

This action is listed in the Department Manual as an action that may be categorically excluded. I have evaluated the action relative to the 12 criteria listed above and have determined that it does not represent an exception and is, therefore, categorically excluded from further environmental analysis.

SIGNATURE OF AUTHORIZED OFFICIAL:


Field Manager

DATE SIGNED: 6/13/2011

ATTACHMENTS: None.