

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-110-2013-0081-CX

CASEFILE/PROJECT NUMBER: COC0107451 and COC37764

PROJECT NAME: White River Electric Power Line Renewals

LEGAL DESCRIPTION: Sixth Principal Meridian, Colorado

T. 2 N., R. 93 W.,
sec. 6, lot 7 and SE $\frac{1}{4}$ SW $\frac{1}{4}$;
sec. 7, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ NW $\frac{1}{4}$.

T. 2 N., R. 94 W.,
sec. 1, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
sec. 2, lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 3 N., R. 94 W.,
sec. 35, N $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 1 S., R. 95 W.,
sec. 2, SE $\frac{1}{4}$ NW $\frac{1}{4}$.

}
COC0107451

}
COC37764

APPLICANT: White River Electric Association, Inc.

DESCRIPTION OF PROPOSED ACTION: White River Electric Association, Inc. (WREA) has submitted applications for renewal of power line rights-of-way (ROWS) COC0107451 and COC37764 (see Exhibit A).

Right-of-way (ROW) COC0107451 was issued to Colorado-Ute on August 8, 1963 and assigned to WREA on June 22, 1989. The overhead 69-kV transmission power line from the Nine Mile Switch to the Wilson Creek Substation is 16,830 ft (3.2 miles) long and 60 ft wide. The Wilson Creek Substation is 150 ft by 140 ft. The ROW contains a total of approximately 23.66 acres.

Right-of-way COC37764 was issued to WREA on December 14, 1983. The buried 7.2-kV distribution power line is 620 ft long, 25 ft wide, and contains approximately 0.36 acres. The power line serves the Anderson stock pump.

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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. The grants for renewal of the rights-of-way would be issued for a term of 30 years.

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

Extraordinary Circumstance	YES	NO
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
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 4/30/2013. 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	5/23/2013
Laura Dixon	Wildlife Biologist	Special Status Wildlife Species	5/16/2013
Baili Foster	Biological Technician – plants	Special Status Plant Species	6/3/2013

REMARKS:

Cultural Resources: COC0107451: This power line was built before the passage of the National Historic Preservation Act of 1966 and as such, no cultural resources inventories were completed prior to its construction. Inventories on BLM administered land since the power line was built (Creasman and Hoefler 1989, compliance dated 8/22/1989; Huei, et al 2013, compliance dated 3/06/2013; Loomis 2012, compliance dated 10/2/2012) have shown that the area has many steep slopes, often in excess of 40 percent grade and is heavily vegetated, limiting ground visibility.

Prehistoric resources appear to be extremely rare (ibid) as a result. Historic resources, primarily old oil wells are seen, but their locations are also often dictated by the topography. Renewal of the power line right-of-way will not impact any sites known to be listed on the National Register of Historic Places nor will any cultural resources potentially eligible be impacted.

COC37764: The area of the proposed ROW renewal has been recently inventoried at the Class III (100 percent) pedestrian level (Collins 2006, compliance dated 7/7/2003). The power line is located in a narrow canyon with steep surrounding slopes and deep alluvial deposits in the bottom. It is very unlikely that renewing the right-of-way will impact any known cultural resources.

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: COC0107451: This power line and its ROW are located in an area that spans two formations, the Williams Fork and the Iles (Tweto 1979). The BLM has classified both formations as Potential Fossil Yield Classification (PFYC) 5 formations, meaning they are known to produce scientifically noteworthy fossil, including some dinosaurs (c.f., Armstrong and Wolny 1989). Renewal of the ROW does not authorize any new soil disturbance and therefore, is unlikely to impact any of the underlying sedimentary rock formations that might contain scientifically noteworthy fossil resources.

COC37764: The power line is located in an area generally mapped as the Douglas Creek member of the Green River formation. (Tweto 1979), which the BLM has classified as a PFYC 4 formation indicating is known to produce scientifically noteworthy fossil resources (c.f., Armstrong and Wolny 1989). However, since renewal of the ROW involves no new ground disturbing activities that might also impact the underlying sedimentary rock formation, there should be no new impacts to noteworthy fossil resources.

Special Status Wildlife Species: The only special status wildlife species that have the potential to be affected by the Proposed Action are raptor species. The existing power line located within the ROW has the potential to cause injury or mortality to raptors that may perch on the poles through electrocution. Incorporating raptor safe designs into any maintenance actions that involve pole replacement will minimize these effects.

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.

Collins, Gary D.

