

U.S. Department of the Interior
Bureau of Land Management
Glenwood Springs Field Office
50629 US Highway 6 & 24
Glenwood Springs, CO 81601

ENVIRONMENTAL ASSESSMENT

NUMBER: CO-140-2008-059 EA

CASEFILE NUMBER: 005872

PROJECT NAME: Crissman Pipeline

LOCATION: T2S, R85W, E2SW4 Sec. 27 & 34, 6th Principal Meridian. Refer to attached location map.

APPLICANT: Bureau of Land Management

DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES

Proposed Action: The proposed action would be to install 1.2 mile of water pipeline (up to two inch diameter poly pipe) and two water troughs (500 to 1000 gallon capacity each) along the pipeline. The pipeline would capture water from an existing spring development (Crissman Spring). Refer to the attached drawings and specifications for construction details and map for project location. Most of the pipeline (except for the upper 0.3 mile) would be installed within an existing road. A bull dozer would be used to excavate and backfill the trench. The trench would be approx. two feet wide and 18 inches deep. Width of disturbance to soils and vegetation would be approx. 15 feet. Clearing and leveling of soils would be done at each of the trough locations. The width of clearing would be approximately 20 feet in diameter at each trough location.

Construction will be accomplished by either BLM's Force Account with assistance from the grazing permittee or will be done solely by the grazing permittee. Maintenance of the project will be the responsibility of the grazing permittees. The projects would be authorized under cooperative agreement as per 43 CFR 4120.3-2.

Project Design Features:

- The U.S. Fish and Wildlife Service (USFWS) has determined that any federal action that will deplete water in the basin will prompt a "may affect" determination for the 4 Big River Fish under Section 7 of the Endangered Species Act. The project is covered by the programmatic biological assessment and will be included on the Resource Area's water depletion log, submitted to the FWS at the end of the year.
- Disturbed areas will be reseeded with a certified weed-free seed mixture of native species adapted to the site. The permittee will monitor the pipeline and water trough disturbance to detect the presence of any noxious weeds and will be responsible for promptly controlling any noxious weeds on the Colorado State List A or B (except redstem filaree) within the area disturbed from reservoir construction. If the permittee chooses to use herbicides as the control method on public lands, a Pesticide Use Proposal shall be submitted to the BLM and

approved prior to initiating any herbicide spraying.

- The permittee and all persons specifically associated with operations involved in this permit must be informed that any objects or sites of cultural, paleontological, or scientific value such as historic or prehistoric resources, graves or grave markers, human remains, ruins, cabins, rock art, fossils, or artifacts shall not be damaged, destroyed, removed, moved, or disturbed. If in connection with allotment operations under this authorization any of the above resources are encountered, the proponent shall immediately suspend all activities in the immediate vicinity of the discovery that might further disturb such materials and notify the BLM authorized officer of the findings. The discovery must be protected until notified in writing to proceed by the authorized officer (36 CFR 800.110 & 112, 43 CFR 10.4)
- A wildlife escape device will be installed and will: 1) extend down into the water and meet the inside wall of the trough so animals swimming along the perimeter will find the structure, rather than becoming trapped behind or beneath it or missing 2) reach to the bottom of the trough, so it will be effective even if water levels drop sharply; and 3) be firmly secured to the trough rim so it will not be knocked loose by livestock or other animals.

No Action Alternative: The construction of the proposed pipeline and troughs would not be authorized.

ALTERNATIVES CONSIDERED BUT ELIMINATED: None

PURPOSE AND NEED FOR THE ACTION: The proposed action would provide livestock with a more reliable source of water in an area of the grazing allotment that lacks sufficient watering sources. This would help improve grazing distribution, would maintain/improve the condition of upland areas, and would help maintain/achieve Colorado Public Land Health Standards 3 (plant and animal communities).

PLAN CONFORMANCE REVIEW: The proposed action is subject to and has been reviewed for conformance with the following plan (43 CFR 1610.5, BLM 1617.3):

Name of Plan: Glenwood Springs Resource Management Plan.

Date Approved: Jan. 1984, revised 1988, amended in November 1991 - Oil and Gas Leasing and Development - Final Supplemental Environmental Impact Statement; amended Nov. 1996 - Colorado Standards and Guidelines; amended in August 1997 - Castle Peak Travel Management Plan; amended in March 1999 - Oil and Gas Leasing & Development Final Supplemental Environmental Impact Statement; amended in November 1999 - Red Hill Plan Amendment; and amended in September 2002 – Fire Management Plan for Wildland Fire Management and Prescriptive Vegetation Treatment Guidance.

