

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

## CATEGORICAL EXCLUSION

### *Tri-State Meeker-Hayden 138kV Transmission Line Right-Of-Way Renewal*

**DOI-BLM-CO-N05-2015-0049-CX**

#### Identifying Information

**Project Title:** Tri-State Meeker-Hayden 138kV Transmission Line Right-Of-Way Renewal

#### Legal Description:

**WRFO:**

Sixth Principal Meridian, Colorado  
T. 1N., R. 94W.,  
sec. 20, Lot 1;  
sec. 17, Lots 1, 8, 9, 16;  
sec. 8, Lots 6, 13, 19, NE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
sec. 5, SE $\frac{1}{4}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
sec. 4, S $\frac{1}{2}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
sec. 3, Lots 7, 28 and 29;

T. 2N., R. 94W.,  
sec. 34, SW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
sec. 27, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
sec. 26, NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;

T. 2N., R. 93W.,  
sec. 9, Lot 1;

T. 3N., R. 93W.,  
sec. 33, Lot 5;

**LSFO:**

Sixth Principal Meridian, Colorado  
T. 3N., R. 93W.,  
sec. 28, Lot 11, NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
sec. 21, Lot 5, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;

T. 4N., R. 93W.,  
sec. 34, W1/2NE1/4;  
sec. 27, NE1/4SE1/4, SE1/4NE1/4, S1/2SE1/4;

T. 5N., 91R. W.,  
sec. 32, Lot 5;  
sec. 22, Lots 2, 6, 7, 11-13;

T. 6N., R. 89W.,  
sec. 29, Lot 11;

T. 6N., R. 87W.,  
sec. 18, SE1/4NE1/4.

**Applicant:** Tri-State Generation and Transmission Association, Inc.

**Casefile:** COC112682

### **Conformance with the Land Use Plan**

The Proposed Action is subject to and is in conformance (43 CFR 1610.5) with the following land use plans:

1.) **Land Use Plan:** White River Record of Decision and Approved Resource Management Plan

**Date Approved:** July 1997

**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.” (page 2-49)

2.) **Land Use Plan:** Little Snake Record of Decision and Approved Resource Management Plan

**Date Approved:** October 2011

**Decision Language:** “Allow for appropriate ROW routes and development sites, while identifying areas that will not be compatible with such use. Objectives for achieving these goals include:

- Provide access for the development of roads and trails, utilities, transmission lines, communication sites, and other uses in an environmentally responsible manner.
- Provide access for the development of oil and gas pipeline routes and other uses associated with oil and gas development in an environmentally responsible manner.” (Section 2.17 Lands and Realty/ page RMP-52)

## **Proposed Action**

### ***Project Components and General Schedule***

Tri-State Generation and Transmission Association (Tri-State) has submitted an application for the renewal of Tri-State's right-of-way (ROW) Grant COC0112682, the Meeker-Hayden 138 kilovolt (kV) transmission line, which expired in 2014. The 138 kV line from Hayden to Meeker and then on to Rifle was constructed by Colorado-Ute Electric Association, Inc. in 1963-64 with the original grant issued June 17, 1964. Tri-State came into ownership of this transmission line in 1992 upon acquiring the assets of Colorado-Ute Electric Association.

The Meeker-Hayden line runs in a southwest to northeast direction between Structure 1 at the Meeker Substation, located in Section 35, T. 1N., R. 95W., and the Hayden Substation, located at Structure 491 in Section 18, T. 6N., R. 87W., a distance of 63.9 miles. This line encompasses land in both the White River (WRFO) and Little Snake (LSFO) Field Offices of the Bureau of Land Management (BLM). It crosses BLM, private, and Colorado State lands and lies south of the Yampa River in Rio Blanco, Moffat, and Routt counties, Colorado. A plan of development for the routine maintenance and operation of the existing transmission line including needed access roads, is available for review in the case file at the BLM White River Field Office.

There are 33 structures on approximately 4.3 miles of ROW (51.7 acres) that are located on lands managed by the LSFO, and 36 structures on approximately 4.6 miles of ROW (55.5 acres) on the WRFO. This totals approximately 8.9 miles and 107.2 acres on BLM lands. These existing structures are wood pole H-frame and three-pole angle structures. They are about 50-85 feet tall with 15.5-foot spacing between the poles in the structure. The average spacing between the structures is 750 feet, with about 7 structures per mile of line. The current configuration of the transmission line meets the current avian protection standards (Avian Power Line Interaction Committee, Edison Electric Institute and California Energy Commission 2006).

Routine operations and maintenance would occur throughout the life of the grant. Routine maintenance includes road maintenance, vegetation management, inspection and testing, treatment of poles with preservative, and replacement of faulty parts or equipment. Activities normally would be conducted within the footprint of the existing roads and ROW, and during daylight hours in the normal 5-day work week. In the event of an outage or other emergency, the work may continue outside of the normal work hours. Transmission line poles are tested for structural integrity at least every 16 years, with an average of every 10 years. The poles for this line were tested in 2013, resulting in 22 poles being replaced in 2014. Additional poles on this line would likely be replaced over the next several years, based on future test results.

The original grant, authorized an 80-foot ROW, but a 100-foot ROW width is standard and necessary for safe electrical clearance distances for this size transmission line. Tri-State has identified 4.1 miles of roads across BLM lands needed to operate the line, 2.7 miles on the LSFO and 1.4 miles on the WRFO. The running surface of these roads is 10-16-foot wide, with a 30-foot-wide ROW for improvements. Therefore, a ROW width of 100 feet for the transmission line and 30 feet for access roads is requested. The ROW, including the transmission line and the roads, would contain approximately 122.1 acres. The ROW would be renewed for a term of 30 years. No additional disturbance is authorized by this action, and all applicable terms and conditions of the original ROW grant shall be carried forward and remain in full force and effect.

