

**Personal Property:** Ownership of any tangible article. Examples of personal property include vehicles, furniture, boats, collectibles, etc.

**Refuse:** Items or material discarded or rejected as useless or worthless, trash or rubbish.

You must follow these rules:

These final supplementary rules apply, except as specifically exempted, to all camping on undeveloped public lands managed by the Montana State Office of the BLM within the states of Montana, North Dakota, and South Dakota. These final supplementary rules are in effect on a year-round basis and will remain in effect until modified by the BLM.

1. You must not camp longer than 16 consecutive days at any one location;

2. No person or group may camp within a single location on public lands more than 16 days within any period of 30 consecutive days. The 16-day limit may be reached either by compiling individual visits during a 30-day interval or by occupying a location continuously for 16 days during a 30-day interval. A 16-day interval begins when a person initially camps or leaves vehicles or property at a site on public lands;

3. After 16 days of camping in a single location, you must not camp at that location until at least 30 days have passed, and any camp relocation within that 30-day period shall not be within a one-half mile radius from the original site. Under special circumstances and upon request, the BLM may issue a written permit for extension of the 16-day limit;

4. You must not leave any personal property or refuse after vacating the campsite. This includes any property left for the purposes of use by another camper or occupant;

5. The time such property is left unattended at a site will be counted toward the 16-day camping limit. (Unattended property is still subject to the time limits found in 43 CFR 8365.1-2(b)); and

6. The following persons are exempt from these final supplementary rules: any Federal, state, or local officer or employee in the scope of their duties; members of any organized rescue or firefighting force in performance of an official duty; and any person whose activities are authorized in writing by the BLM.

#### Penalties

Penalties under these rules may depend on the location where a violation occurs. The primary statutory authority for proposing these final supplementary rules is the Federal Land

Policy and Management Act (FLPMA). Section 310 of FLPMA (43 U.S.C. 1740) authorizes the BLM to issue rules and regulations to carry out the purposes of FLPMA and other laws applicable to the public lands. Under Section 303(a) of FLPMA, 43 U.S.C. 1733(a) and 43 CFR 8360.0-7, any person who violates any of these final supplementary rules on any public lands may be tried before a United States Magistrate and fined no more than \$1,000 or imprisoned for no more than 12 months, or both. Also, such violations may be subject to the enhanced fines provided for by 18 U.S.C. 3571. Under the Taylor Grazing Act, any person who violates any of these final supplementary rules on public lands within grazing districts (see 43 U.S.C. 315a), or on public lands subject to a grazing lease (see 43 U.S.C. 315m), may be tried before a United States Magistrate and fined no more than \$500. Such violations may also be subject to the enhanced fines provided for by 18 U.S.C. 3571.

Any person who violates any of these final supplementary rules on public lands managed in accordance with the Sikes Act may be tried before a United States Magistrate and fined no more than \$500 or imprisoned for no more than six months, or both. Such violations may also be subject to the enhanced fines provided for by 18 U.S.C. 3571.

In accordance with 43 CFR 8365.1-7, state or local officials may also impose penalties for violations of Montana, North Dakota, or South Dakota law.

**Gene R. Terland,**

*State Director, Montana State Office.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Reclamation

#### Hydroelectric Power Development at Ridgway Dam, Dallas Creek Project, Colorado

**AGENCY:** Bureau of Reclamation, Interior.

**ACTION:** Notice of intent to accept proposals, select lessee, and contract for hydroelectric power development at Ridgway Dam.

**SUMMARY:** Current Federal policy encourages non-Federal development of environmentally sustainable hydropower potential on Federal water resource projects. The Bureau of Reclamation (Reclamation), in consultation with the Department of Energy, Western Area Power

Administration (Western), will consider proposals for non-Federal development of hydroelectric power at Ridgway Dam, a feature of the Dallas Creek Project. Reclamation is considering such hydroelectric power development under a lease of power privilege. No Federal funds will be available for such hydroelectric power development. Western would have the first opportunity to purchase and/or market the power that would be generated by such development under a lease of power privilege. The Dallas Creek Project is a Federal Reclamation project. This notice presents background information, proposal content guidelines, and information concerning selection of a non-Federal entity to develop hydroelectric power at Ridgway Dam, and power purchasing and/or marketing considerations.

