

**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-110-2011-0117-CX

CASEFILE/PROJECT NUMBER: COC74923

PROJECT NAME: Authorization of Existing ROW

LEGAL DESCRIPTION: Sixth Principal Meridian, Colorado
T. 3 N., R. 96 W.,
sec. 3, lot 5.
T. 4 N., R. 96 W.,
sec. 34, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
sec. 36, lot 6.

APPLICANT: White River Electric Association, Inc. (WREA)

DESCRIPTION OF PROPOSED ACTION: WREA was issued right-of-way (ROW) COC39373 on March 14, 1985 for an overhead power line to serve Keystone Ranch. The existing overhead 7.2-kV distribution power line was built in 1958. The ROW expired on April 13, 1998 and WREA was never issued a renewal for the ROW. The ROW continues to be in operation, and WREA has applied for re-authorization of the existing ROW. The power line ROW is 2,230 feet long, 20 feet wide, and contains approximately 1.02 acres. The new ROW case file will be serialized as COC74923.

No new construction is authorized by this action and standard renewal stipulations and applicable terms and conditions of original grant COC39373 shall be carried forward.

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: 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 resource values.”

CATEGORICAL EXCLUSION REVIEW: The Proposed Action qualifies as a categorical exclusion under 516 DM 11.9, Number (E-12) “*Grants of right-of-way wholly within the boundaries of other compatible developed rights-of-way*”.

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 43 CFR 46.215 apply.

Exception	YES	NO
1. Have significant adverse effects on public health and safety.		X
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.		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. Be directly related to other actions with individually insignificant but cumulatively significant environmental effects.		X
7. Have adverse effects on properties listed, or eligible for listing, in the National Register of Historic Places.		X
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.		X

Exception	YES	NO
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.		X
10. Have the potential for a disproportionately high and adverse effect on low income or minority populations.		X
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.		X
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.		X

INTERDISCIPLINARY REVIEW:

The Proposed Action was presented to, and reviewed by the White River Field Office interdisciplinary team on May 24, 2011. A list of resource specialists who participated in this review is available upon request from the White River Field Office.

REMARKS:

Cultural Resources: Examination of the case files at WRFO indicates that the power line was originally constructed in 1958, prior to historic preservation legislation, specifically the National Historic Preservation Act (NHPA) of 1966. The line is in existence and no new work on the ground is anticipated. Renewing the ROW in itself will have no new impacts to cultural resources. (MRS 6/23/2011)

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 6/22/2011)

Paleontological Resources: The power line passes through two geologic formations. The Wasatch (Tweto 1979), which the BLM WRFO has classified as a PFYC 5 formation, is known to produce scientifically noteworthy fossils (c.f. Armstrong and Wolny 1989). The line also passes through the undifferentiated Green River formation (Tweto 1979), which is generally classified as a PFYC 4 formation, as many of its elements produce scientifically noteworthy fossil resources (c.f. Armstrong and Wolny 1989).

Renewing the ROW does not, in and of itself, present a threat to paleontological resources. There should be no new impacts to fossil resources from renewal of the ROW with attached stipulations. (MRS 6/23/2011)

Threatened and Endangered Wildlife Species: There are no wildlife-related issues or concerns associated with authorization of an existing right-of-way. The Proposed Action will not have any foreseeable impacts to terrestrial or aquatic wildlife populations or important habitats. (LRB 06/14/11)

Threatened and Endangered Plant Species: No threatened plant populations are known within 600 meters of the Proposed Action. Because no new surface disturbance will be associated with this project, the Proposed Action is expected to have no impact on threatened plant populations or habitats. (MET 5/31/2011)

REFERENCES:

Armstrong, Harley J. and David G. Wolny
1989 Paleontological Resources of Northwest Colorado: A Regional Analysis. Museum of Western Colorado, Grand Junction, Colorado.

Tweto, Ogden
1979 Geologic Map of Colorado. United States Geologic Survey, Department of the Interior, Reston, Virginia.

MITIGATION: All applicable terms, conditions, and stipulations contained in original ROW grant COC39373 (Exhibit B) shall be carried forward and remain in full force and effect. The following mitigation will also apply:

1. The holder 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 holder 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 holder as to:

- whether the materials appear eligible for the National Register of Historic Places
- the mitigation measures the holder 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 holder 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 holder 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 holder will then be allowed to resume construction.

2. 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.

3. The holder is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for knowingly disturbing paleontological sites, or for collecting fossils. If fossil materials are uncovered during any project or construction activities, the holder 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 holder as to:

- whether the materials appear to be of noteworthy scientific interest
- the mitigation measures the holder will likely have to undertake before the site can be used (assuming in situ preservation is not feasible)

If the holder 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 holder 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 holder will then be allowed to resume construction.

4. Any proposal involving additional surface disturbance outside of the authorized right-of-way 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 existing at the time of authorization.

COMPLIANCE PLAN: On-going compliance inspections and monitoring will be conducted by White River Field Office staff. Specific mitigation developed in the associated Categorical Exclusion and the right-of-way terms and conditions will be followed. The holder will be notified of compliance related issues and will be provided an appropriate period to resolve such issues.