## ***BLM Required Terms and Conditions to Mitigate Impacts to Cultural and Paleontological Resources***

1. The applicant 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.
2. 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 applicant 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 applicant, under guidance of 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.
3. Pursuant to 43 CFR 10.4(g), the applicant must notify the AO, by telephone and 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), the operator must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.
4. The applicant 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 or other scientifically-important fossils, collecting large amounts of petrified wood (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands.
5. If any paleontological resources are discovered as a result of operations under this authorization, the applicant 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.
6. The holder shall notify the AO at least 60 days prior to non-emergency activities that would cause surface disturbance in the ROW or TUP. The BLM will determine if a cultural resource inventory, treatment, or mitigation is required.

## 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 the bureau.		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 4/21/2015 and the Little Snake Field Office team on 5/18/2015. 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 review or remarks concerning cultural resources and special status species.

Name	Title	Resource	Date
Brian Yaquinto	Archaeologist	Cultural Resources, Native American Religious Concerns	5/1/2015
Lisa Belmonte	Wildlife Biologist	Special Status Wildlife Species	5/6/2015
Matthew Dupire	Ecologist	Special Status Plant Species	6/10/2015
Keesha Cary	Realty Specialist	Project Lead	7/24/2015
Heather Sauls	Planning and Environmental Coordinator	NEPA Compliance	8/31/2015

**Cultural Resources:** The 2014 state protocol agreement between the Colorado BLM and the State Historic Preservation Officer (SHPO) exempts rights-of-way renewals, where there are no upgrades or surface disturbances, from further consideration under Section 106 of the National Historic Preservation Act (NHPA). No further cultural resource work is required for the proposed action; however, future non-emergency activities that would cause surface disturbance in the ROW or TUP will be subject to compliance under Section 106 of the NHPA, which may require additional cultural resource inventory, treatment, or mitigation.

**Native American Religious Concerns:** No Native American religious concerns are known in the area, and none have been noted by 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.

**Threatened and Endangered Wildlife Species:** There are no threatened or endangered animal species that are known to inhabit or derive important use from the project area. There are no additional wildlife-related issues or concerns associated with the Proposed Action.

**Threatened and Endangered Plant Species:** There are no threatened or endangered plants that are known to inhabit or derive use in the project area. There are no additional special status plant concerns associated with the Proposed Action.

## Mitigation

1. All applicable terms, conditions, and stipulations contained in the original ROW grant and any amendments shall be carried forward and remain in full force and effect. No new construction is authorized.
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 existing right-of-way disturbance 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 holder 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. Additional measures may be required to protect special status species or other resources.

### **Tribes, Individuals, Organizations, or Agencies Consulted**

None.

### **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.

Kent R. Walter

Field Manager

08/31/2015

Date

# Appendix A. Figures

Figure 1.

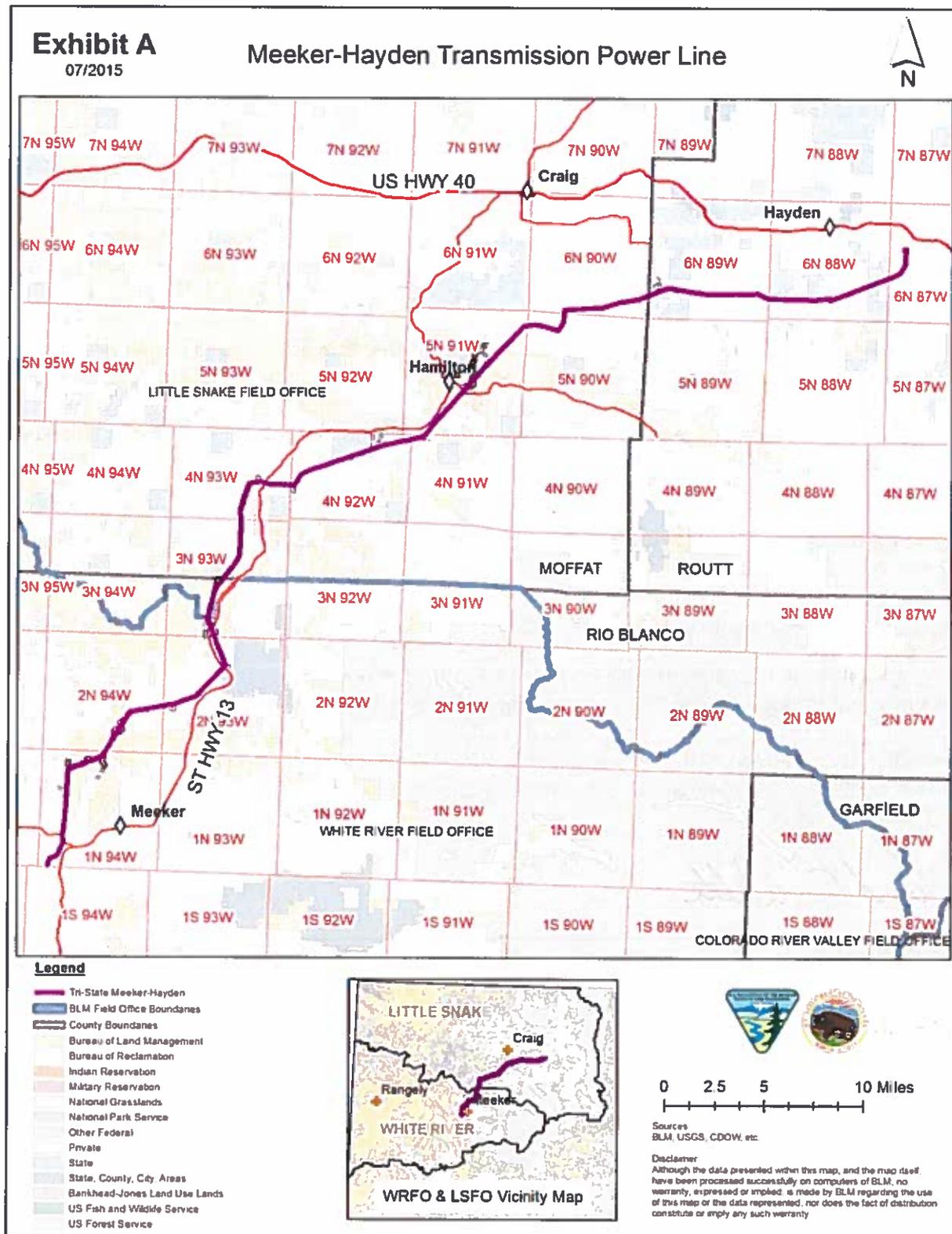


Figure 2.