**DATES:** A written proposal and seven copies must be submitted on or before 5 p.m. (MST), on Friday, December 3, 2010. A proposal will be considered timely only if it is received in the office of the Area Manager by or before 5 p.m. on the designated date. Interested entities are cautioned that delayed delivery to this office due to failures or misunderstandings of the entity and/or of mail, overnight, or courier services will not excuse lateness and, accordingly, are advised to provide sufficient time for delivery. Late proposals will not be considered.

**ADDRESSES:** Send written proposals to Ms. Carol DeAngelis, Area Manager, Western Colorado Area Office, Bureau of Reclamation, 2764 Compass Drive, Suite 106, Grand Junction, Colorado 81506, telephone (970) 248-0600.

A copy of the proposal should also be sent at or about the time it is due at Reclamation to: CRSP Manager, Western Area Power Administration, 150 Social Hall Avenue, Suite 300, Salt Lake City, Utah 84111-1534. Western is also available to meet with Reclamation and interested entities to discuss Western's potential marketing of hydropower.

**FOR FURTHER INFORMATION CONTACT:** Technical data, including past water release patterns, may be obtained by contacting Mr. Dan Crabtree, Water Management Group Chief, Western Colorado Area Office, Bureau of Reclamation 2764 Compass Drive, Suite 106, Grand Junction, Colorado 81506, telephone (970) 248-0652.

Reclamation will be available to meet with interested entities only upon written request to the Water Management Group Chief at the above cited address. Reclamation will provide an opportunity for a site visit. In addition, Reclamation reserves the right

to schedule a single meeting and/or visit to address the questions of all entities that have submitted questions or requested site visits. Information related to Western's purchasing and/or marketing of the power may be obtained by contacting Ms. LaVerne Kyriss, CRSP Manager, Western Area Power Administration, 150 Social Hall Avenue, Suite 300, Salt Lake City, Utah 84111-1534, telephone (801) 524-6372. Information related to the operation and maintenance of Ridgway Dam may be obtained by contacting Mr. Mike Berry, Tri-County Water Conservancy District, P.O. Box 347, Montrose, Colorado 81402, telephone (970) 249-3369.

**SUPPLEMENTARY INFORMATION:** The Dallas Creek Project, located near the town of Ridgway in west-central Colorado on the Uncompahgre River in the Colorado River Basin, was authorized for construction (including hydropower) by the Colorado River Basin Project Act of September 30, 1968 (Pub. L. 90-537), as a participating project under the Colorado River Storage Project Act of April 11, 1956 (Pub. L. 84-485). The Tri-County Water Conservancy District (District), under its contracts with the United States, has certain operation, maintenance, replacement, and repayment responsibilities and obligations concerning Ridgway Dam.

Reclamation, in consultation with Western, is considering hydroelectric power development at Ridgway Dam under a lease of power privilege. A lease of power privilege is an alternative to Federal hydroelectric power development. A lease of power privilege is a contractual right given to a non-Federal entity to use a Reclamation facility for electric power generation consistent with Reclamation project purposes. Leases of power privilege have terms not to exceed 40 years. The general authority for lease of power privilege under Reclamation law includes, among others, the Town Sites and Power Development Act of 1906 (43 U.S.C. 522), and the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)) (1939 Act). Reclamation will be the lead Federal agency for ensuring compliance with the National Environmental Policy Act (NEPA) of any lease of power privilege considered in response to this notice. Leases of power privilege may be issued only when Reclamation, upon completion of the NEPA process, determines that the proposed hydropower development is environmentally acceptable. Any lease of power privilege at Ridgway Dam must accommodate existing contractual and environmental commitments related to operation and maintenance of

such existing facilities. The lessee (*i.e.*, successful proposing entity) would be required to enter into a contract with the District to coordinate operation and maintenance of any proposed hydropower development with existing Federal features.

Western would have the first opportunity to purchase and/or market the power that would be generated under any lease of power privilege. Western would have 60 days from the date of notification of selection of a lessee in which to decide whether to purchase and/or market the power.