NAME OF PREPARER: Stacey Burke

NAME OF ENVIRONMENTAL COORDINATOR: Heather 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:

07/07/11

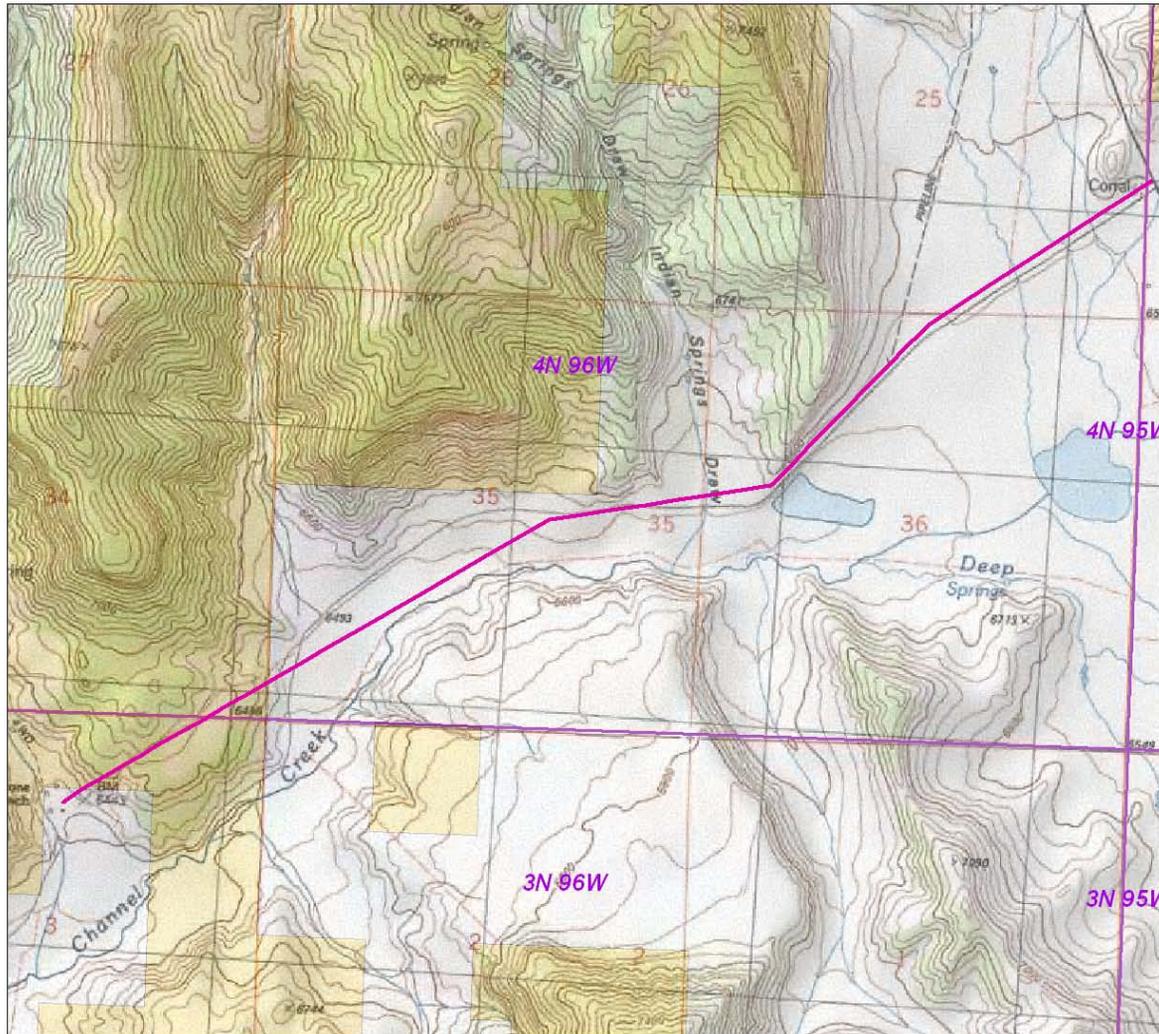
ATTACHMENTS:

Exhibit A - Map of Proposed Action

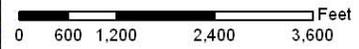
Exhibit B – Stipulations contained in original ROW grant COC39373

Overhead Power Line ROW
 T. 3 N., R. 96 W. and T. 4 N., R. 96 W.

EXHIBIT A



- COC0072
- BLM
- CDW
- County
- FOR
- NPS
- PRI
- STA
- FLS_S_Townshp_OCD02008

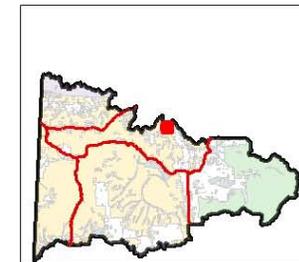


Sources:
 BLM, USGS, CDOW, etc.

