

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-110-2012-0033-CX

CASEFILE/PROJECT NUMBER: COC36310 and COC39357B

PROJECT NAME: Renewal of WREA Power Line ROWs

LEGAL DESCRIPTION: Sixth Principal Meridian, Colorado

T. 1 S., R. 95 W.,
sec. 2, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$ SW $\frac{1}{4}$;
sec. 11, W $\frac{1}{2}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$;
sec. 14, NW $\frac{1}{4}$ NW $\frac{1}{4}$. } COC36310

T. 2 N., R. 98 W.,
sec. 1, lots 21 and 28;
sec. 12, lot 3. } COC39357B

APPLICANT: White River Electric Association, Inc.

DESCRIPTION OF PROPOSED ACTION: White River Electric Association, Inc. (WREA) has submitted an application for renewal of two power line rights-of-way (ROWs): COC36310 and COC39357B (see Exhibit A). No additional disturbance is authorized by this action, and all applicable terms and conditions of the original ROW grants shall be carried forward and remain in full force and effect.

COC36310: The buried and overhead power lines cross BLM lands to serve the Kendall Peak communication site (located on private land). The original grant that was issued on October 6, 1982, was for a buried 7.2-kV distribution power line. The original ROW was 8,800 feet long, 10 feet wide, and contained 2.2 acres. On August 25, 2009, the ROW was amended to include an overhead 7.2-kV distribution power line, and the ROW was amended to a width of 25 feet. The ROW for the buried and overhead power lines is 8,800 feet long, 25 feet wide, and contains approximately 5.05 acres.

COC39357B: The Smizer Gulch/Down River Tap power line serves an irrigation pump. This power line is currently inactive; however, WREA anticipates that the landowner may request the line be re-energized in the future. The overhead 7.2-kV distribution power line was constructed in 1972. ROW COC39357B was issued on May 14, 1985. The ROW is 3,050 feet long, 20 feet wide, and contains approximately 1.4 acres.

PLAN CONFORMANCE REVIEW: The Proposed Action is subject to and has been reviewed for conformance with (43 CFR 1610.5-3, BLM 1601.08) 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, E9: “*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 (43 CFR 46.215) described in the table below.

Extraordinary Circumstance	YES	NO
a) Have significant adverse effects on public health and safety.		X
b) 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
c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.		X
d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
g) 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

Extraordinary Circumstance	YES	NO
h) 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
i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		X
j) Have a disproportionately high and adverse effect on low income or minority populations		X
k) 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
l) 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 1/10/2012. A complete list of resource specialists who participated in this review is available upon request from the White River Field Office. The table below lists resource specialists who provided additional remarks concerning cultural resources and special status species.

Name	Title	Resource	Date
Michael Selle	Archaeologist	Cultural Resources, Native American Religious Concerns	3/14/2012
Lisa Belmonte	Wildlife Biologist	Special Status Wildlife Species	1/26/2012
Zoe Miller	Ecologist	Special Status Plant Species	5/1/2012

REMARKS:

Cultural Resources: ROW COC36310: The power line route has been inventoried at the Class III (100 Percent) pedestrian level (Conner and Davenport 2009, compliance dated 8/17/2009) with no cultural resources identified in the right-of-way. There would be no long term irrecoverable impacts to cultural resources from renewing the ROW.

ROW COC39357B: Renewing the ROW does not involve any new ground disturbing activities; therefore, there is very little likelihood that there would be any impacts to any cultural resources that might be present. It is not anticipated that there would be any long term cumulative impacts to cultural resources from renewing the ROW.

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.

Paleontological resources: ROW COC36310: The right of way crosses two formations, the Parachute Creek formation and the Douglas Creek formation (Tweto 1979), which the BLM WRFO has classified as Potential Fossil Yield Classification (PFYC) 5 and PFYC 4 formations, respectively. These classifications indicate that the formations are known to produce scientifically noteworthy fossil resources (c.f., Armstrong and Wolny 1989). As there is no new ground disturbance associated with renewing the ROW, there will be no new impacts to fossil resources and no long term cumulative loss of scientific data from renewing the ROW.