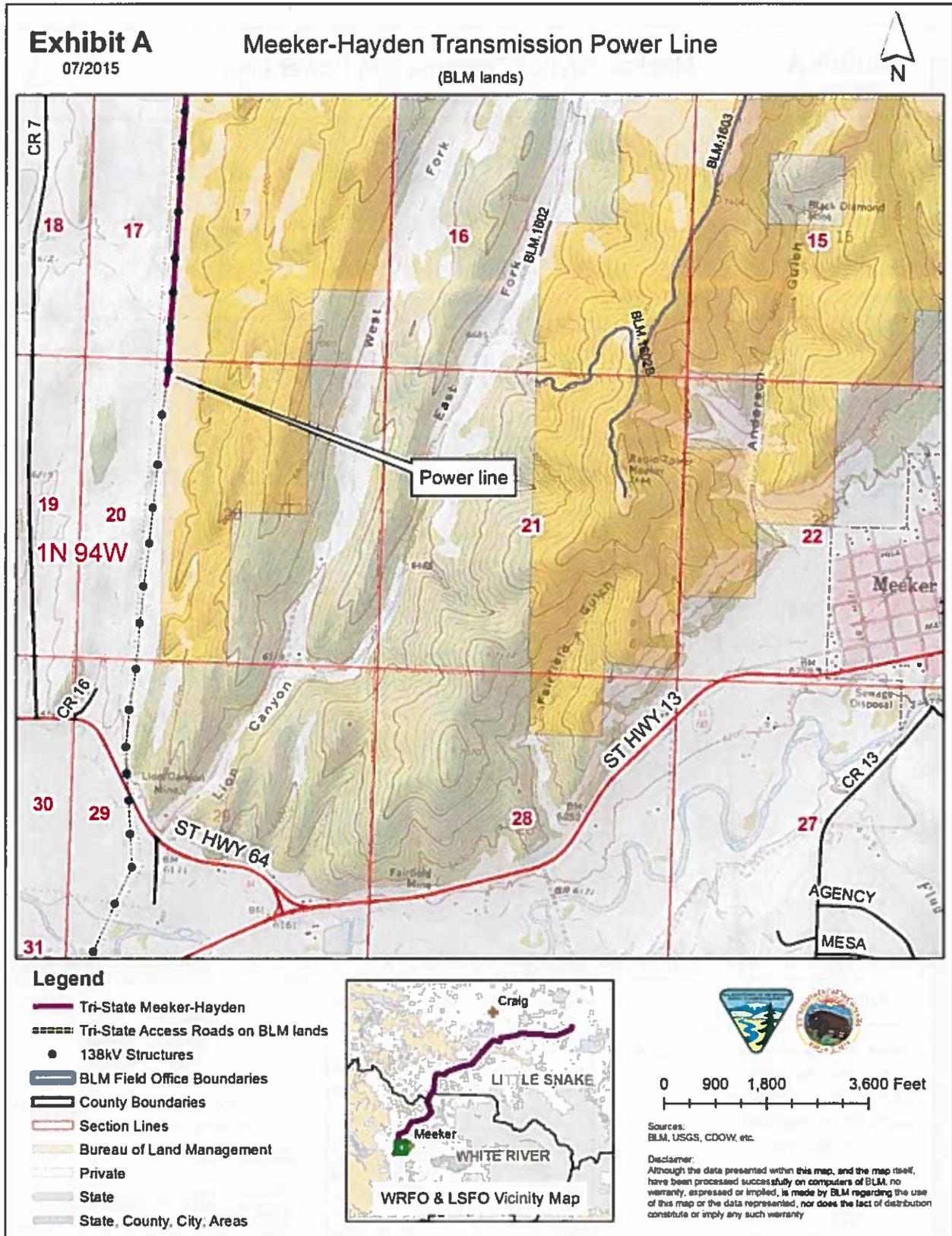


Figure 3.