Decision Number/Page: The proposal implements land use plan decision LGM2 page 20.

Decision Language: LGM2 states "construct facilities such as springs, reservoirs, fences, corrals, and livestock trails where necessary to control and distribute livestock."

STANDARDS FOR PUBLIC LAND HEALTH:

The Colorado Standards for Public Land Health consist of 5 standards: upland soils, riparian systems, plant and animal communities, special status species, and water quality. Standards describe conditions needed to sustain public land health and relate to all uses of the public lands.

The landscape which includes this proposed action was the subject of a formal land health assessment in the spring/summer of 2006. The determination document which was signed on January 29, 2008, indicated that this part of the landscape was meeting all the Standards for Public Land Health at the time of the assessment.

The impact analysis below must address whether the proposed action or any alternatives being analyzed would result in any impacts that would maintain, improve, or deteriorate land health conditions for each of the five standards. These analyses are located in specific elements listed below:

AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

This section provides a description of the human and natural environmental resources that could be affected by the proposed action and no action alternative. In addition, the section presents comparative analyses of the direct and indirect consequences on the affected environment stemming from the implementation of the various actions.

A variety of laws, regulations, and policy directives mandate the evaluation of the effects of a proposed action and alternative(s) on certain critical environmental elements. Not all of the critical elements that require inclusion in this EA are present, or if they are present, may not be affected by the proposed action and alternative (Table 1). Only those mandatory critical elements that are present and affected are described in the following narrative.

In addition to the mandatory critical elements, there are additional resources that would be impacted by the proposed action and alternative. These are presented under **Other Affected Resources**.

Critical Elements

Table 1. Critical Elements of the Human Environment									
<i>Critical Element</i>	<i>Present</i>		<i>Affected</i>		<i>Critical Element</i>	<i>Present</i>		<i>Affected</i>	
	Yes	No	Yes	No		Yes	No	Yes	No
Air Quality	X		X		Prime or Unique Farmlands		X		X
ACECs		X		X	Special Status Species*	X		X	
Cultural Resources	X			X	Wastes, Hazardous or Solid	X		X	
Environmental Justice	X			X	Water Quality, Surface and Ground*	X		X	
Floodplains		X		X	Wetlands and Riparian Zones*		X		X
Invasive, Non-native Species	X		X		Wild and Scenic Rivers		X		X
Migratory Birds	X		X		Wilderness/ WSAs		X		X
Native American Religious Concerns		X		X					

* Public Land Health Standard

Air Quality

Affected Environment: The proposed action area (Eagle County) has been described as an attainment area under CAAQS (Colorado Ambient Air Quality Standards) and NAAQS (National Ambient Air Quality Standards). An attainment area is an area where ambient air pollution amounts are determined to be below NAAQS standards. For more information on existing air quality in the area, refer to the Roan Plateau RMPA and EIS which describes potential effects from oil and gas development (BLM 2006:4-26 to 4-37).

Proposed Action:

Environmental Consequences/Mitigation:

Implementation of the proposed action would have very little effect on air quality. Short-term localized vehicle and equipment emissions would result during ground clearing and installation operations. Additionally, there is a potential for some dust generation if these activities occur in dry conditions. Since emissions and dust would be minimal and short lived, no mitigation is recommended for these activities.

No Action Alternative:

Environmental Consequences/Mitigation: The no action alternative would have no effect on air quality.

Cultural Resources

Affected Environment: A Class III inventory (GSFO15808-3) was conducted of the proposed pipeline route including approximately 10 acres surrounding the spring. One historic prehistoric site 5EA2682 was identified. It is eligible for listing on the National Register of Historic Places.

Proposed Action:

Environmental Consequences/Mitigation: While one historic property was identified that is considered eligible for listing on the National Register of Historic Places it is beyond the Area of Potential Effect. Therefore, no formal consultation with the Colorado State Historic Preservation Officer (SHPO) was needed and a determination of “**No Historic Properties Affected**” was made in accordance with the National Historic Preservation Act (NRHP), as amended (16 USC 470f), National BLM/SHPO Programmatic Agreement (1997), and Colorado Protocol (1998).

There would be no direct impacts to cultural resources from the implementation of the proposed action. However, indirect long-term cumulative impacts from increased access could result in a range of impacts to known and undiscovered cultural resources in the vicinity of the location. These impacts could range from illegal collection and excavation to vandalism. Compliance with the Education/Discovery stipulation should help in alleviating these impacts somewhat.