Disclaimer:
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May 2011



STIPULATIONS

Exhibit B
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1. The Holder shall immediately bring to the attention of the Authorized Officer any and all antiquities or other objects of historic or scientific interest including, but not limited to, historic or prehistoric ruins or artifacts discovered as a result of operations under this right-of-way grant. The Holder shall immediately suspend all activities in the area of the object and shall leave such discoveries intact until told to proceed by the Authorized Officer. Approval to proceed will be based upon evaluation of the cultural significance of the object. Evaluation shall be by a qualified professional selected by the Authorized Officer from a Federal agency insofar as practicable. When not practicable, the Holder shall bear the cost of the services of a non-Federal professional. The Holder shall follow the mitigation requirements set forth by the Authorized Officer concerning protection, preservation or disposition of any sites or material discovered. In those situations where the Authorized Officer determines that data recovery and/or salvage excavations are necessary, the Holder shall bear the cost of such data recovery and/or salvage operations.

2. The Holder shall comply with the applicable Federal and State laws and regulations concerning the use of pesticides (i.e., insecticides, herbicides, fungicides, rodenticides, and other similar substances) in all activities and/or operations under this right-of-way grant. The Holder shall obtain from the Authorized Officer approval of a written plan prior to the use of such substances. The plan must provide for the type and quantity of material to be used; the pest, insect, fungus, etc., to be controlled; the method of application, the location for storage and disposal of containers; and other pertinent information that the Authorized Officer may require. The plan should be submitted no later than December 1 of any calendar year to cover the proposed activities for the next fiscal year.

If need for emergency use of pesticides is identified, the use must be approved by the Authorized Officer. The use of substances on or near the right-of-way area shall be in accordance with the approved plan. A pesticide shall be used only in accordance with its registered uses and without other limitations if the Secretary of the Interior has not imposed restrictions. A pesticide shall not be used if the Secretary has prohibited its use. Pesticides shall not be permanently stored on public lands authorized for use under this right-of-way grant.

3. 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.

4. The Holder shall be fully liable to the United States for any damage or injury incurred by the United States in connection with the use and occupancy of the right-of-way area by the Holder, its employees, contractors or employees of the contractors.

5. The Holder shall be fully liable for injuries or damages to third parties resulting from activities or facilities on lands under Federal jurisdiction in which the damage or injury occurred. The Holder shall fully indemnify the United States for liability, damage or claims arising in connection with the Holder's use and occupancy of the right-of-way area.
6. In the construction, operation, maintenance and termination of the facilities authorized by this grant, the Holder shall not discriminate against any employee or applicant for employment because of race, creed, color, sex or national origin. All subcontractors shall include an identical provision.
7. If any fossils are discovered during construction, the Holder shall cease construction immediately and notify the Authorized Officer so as to determine the significance of the discovery.
8. The Holder shall notify and secure approval from the Authorized Officer 24 hours prior to the start of any surface disturbing maintenance activity.
9. Prior to 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; recontouring; replacement of topsoil; seeding, mulching, etc.
10. Annual or noxious weeds shall be controlled on all disturbed areas as directed by the White River Resource Area Manager. Method of control shall be by an approved mechanical method or an Environmental Protection Agency (EPA) registered herbicide. All herbicide application proposals must be under direct field supervision of an EPA certified pesticide applicator.
11. The Holder shall promptly remove and dispose of all waste caused by its activities as directed by the Authorized Officer. The term "waste" as used herein means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, petroleum products, ashes, and equipment. Wastes shall be disposed of in a sanitary landfill, unless otherwise approved by the Authorized Officer.
12. The Holder shall protect existing pipelines, roads, trails, communication lines, powerlines, fences, ditches and like improvements during operation, maintenance, and termination of the system. The Holder shall not obstruct any road or trail without prior approval of the Authorized Officer. Damage cause by the Holder to public utilities and/or private improvements shall be promptly repaired by the Holder to a condition which is satisfactory to the Authorized Officer.

13. All vehicular traffic required to maintain these facilities will be contained within the right-of-way and along existing roads. Vehicular traffic will be restricted to "casual use", meaning activities that involve practices which do not ordinarily cause any appreciable disturbance or damage.
14. The Authorized Officer reserves the right, throughout the term of this grant, to further condition the Holder and prescribe additional practices to ensure adequate protection of the site's resources.
15. All activity shall cease when soils or road surfaces become saturated to a depth of 3 inches, unless otherwise approved by the Authorized Officer.
16. In coordination with the Authorized Officer, the Holder shall apply acceptable soil stabilization practices and install erosion control features where needed along the right-of-way.
17. Where deemed necessary, due to loss of raptors or other large birds by electrocution, the Authorized Officer may require the Holder to modify this facility so that it conforms with Rural Electrification Association (REA) standards and with Raptor Research Foundation, Bulletin #4; "Suggested Practices for Raptor Protection on Powerlines...The State of the Art in 1981:", published and distributed by the Raptor Research Foundation, C/O Dept. of Veterinary Biology, University of Minnesota, St. Paul, Minnesota 55101.