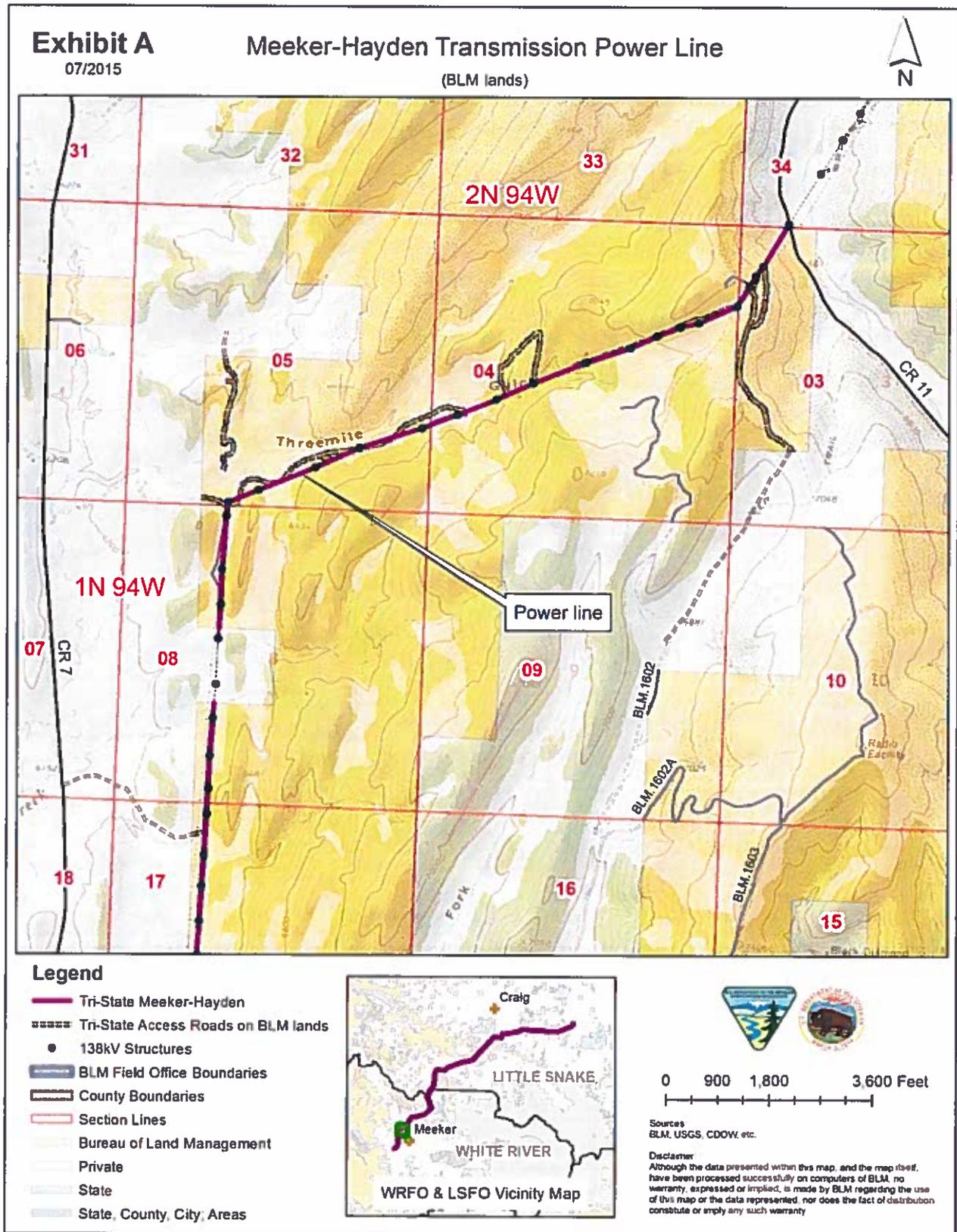


Figure 4.

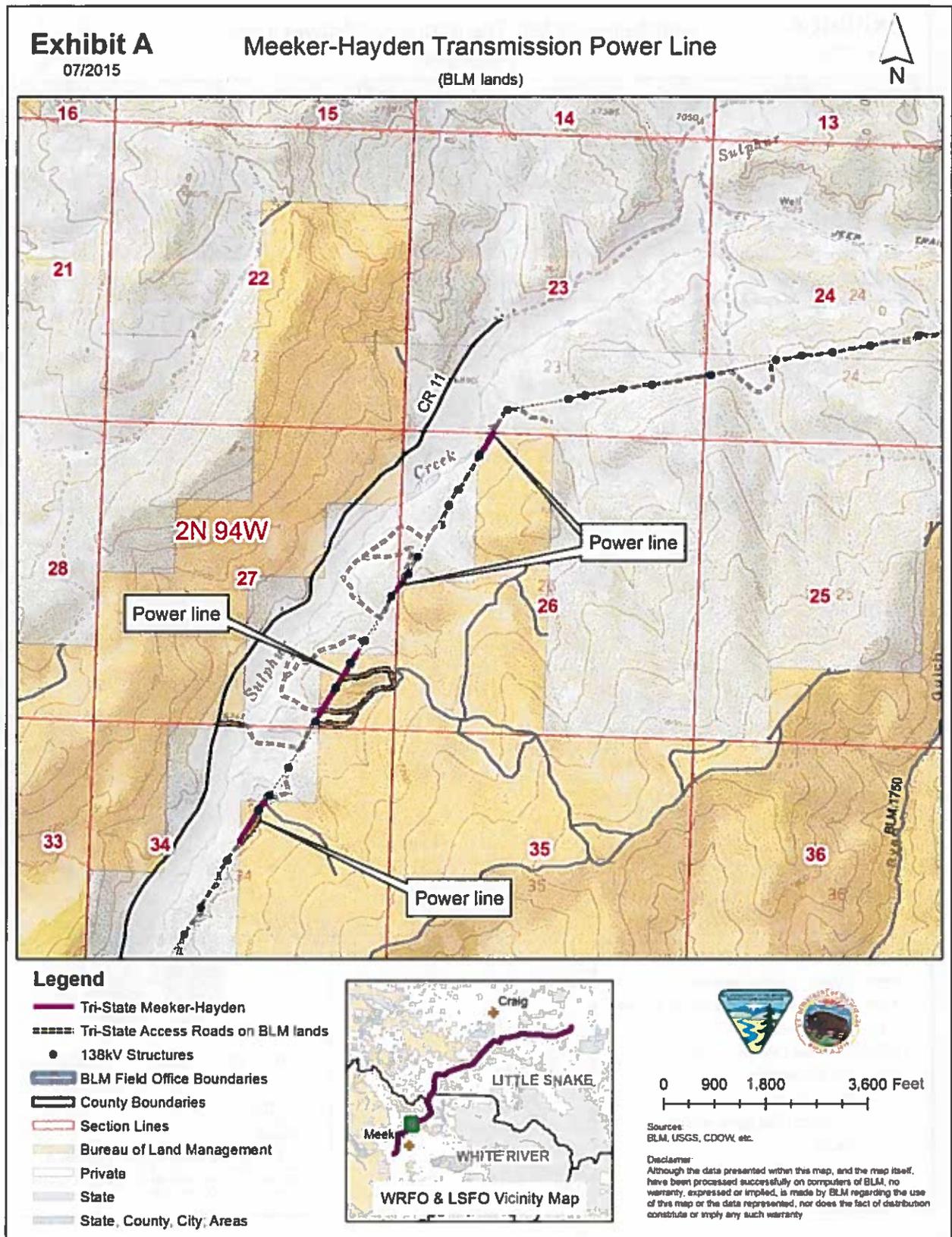


Figure 5.