No Action Alternative: Under this alternative the pipeline would not be constructed and the stock tanks would not be installed. Use by the grazing permittee and the public would continue at its present level. Long term indirect impacts would continue.

Invasive, Non-native Species

Affected Environment: No noxious weeds or invasive, non-native species have been officially documented at the proposed project site. However, given the widespread nature of noxious weed infestations throughout the resource area, it is assumed that some level of infestation does exist in the project area.

Environmental Consequences/Mitigation:

Proposed Action: All surface disturbing activities provide a niche for invasion by noxious weeds and increase the potential for weeds to become established in an area. The Project Design Features of the Proposed Action (pg 1-2) has supplied adequate measures for the control of potential weed infestations at the project area; therefore, no other mitigation measures are needed. The Proposed Action will not significantly impact invasive, non-native species within the project area.

No Action Alternative: Under this alternative, the project would not be constructed. There would not be a niche created for noxious weed invasion. The presence of noxious weeds would likely continue under current conditions.

Migratory Birds

Affected Environment:

The 1988 amendment to the Fish and Wildlife Conservation Act mandates the U.S. Fish and Wildlife Service (USFWS) to “identify species, subspecies, and populations of all migratory nongame birds that, without additional conservation actions, are likely to become candidates for listing under the Endangered Species Act (ESA) of 1973.” *Birds of Conservation Concern 2008* (<http://www.fws.gov/migratorybirds/reports/BCC2008/BCC2008m.pdf>) is the most recent effort to carry out this mandate. The conservation concerns may be the result of population declines, naturally or human-caused small ranges or population sizes, threats to habitat, or other factors. The primary statutory authority for *Birds of Conservation Concern 2008* (BCC 2008) is the Fish and Wildlife Conservation Act of 1980 (FWCA), as amended. Although there are general patterns that can be inferred, there is no single reason why any species was is on the list. The Glenwood Springs Field Office is within the Southern Rockies/Colorado Plateau Bird Conservation Region (BCR). The 2008 list include the following birds: Gunnison Sage Grouse, American Bittern, Bald Eagle, Ferruginous Hawk, Golden Eagle, Peregrine Falcon, Prairie Falcon, Snowy Plover, Mountain Plover, Long-billed Curlew, Yellow-billed Cuckoo, Burrowing Owl, Lewis's Woodpecker, Willow Flycatcher, Gray Vireo, Pinyon Jay, Juniper Titmouse, Veery, Bendire's Thrasher, Grace's Warbler, Brewer's Sparrow, Grasshopper Sparrow, Chestnut-collared Longspur, Black Rosy-Finch, Brown-capped Rosy-Finch, and Cassin's Finch.

Habitat loss due to alteration or destruction continues to be the major reason for the declines of many species (<http://www.fws.gov/migratorybirds/reports/BCC2008/BCC2008m.pdf>). When considering potential impacts to migratory birds the impact on habitat, including: 1) the degree of fragmentation/connectivity expected from the proposed project relative to before the proposed project; and 2) the fragmentation/connectivity within and between habitat types (e.g., within nesting habitat or between nesting and feeding habitats. Continued private land development, surface disturbing actions in key habitats (e.g. riparian areas) and the proliferation of roads, pipelines, powerlines and trails are local factors that reduce habitat quality and quantity.

The GSFO planning area provides both foraging and nesting habitat for a variety of migratory birds that summer, winter, or migrate through the area. The habitat diversity provided by the broad expanses of sagebrush, mixed mountain shrub, aspen, pinyon-juniper woodlands, other types of coniferous forests, and riparian and wetland areas support many bird species. The pinyon jay is characteristically found in pinyon/juniper woodlands and the Brewer's sparrow (*Spizella breweri*) is found within sagebrush habitats. Other Birds of Conservation Concern 2008 may also occur locally. Many species of raptors (red-tailed hawks, golden eagles, northern

goshawks, Cooper's hawks, kestrels and owls) not on the Fish & Wildlife Service's Birds of Conservation Concern list also could occur in the area.

Bald eagle (*Haliaeetus leucocephalus*). Bald eagles are known to winter along portions of the Colorado, Eagle and Roaring Fork Rivers and its major tributaries. Wintering bald eagles are generally present from mid-November to mid-April. Large mature cottonwood trees along the rivers and their major tributaries are used as roosting and perching sites, and these waterways provide the main food sources of fish and waterfowl. Upland habitats adjacent to these waterways are used as scavenging areas primarily for winter killed mule deer and elk. Major threats include habitat loss, human disturbance and illegal shooting. Bald eagles are increasing in numbers throughout their range and were removed from the federal threatened and endangered species list in 2007 however bald eagles are still protected under the Migratory Bird Treaty Act.