ROW COC39357B: This power line is located entirely within an area generally mapped as the Wasatch formation (Tweto 1979) which the BLM WRFO has classified as a PFYC 5 formation, meaning it is known to produce scientifically noteworthy fossil resources (c.f., Armstrong and Wolny 1989). If there are no new ground disturbing activities associated with the right-of-way renewal, there would be no new impacts to fossil resources along this power line route. There are no anticipated cumulative or irreversible impacts to fossil resources associated with renewing the ROW.

Special Status Wildlife Species: The Proposed Action does not involve the removal/disturbance of vegetative communities nor activities considered behaviorally disruptive to local wildlife populations. The White River corridor, however, is the hub of year-round bald eagle activity in the WRFO and power lines located in close proximity to the river present a potential electrocution hazard. The Smizer Gulch/Down River Tap (COC39357B) closely parallels the White River floodplain and, due to its installation in 1972, may not be fitted with more modern designs that most effectively reduce the risk of raptor electrocution. Prior to energizing this inactive line, the power poles must conform to most current raptor protection guidelines as presented in “*Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006*” (Avian Power Line Interaction Committee 2006).

Special Status Plant Species: There are no special status plant species issues or concerns associated with the Proposed Action.

REFERENCES CITED:

- Armstrong, Harley J., and David G. Wolny
1989 Paleontological Resources of Northwest Colorado; A Regional Analysis. Museum of Western Colorado, Grand Junction, Colorado.
- Avian Power Line Interaction Committee (APLIC). 2006. Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006. Edison Electric Institute, APLIC, and the California Energy Commission. Washington, D.C. and Sacramento, CA

Conner, Carl E., and Barbara J. Davenport

2009 Class III Cultural Resources Inventory for the Proposed Kendal Peak Overhead 7.2 – kV Single-Phase power Line in Rio Blanco County, Colorado for White River Electric Association. Grand River Institute, Grand Junction, Colorado. (09-11-29: SHPO #RB.LM.R1189)

Tweto, Ogden

1979 Geologic map of Colorado. United States Geologic Survey, Department of the Interior, Reston, Virginia.

MITIGATION:

1. All applicable terms, conditions, and stipulations contained in original ROW grants COC36310 and COC39357B and any amendments shall be carried forward and remain in full force and effect.
2. At least 90 days 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. The inspection will result in the development of an acceptable termination and rehabilitation plan submitted by the holder. This plan shall include, but is not limited to, removal of facilities, drainage structures, and 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.
3. The holder shall conduct all activities associated with the operation and termination of the right-of-way within the authorized limits of the right-of-way.
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.
5. The holder shall monitor all disturbed and reclaimed areas through final abandonment for the presence of invasive, non-native, and/or noxious plant species. The applicant will be responsible for eradication of noxious weeds that occur on site using materials and methods approved in advance by the Authorized Officer.
6. The holder 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 (over 25 lbs./day, up to 250 lbs./year), or collecting fossils for commercial purposes on public lands.
7. If any paleontological resources are discovered as a result of operations under this authorization, the holder or any of his agents must stop work immediately at that site, immediately contact the BLM Paleontology Coordinator, and make every effort to protect the

site from further impacts, including looting, erosion, or other human or natural damage. Work may not resume at that location until approved by the AO. The BLM or designated paleontologist will evaluate the discovery and take action to protect or remove the resource within 10 working days. Within 10 days, the operator will be allowed to continue construction through the site, or will be given the choice of either (a) following the Paleontology Coordinator's instructions for stabilizing the fossil resource in place and avoiding further disturbance to the fossil resource, or (b) following the Paleontology Coordinator's instructions for mitigating impacts to the fossil resource prior to continuing construction through the project area.

8. Prior to energizing the Smizer Gulch/Down River Tap (COC39357B), power pole design and any equipment that constitutes a raptor electrocution hazard must conform to most current raptor protection guidelines as presented in "*Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006.*"

COMPLIANCE PLAN: On-going compliance inspections and monitoring will be conducted by the BLM White River Field Office staff during and after construction. Specific mitigation developed in this document will be followed. The holder will be notified of compliance related issues, and depending on the nature of the issue(s), will be provided 30 days to resolve such issues.