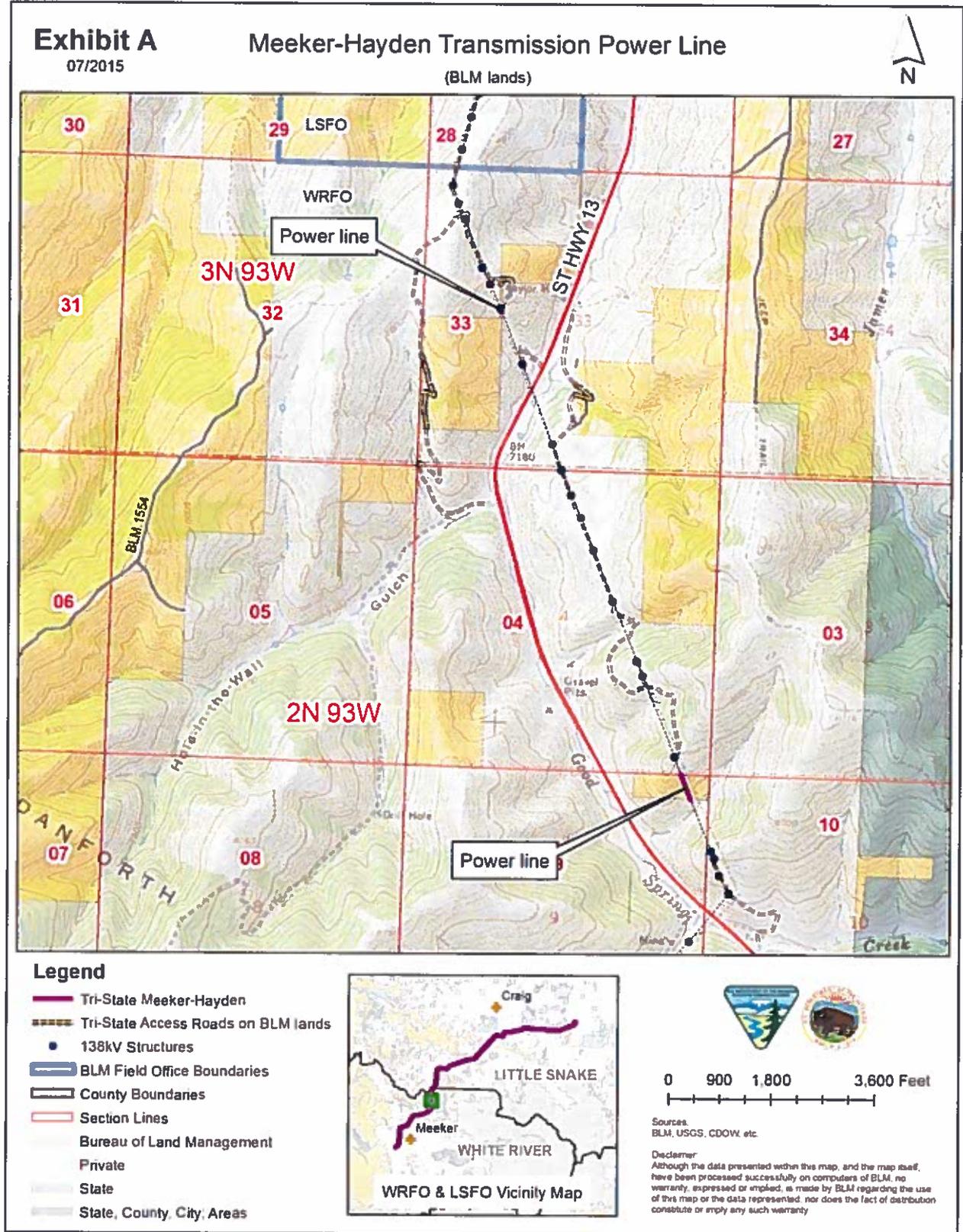


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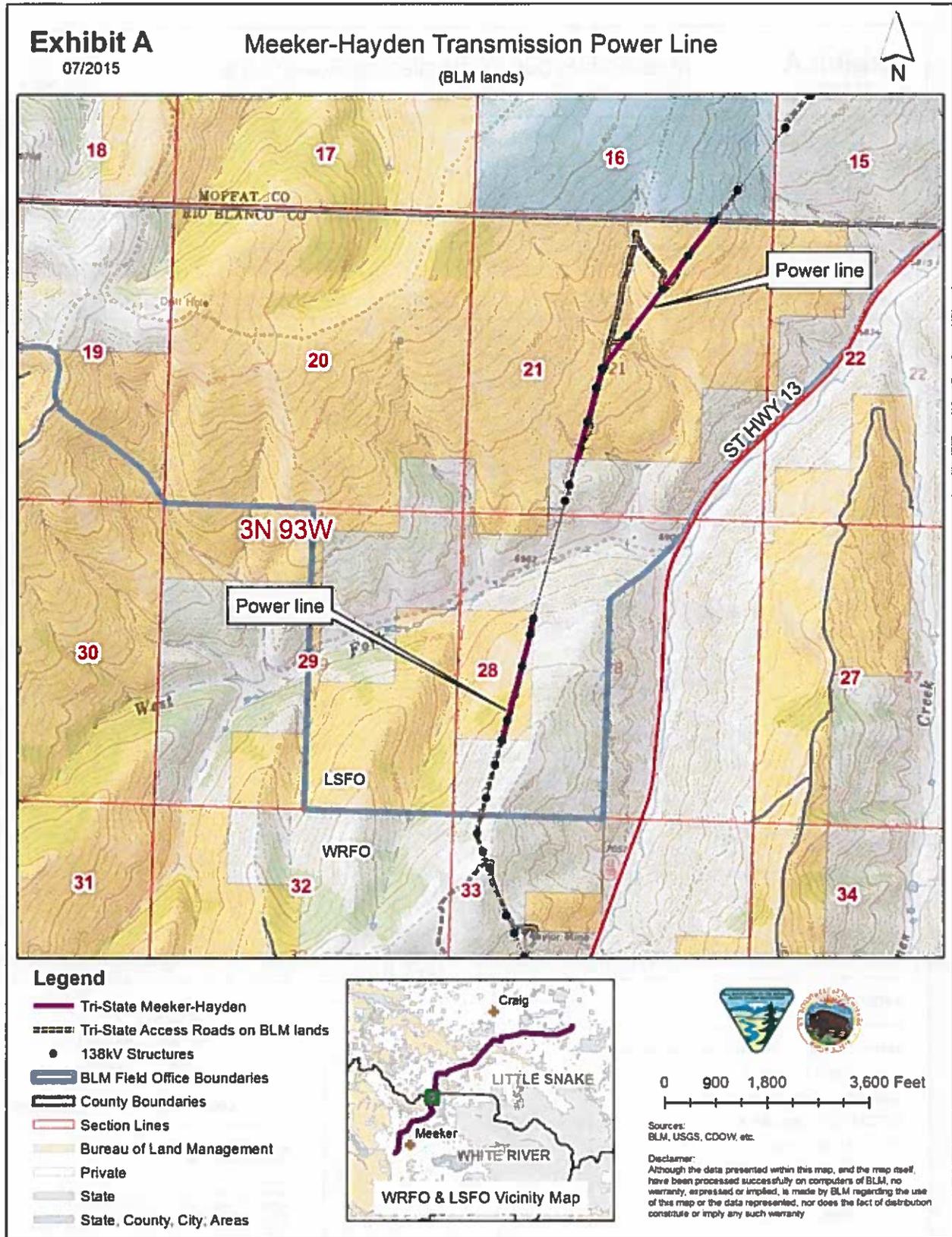