All costs incurred by the United States related to development and operation and maintenance under a lease of power privilege, including NEPA compliance, engineering reviews, and development of the lease of power privilege, would be the expense of the lessee. In addition, the lessee would be required to make annual payments to the United States for the use of a Government facility. Depending on the economic capability of the proposed hydropower development, this amount will be not less than 3 mills per kilowatt-hour of generation. If conditions provide opportunity for substantial benefits to accrue to the lessee, then the United States will benefit proportionally. Also, under the lease of power privilege, provisions will be included for inflation of the annual payment with time. Such annual payments to the United States would be deposited as a credit to the Upper Colorado River Basin Fund.

#### Proposal Content Guidelines

Interested parties should submit proposals explaining in as precise detail as is practicable how the hydropower potential would be developed. Factors which a proposal should consider and address include, but are not limited to, the following:

(a) Provide all information relevant to the qualifications of the proposing entity to plan and implement such a project, including, but not limited to, information about preference status, type of organization, length of time in business, experience in funding, design and construction of similar projects, industry rating(s) that indicate financial soundness and/or technical and managerial capability, experience of key management personnel, history of any reorganizations or mergers with other companies, and any other information that demonstrates the interested entity's organizational, technical, and financial ability to perform all aspects of the work. Include a discussion of past experience in operating and maintaining similar facilities and provide references

as appropriate. The term "preference entity," as applied to a lease of power privilege, means an entity qualifying for preference under Section 9c of the 1939 Act as a municipality, public corporation or agency, or cooperative or other nonprofit organization financed in whole or in part by loans made pursuant to the Rural Electrification Act of 1936, as amended.

(b) Provide geographical locations and describe principal structures and other important features of the proposed development including roads and transmission lines. **Note:** Due to possible forthcoming modifications at Ridgway Dam, the available sites for a powerhouse are presently limited. It is therefore imperative that any potential lessee consult with Reclamation to obtain current information regarding acceptable potential powerhouse locations. Estimate and describe installed capacity and the capacity of the power facilities under dry, average, and wet hydrological conditions. Also describe seasonal or annual generation patterns. Include estimates of the amount of electrical energy that would be produced from the facility for each month of average, dry, and wet water years. If capacity and energy can be delivered to another location, either by the proposing entity or by potential wheeling agents, specify where capacity and energy can be delivered. Include concepts for power sales and contractual arrangements, involved parties, and the proposed approach to wheeling if required. To determine the marketability of the generated hydropower, Western requires the following information: Cost of delivered generation in \$/megawatt-hour, including any variations in cost (on-peak, off-peak, seasonal), including escalation factors and any other charges; delivery point and voltage of generation plus any arrangements the lessee has to wheel power to an alternate location(s); the daily, weekly, monthly, and annual pattern of expected generation under average, wet, and dry hydrological conditions; ability of generation to provide ancillary services such as regulation, spinning reserves, and volt-ampere reactive support; and information on the reliability of the generation, potential maintenance outage schedule, and duration.

(c) Indicate title arrangements and the ability for acquiring title to or the right to occupy and use lands necessary for the proposed development(s), including such additional lands as may be required during construction.

(d) Identify water rights applicable to the operation of the proposed development(s), the holder of such

rights, and how these rights would be acquired or perfected.

(e) Discuss any studies necessary to adequately define impacts on the Dallas Creek Project and the environment of the development. Describe any significant environmental issues associated with the development and the proposing entity's approach for gathering relevant data and resolving such issues to protect and enhance the quality of the environment. Explain any proposed use of the hydropower development for conservation and utilization of the available water resources in the public interest.

(f) Describe anticipated contractual arrangements with the entity or entities having operation and maintenance responsibility for the Dallas Creek Project feature(s) that are proposed for utilization in the hydropower development under consideration. Define how the hydropower development would operate in harmony with the multiple purposes of the Dallas Creek Project and existing applicable contracts related to operation and maintenance of Dallas Creek Project feature(s) being considered for modification.

(g) Describe plans for assuming liability for damage to the operational and structural integrity of the Dallas Creek Project caused by construction, operation, and/or maintenance of the hydropower development.

(h) Identify the organizational structure planned for the long-term operation and maintenance of any proposed hydropower development.