NAME OF PREPARER: Stacey Burke

NAME OF ENVIRONMENTAL COORDINATOR: Heather Sauls

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, E9. 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 43 CFR 46.215 apply.

SIGNATURE OF AUTHORIZED OFFICIAL:



Field Manager

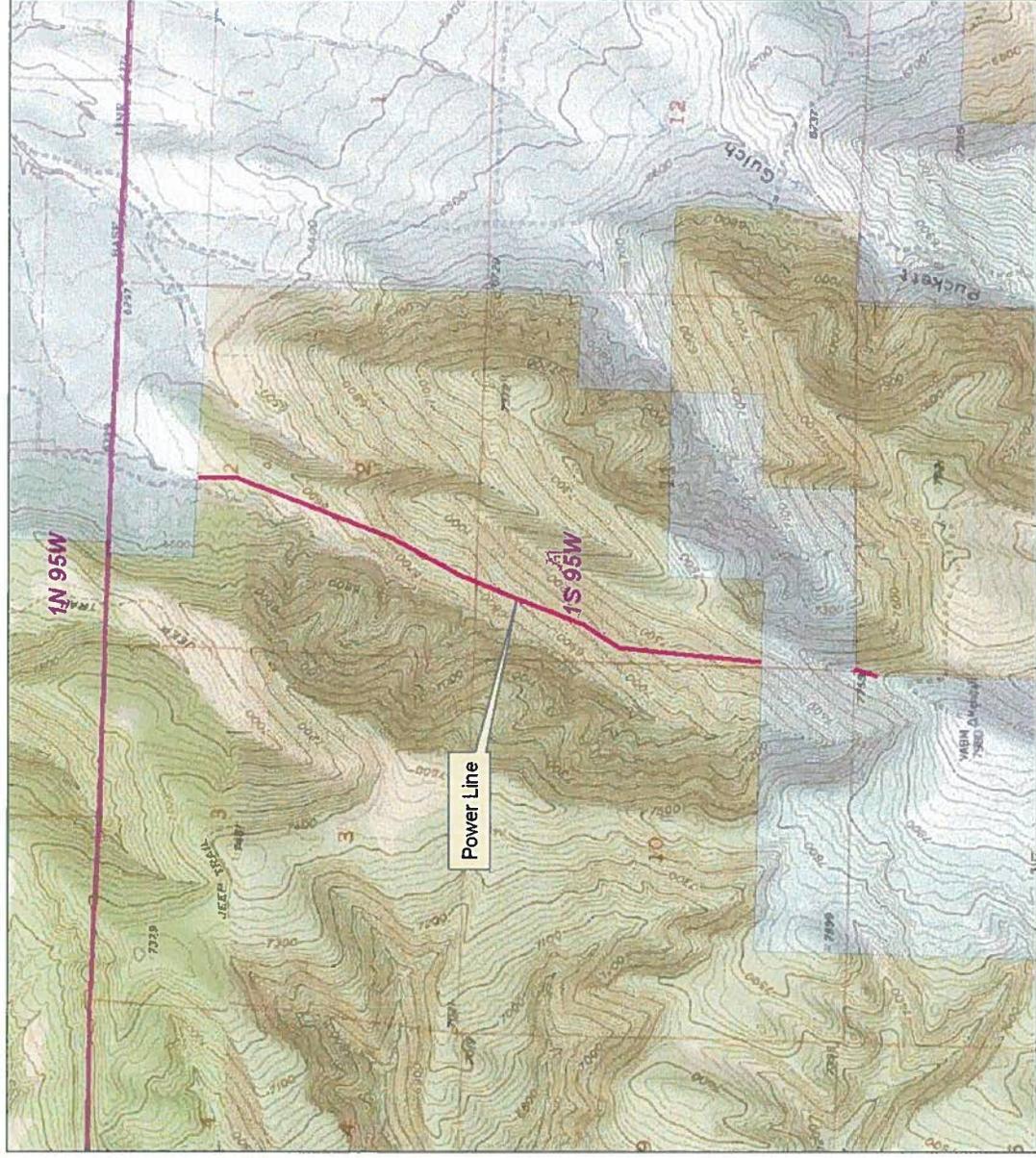
DATE SIGNED:

07/16/12

ATTACHMENTS: Exhibit A - Maps of Proposed Action

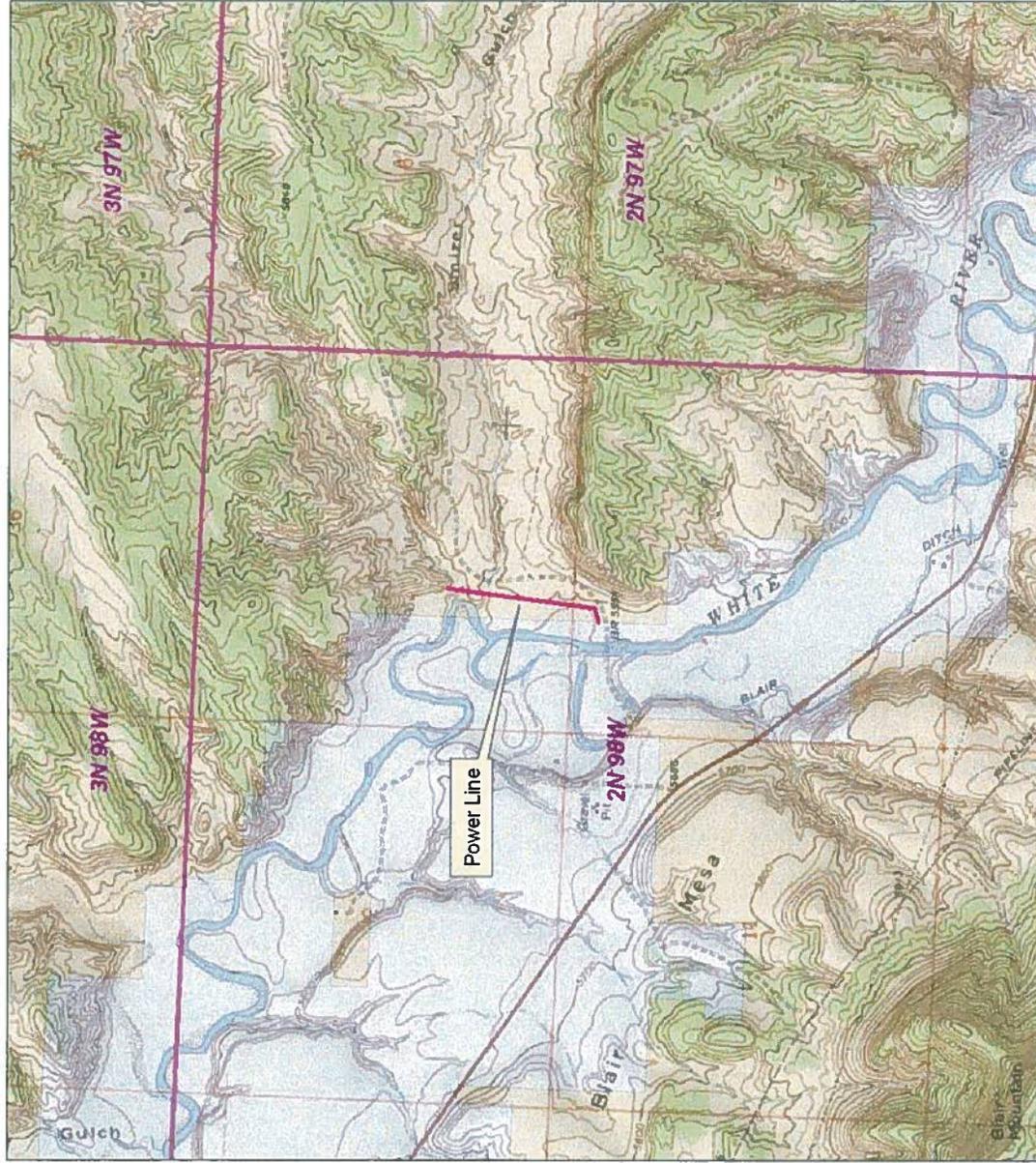
Renewal of Power Line ROW COC36310 T. 1 S., R. 95 W.

EXHIBIT A



Renewal of Power Line ROW COC39357B
T. 2 N., R. 98 W.