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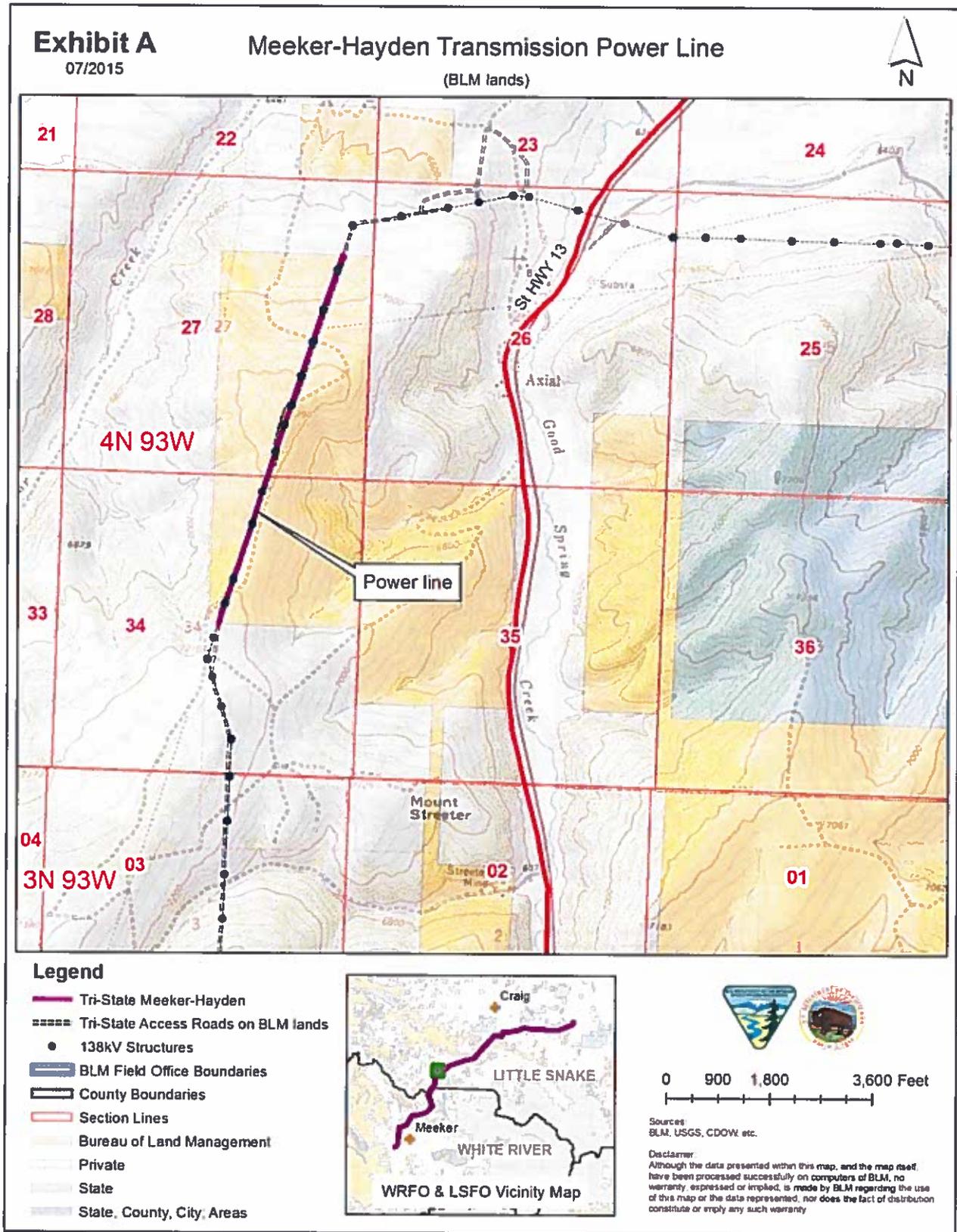


Figure 8.