- 2006 A Cultural Resource Inventory of the proposed Puckett Gulch Fuel Reduction Project in Moffat (sic) County, Colorado. Bureau of Land Management, White River Field Office, Meeker, Colorado. (06-10-03: SHPO # MF.LM.R702)

Creasman, Steven D., and Ted Hoeffler III

- 1989 Texaco, Inc.; Wilson Creek Pipeline, Class III Cultural Resource Inventory. Western Wyoming Community College, Rock Springs, Wyoming. (89-12-01: SHPO # RB.LM.NR451)

Huei, Min, Nicole Darnell, Hannah Mils, and Barbara Davenport

- 2013 Class III Cultural Resources Inventory for the proposed Wilson Creek unit in Rio Blanco County, Colorado, for Chevron North America upstream Exploration and Production Company. Grand River Institute, Grand Junction, Colorado. (13-11-01: SHPO # RB.LM.R1321)

Loomis, Brian W.

- 2012 Class III Cultural Resource Inventory for the Wilson Hazard Tree Removal Project, Rio Blanco County, Colorado. Bureau of Land Management, White River Field Office, Meeker, Colorado. (12-10-20: SHPO # RB.LM.NR2320)

Tweto, Ogden

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

MITIGATION:

1. All applicable terms and conditions of original right-of-way grants COC0107451 and COC37764 are carried forward and remain in full force and effect.
2. 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.
3. 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.
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 shall notify the authorized officer at least 60 days prior to non-emergency activities that would cause surface disturbance in the right-of-way. A "Notice to Proceed" shall be required prior to any non-emergency activities that would cause surface disturbance on the right-of-way. Any request for a "Notice to Proceed" must be made to the authorized officer, who will review the Proposed Action for consistency with resource management concerns such as wildlife, big game winter range, paleontology, special status species, and cultural resource protection. The authorized officer may require the completion of special status species surveys or other resource surveys by a third party contractor at the expense of the holder. Additional measures may be required to protect special status species or other resources.

7. Most-current raptor protection guidelines would be incorporated into power line design in an attempted to prevent raptor electrocution (e.g., Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006. Avian Power Line Interaction Committee [APLIC]; 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, DC and Sacramento, CA). Where perching deterrence is not an issue, providing adequate conductor separation would be the preferred method of protection.

8. The holder is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.

9. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the AO. The holder will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The holder, under guidance from the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.

10. 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.

11. 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 holder 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.

12. Any excavations into the underlying native sedimentary stone must be monitored by a permitted paleontologist. The monitoring paleontologist must be present before the start of excavations that may impact bedrock.

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.

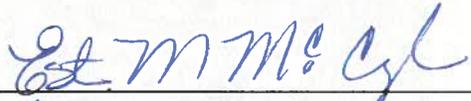
NAME OF PREPARER: Stacey Burke

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:

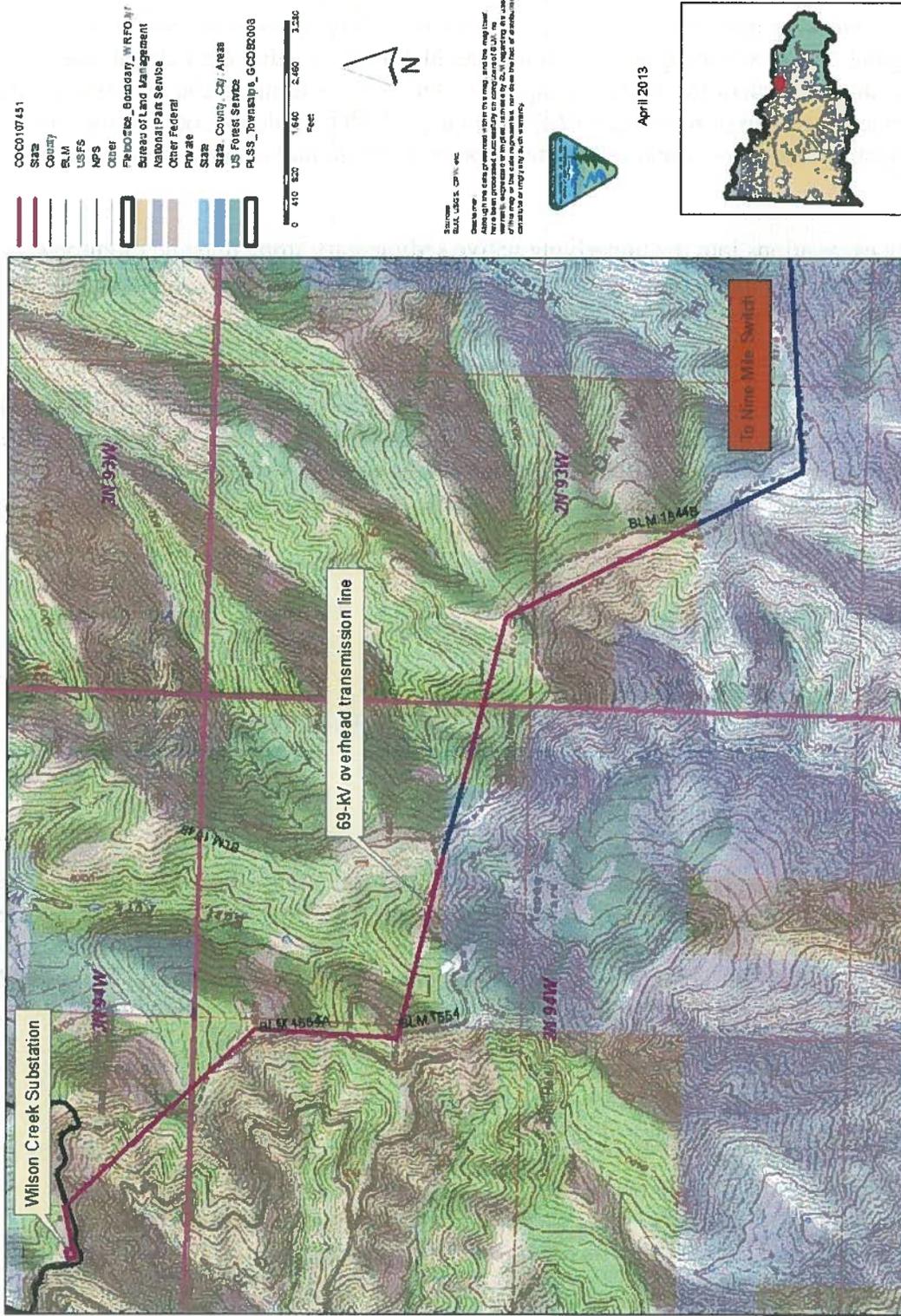

Acting Field Manager

DATE SIGNED: 7/26/13

ATTACHMENTS: Exhibit A: Maps of Proposed Action

Renewal of Power Line and Wilson Creek Substation ROW COC0107451

Exhibit A



**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: White River Electric Power Line Renewals

CATEGORICAL EXCLUSION NUMBER: DOI-BLM-CO-110-2013-0081-CX

DECISION

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-110-2013-0081-CX, authorizing the renewal of rights-of-way COC0107451 and COC37764 for continued use of the existing power lines.

Mitigation Measures

1. All applicable terms and conditions of original right-of-way grants COC0107451 and COC37764 are carried forward and remain in full force and effect.
2. 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.
3. 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.
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 shall notify the authorized officer at least 60 days prior to non-emergency activities that would cause surface disturbance in the right-of-way. A "Notice to Proceed" shall be required prior to any non-emergency activities that would cause surface disturbance on the right-of-way. Any request for a "Notice to Proceed" must be made to the authorized officer, who will

review the Proposed Action for consistency with resource management concerns such as wildlife, big game winter range, paleontology, special status species, and cultural resource protection. The authorized officer may require the completion of special status species surveys or other resource surveys by a third party contractor at the expense of the holder. Additional measures may be required to protect special status species or other resources.

7. Most-current raptor protection guidelines would be incorporated into power line design in an attempt to prevent raptor electrocution (e.g., Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006. Avian Power Line Interaction Committee [APLIC]; 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, DC and Sacramento, CA). Where perching deterrence is not an issue, providing adequate conductor separation would be the preferred method of protection.

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area.

12. Any excavations into the underlying native sedimentary stone must be monitored by a permitted paleontologist. The monitoring paleontologist must be present before the start of excavations that may impact bedrock.

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.

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 5/1/2013 and a copy of the completed Categorical Exclusion will be posted on the WRFO website.

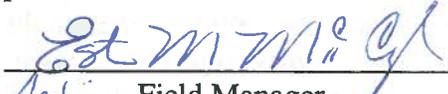
RATIONALE

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:


Acting Field Manager

DATE SIGNED: 7/26/13