EXHIBIT A



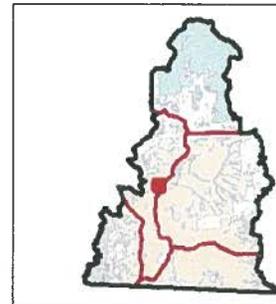
- COC39357B
- BLM
- CDW
- County
- FOR
- NPS
- PR
- STA
- PLSS_Township_CO39357B



Source:
BLM, USFS, COOW, etc.
Although the data processed in this map is the most current available, it has not been independently verified by the BLM. No warranty is made by the BLM for the use of this data for purposes other than those intended by the BLM. The user assumes all liability for any use of this data for purposes other than those intended by the BLM. The user assumes all liability for any use of this data for purposes other than those intended by the BLM.



January 2012



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

DECISION RECORD

PROJECT NAME: Renewal WREA Power Line ROWs

CATEGORICAL EXCLUSION NUMBER: DOI-BLM-CO-2012-0033-CX

DECISION

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-2012-0033-CX, authorizing the renewal of rights-of-way COC36310 and COC39357B in order to continue operation and maintenance of the power lines.

Mitigation Measures

1. All applicable terms, conditions, and stipulations contained in original ROW grants COC36310 and COC39357B and any amendments shall be carried forward and remain in full force and effect.
2. At least 90 days 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. The inspection will result in the development of an acceptable termination and rehabilitation plan submitted by the holder. This plan shall include, but is not limited to, removal of facilities, drainage structures, and 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.
3. The holder shall conduct all activities associated with the operation and termination of the right-of-way within the authorized limits of the right-of-way.
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.
5. The holder shall monitor all disturbed and reclaimed areas through final abandonment for the presence of invasive, non-native, and/or noxious plant species. The applicant will be responsible for eradication of noxious weeds that occur on site using materials and methods approved in advance by the Authorized Officer.
6. The holder 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 (over 25 lbs./day, up to 250 lbs./year), or collecting fossils for commercial purposes on public lands.

7. If any paleontological resources are discovered as a result of operations under this authorization, the holder or any of his agents must stop work immediately at that site, immediately contact the BLM Paleontology Coordinator, and make every effort to protect the site from further impacts, including looting, erosion, or other human or natural damage. Work may not resume at that location until approved by the AO. The BLM or designated paleontologist will evaluate the discovery and take action to protect or remove the resource within 10 working days. Within 10 days, the operator will be allowed to continue construction through the site, or will be given the choice of either (a) following the Paleontology Coordinator's instructions for stabilizing the fossil resource in place and avoiding further disturbance to the fossil resource, or (b) following the Paleontology Coordinator's instructions for mitigating impacts to the fossil resource prior to continuing construction through the project area.

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COMPLIANCE WITH LAWS & CONFORMANCE WITH THE LAND USE PLAN

This decision is in compliance with the Endangered Species Act and the National Historic Preservation Act. It is also in conformance with the 1997 White River Record of Decision/Approved Resource Management Plan.

PUBLIC INVOLVEMENT

The BLM informed the public about this project by listing it on the online WRFO NEPA Register on 1/12/2012 and a copy of the completed Categorical Exclusion will be posted on the WRFO website.

RATIONALE

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E9. 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 43 CFR 46.215 apply.

ADMINISTRATIVE REMEDIES

This decision shall take effect immediately upon the date it is signed by the Authorized Officer and shall remain in effect while any appeal is pending unless the Interior Board of Land Appeals issues a stay (43 CFR 2801.10(b)). Any appeal of this decision must follow the procedures set forth in 43 CFR Part 4. Within 30 days of the decision, a Notice of Appeal must be filed in the office of the Authorized Officer at White River Field Office, 220 East Market St., Meeker, CO 81641 with copies sent to the Regional Solicitor, Rocky Mountain Region, 755 Parfet St., Suite

151, Lakewood, CO 80215, and to the Department of the Interior, Board of Land Appeals, 801 North Quincy St., MS300-QC, Arlington, VA, 22203. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals at the above address within 30 days after the Notice of Appeal is filed with the Authorized Officer.

SIGNATURE OF AUTHORIZED OFFICIAL: 
Field Manager

DATE SIGNED: 07/16/12