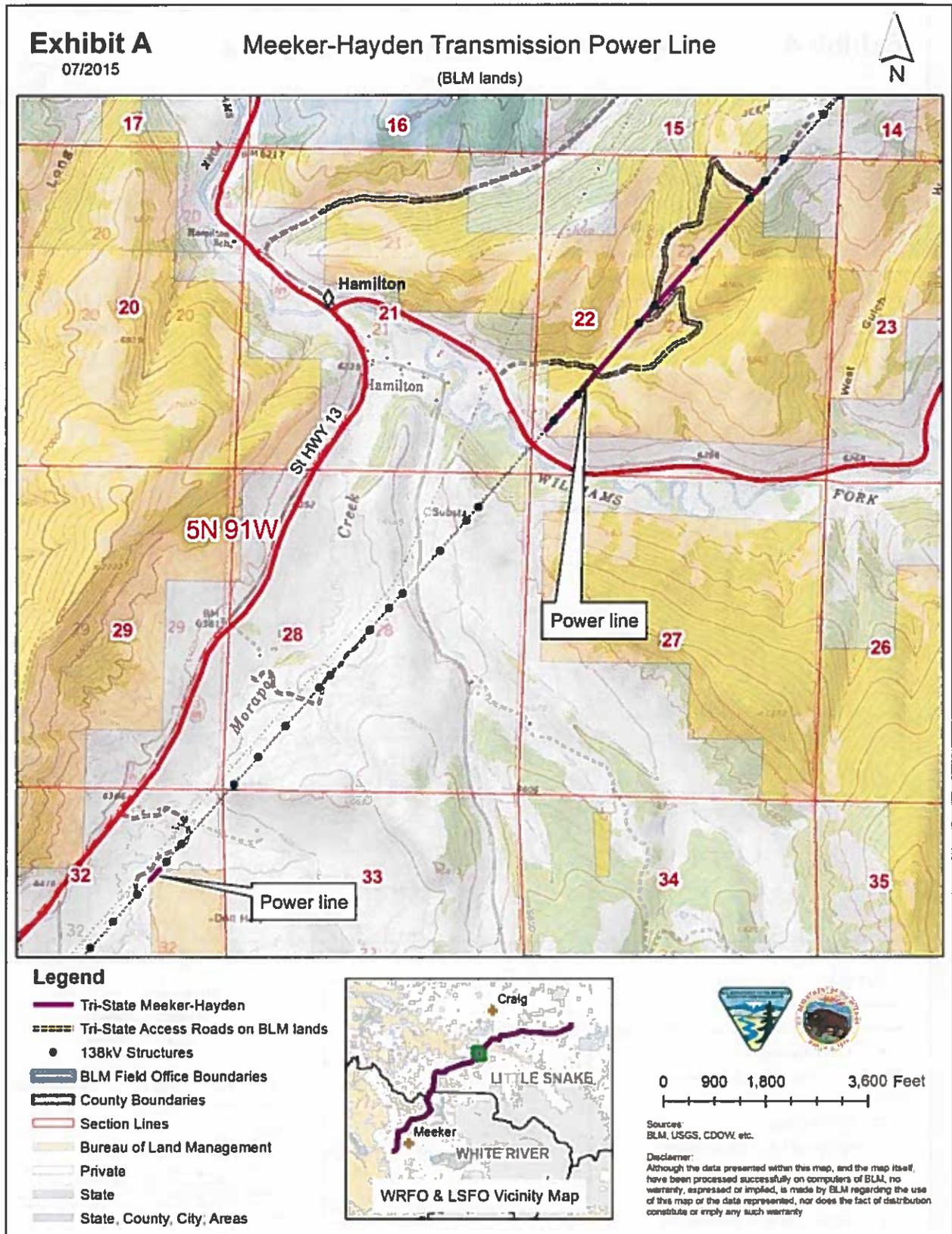


Figure 9.