(i) Provide a management plan to accomplish such activities as planning, NEPA compliance, lease of power privilege development, design, construction, facility testing, and start of hydropower production. Prepare schedules of these activities as is applicable. Describe what studies are necessary to accomplish the hydroelectric power development and how the studies would be implemented.

(j) Estimate development cost. This cost should include all investment costs such as the cost of studies to determine feasibility, NEPA compliance, design, construction, and financing as well as the amortized annual cost of the investment; also, the annual operation, maintenance, and replacement expense for the hydropower development; annual payments to the United States; expenses that may be associated with the Dallas Creek Project; and the anticipated return on investment. If there are additional transmission or wheeling expenses associated with the development of the hydropower development, these should be included.

Identify proposed methods of financing the hydropower development. An economic analysis should be presented that compares the present worth of all benefits and costs of the hydropower development.

#### **Selection of Lessee**

Reclamation, in consultation with Western, will evaluate proposals received in response to this published notice. Reclamation may request additional information from individual proposing entities and/or all proposing entities after proposals are submitted, but prior to making a selection of a lessee.

Reclamation will give more favorable consideration to proposals that (1) emphasize sustainable, low impact, or small hydropower development that avoids, reduces, or minimizes environmental impacts; (2) improve ecosystem function; (3) utilize water and natural resources in an environmentally and economically sound manner; (4) clearly demonstrate that the offeror is qualified to develop the hydropower facility and provide for long-term operation and maintenance; and (5) best share the economic benefits of the hydropower development among parties (including the United States) to the lease of power privilege. A proposal will be deemed unacceptable if it is inconsistent with Dallas Creek Project purposes, as determined by Reclamation. Reclamation will give preference to those entities that qualify as preference entities, as defined under Proposal Content Guidelines, item (a), provided that their proposal is at least as well-adapted to developing, conserving, and utilizing the water and natural resources as other submitted proposals and that the preference entity is well qualified. Through written notice, all preference entities submitting proposals would be allowed 90 days to improve their proposals, if necessary, to be made at least equal to a proposal(s) that may have been submitted by a non-preference entity.

#### **Power Purchasing and/or Marketing Considerations**

Western would have the first opportunity to purchase and/or market the power that would be generated by the project under a lease of power privilege. Western will consult with Reclamation on such power purchasing and/or marketing considerations.

Western may market the power available from the project as part of its Salt Lake City Area Integrated Projects (SLCA/IP) or on a stand-alone basis, first to preference entities qualified under criteria established by Western and

second to non-preference entities, by developing an individual marketing plan for this power. This marketing plan would be developed through a separate subsequent public process beginning with a notice in the **Federal Register** of Western's intent to market the power. The marketing plan would include all aspects of marketing the power, including assignment of power to qualified preference and/or non-preference entities, pricing, transmission, and delivery of power. Western would recover the costs it would incur in purchasing and/or marketing the power through the rates charged for the power. Firm power rates would be established through a public process, initiated by a notice in the **Federal Register**, separate from the marketing plan.

In the event Western elects to not purchase and/or market the power generated by the hydropower development or such a decision cannot be made within 60 days of notification of selection of a lessee, the lessee would be responsible for marketing the power generated by the project with priority given to preference entities as heretofore defined in Proposal Content Guidelines, item (a).

#### **Notice and Time Period To Enter Into Lease of Power Privilege**

Reclamation will notify, in writing, all entities submitting proposals of Reclamation's decision regarding selection of the potential lessee. The selected potential lessee will have two years from the date of such notification to enter into a lease of power privilege for the proposed development of hydropower at Ridgway Dam. Any excessive delay resulting from compliance with the provisions of Federal environmental laws or administrative review by a Federal agency, pertaining to the project, may extend the two-year time period for a period equal to that of the delay. In the event of litigation related to the proposed project, the two-year time period will be extended for a period equal to that of the delay, provided such litigation was initiated by parties other than the selected potential lessee or its employees, officers, agents, assigns, shareholders, customers, or persons or groups served by or in privity with the potential lessee.

Dated: May 13, 2010.

**Anamarie Gold,**

*Assistant Regional Director, Upper Colorado Region.*

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