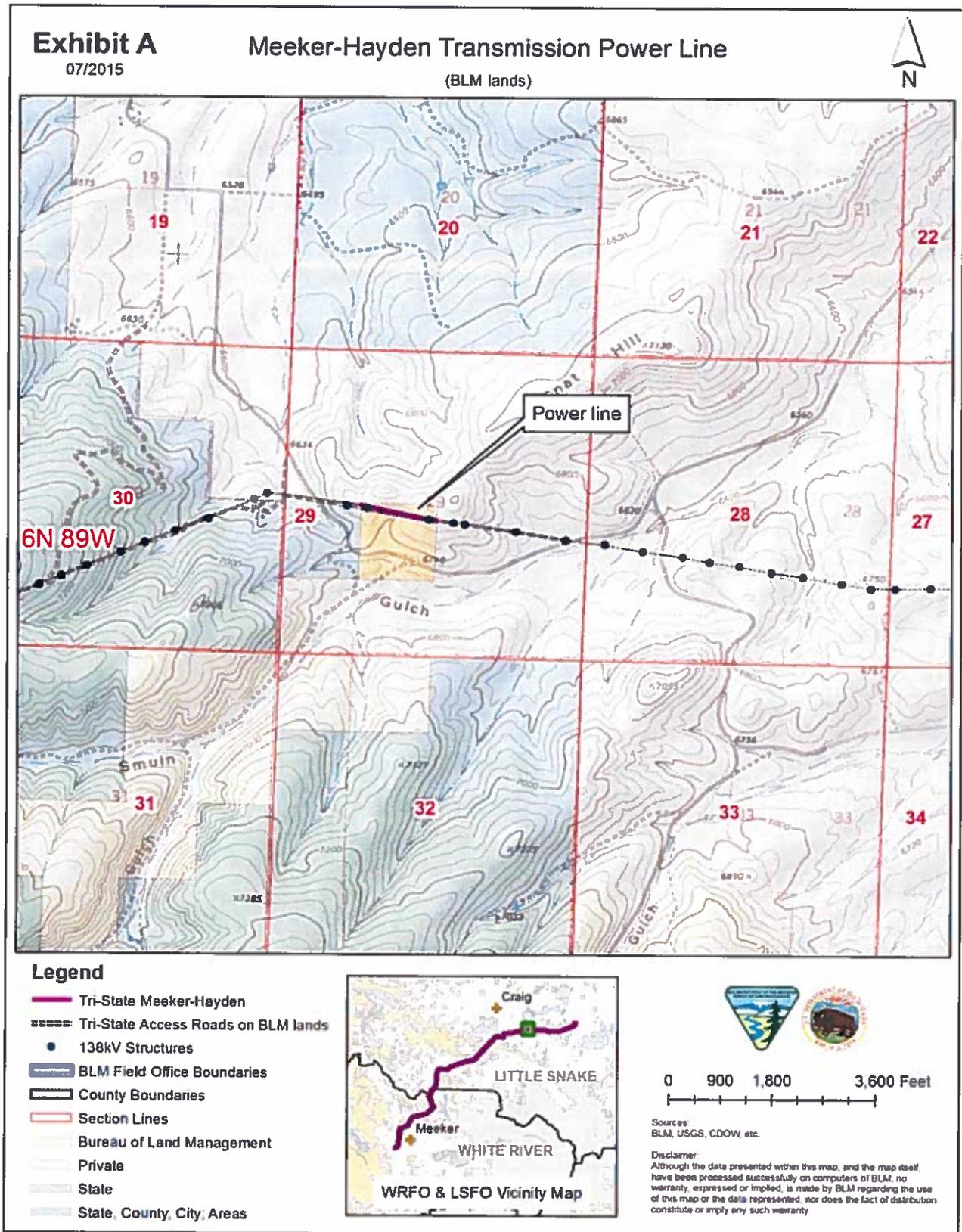
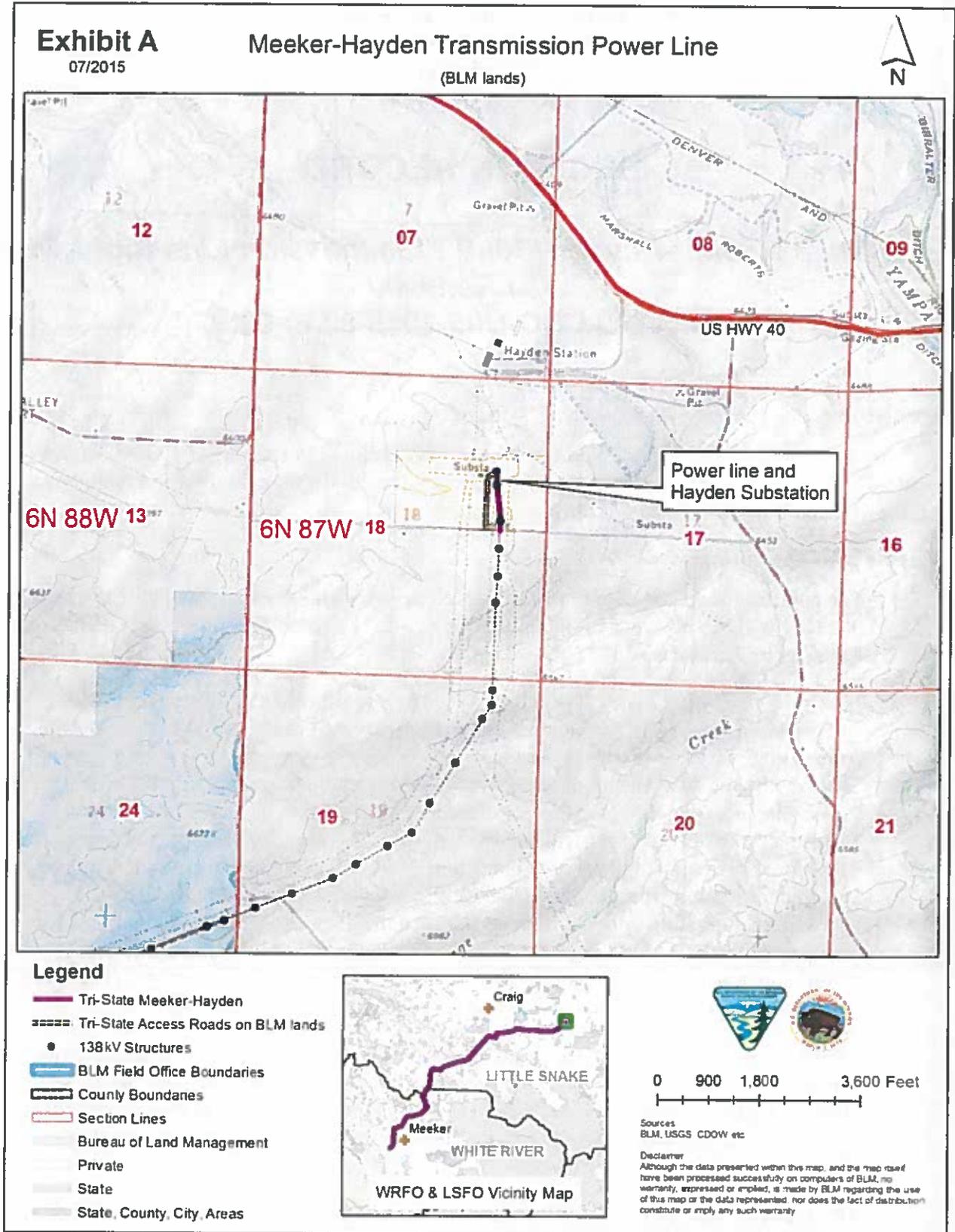


Figure 10.



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

## **DECISION RECORD**

### ***Tri-State Meeker-Hayden 138kV Transmission Line Right-Of-Way Renewal***

**DOI-BLM-CO-N05-2015-0049-CX**

#### **Decision**

It is my decision to implement the Proposed Action as described in DOI-BLM-CO-N05-2015-0049-CX, renewing the right-of-way COC0112682 for the continued operation and maintenance of an overhead transmission power line for a 30-year term.

#### ***Terms and Conditions***

1. The applicant 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.
2. 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 applicant 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 applicant, under guidance of 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.
3. Pursuant to 43 CFR 10.4(g), the applicant must notify the AO, by telephone and 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), the operator must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.
4. The applicant 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

or other scientifically-important fossils, collecting large amounts of petrified wood (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands.

5. If any paleontological resources are discovered as a result of operations under this authorization, the applicant 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.
6. All applicable terms, conditions, and stipulations contained in the original ROW grant and any amendments shall be carried forward and remain in full force and effect. No new construction is authorized.
7. 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.
8. 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.
9. Any proposal involving additional surface disturbance outside of the existing right-of-way disturbance 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.
10. 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 holder will be responsible for eradication of noxious weeds that occur on site using materials and methods approved in advance by the Authorized Officer.
11. 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. Additional measures may be required to protect special status species or other resources.

## **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 and the 2011 Little Snake Record of Decision and Approved Resource Management Plan.

## **Public Involvement**

This project was posted on the WRFO and the LSFO's on-line ePlanning National Environmental Policy Act (NEPA) register on 5/6/2015. No comments or inquiries have been received.

## **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.

## **Monitoring and Compliance**

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.

## **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**

*Thom F. Walter*

Field Manager

*08/31/2015*

Date