Environmental Consequences/Mitigation:

Proposed Action:

Limited bird count or species data exists for the area, however the greater concern is the continued fragmentation of habitat and losses of large blocks of contiguous habitat required by many bird species including bald eagles. The Proposed Action has a low potential to result in the 'take' of any migratory bird. Nesting attempts may be disrupted and some nests may be accidentally destroyed, in the 0.3 miles of construction not on existing road, if the construction during the breeding season (May – July). As this would impact less than a half acre of habitat, potential for 'take' would remain low. Once construction is complete, there would be no further potential to interfere materially with nest substrate.

The overall impact is expected to be minimal and isolated and would not influence populations of migratory birds on a landscape level. Given current overall existing habitat condition, the pipeline project, as proposed, will create a negligible change to the degree of fragmentation/connectivity expected relative to the existing condition of the area and the fragmentation/connectivity within and between habitat types (e.g., within nesting habitat or between nesting and feeding habitats would also likely not change.

No Action:

There would be no potential for 'take' under the No Action Alternative as the pipeline would not be constructed. The habitat is generally in good condition and the area would continue to provide suitable habitat for migratory birds if the ponds are not constructed.

Native American Religious Concerns

Affected Environment: The Ute tribes claim this area as part of their ancestral homeland. At present, no Native American concerns are known within the project area and none were identified during the inventory. The Ute Tribe of the Uintah and Ouray Bands, the primary Native American tribe in this area of the GSFO, have indicated that they do not wish to be consulted for small projects or projects where no Native American areas of concern have been identified either through survey or past consultations. Therefore, formal consultation was not undertaken. If new data are disclosed, new terms and conditions may have to be negotiated to accommodate their concerns.

Proposed Action:

Environmental Consequences/Mitigation: Although there would be no direct impacts from the proposed action, indirect impacts from increased access and personnel in the vicinity of the

proposed project could result in impacts to unknown Native American resources ranging from illegal collection to vandalism.

No Action: This action would be neither beneficial nor detrimental to Native American Religious Concerns.

Special Status Species (includes an analysis of Public Land Health Standard 4)

Affected Environment:

According to the latest species list from the U. S. Fish and Wildlife Service, the following Federally listed and candidate species may reside, have habitat, and/or be impacted by actions occurring in Eagle County: Canada lynx, black-footed ferret, bald eagle, western yellow-billed cuckoo, razorback sucker, Colorado pikeminnow, bonytail chub, humpback chub and Uncompahgre fritillary butterfly.

The specific project area does not provide habitat for any federally listed species, however, habitat for the endangered Big River fish species (Colorado pikeminnow, humpback chub, bonytail, and razorback sucker) is located downstream from the proposed ponds.

Terrestrial Wildlife:

Greater Sage-grouse. The greater sage-grouse is a Colorado BLM sensitive species and a Colorado species of concern. Sage-grouse require a diverse age-class of sagebrush and open grassland habitats. Greater sage-grouse has declined dramatically within the past 20 years in large portions of its overall range. This species historically occurred in the larger sagebrush habitats west of Glenwood Springs, between New Castle and Rifle, and south of Interstate 70 near Eagle. Current populations within the GSFO planning area are north of Eagle, Gypsum, and Wolcott on scattered BLM and private. Habitat loss and fragmentation from agricultural encroachment, urbanization, lack of fire (which rejuvenates native habitat, and overgrazing are the primary threats to the greater sage-grouse.

The GSFO also encompasses a portion of the Northern Eagle/Southern Routt greater sage-grouse population. A conservation plan for this population was finalized in September 2004. Within the plan, a series of conservation measures is detailed. The BLM is a signatory of the plan and agreed to implement the plan as fully as possible.

The proposed action is within greater sage grouse severe winter range and greater sage grouse production areas. Severe winter range is defined as that part of the winter range where 90% of the individuals are located when annual snowpack is at its maximum and/or temperatures are at a minimum in the two worst winters out of ten. Production areas are locations that would include the majority of important sage grouse nesting habitat. Mapped as a buffer zone of 4 miles around Active lek points from and clipped to overall range.

Plants:

The project area provides known occupied habitat for the BLM sensitive species, Harrington's penstemon. A survey for Harrington's penstemon was conducted of the proposed pipeline route, proposed water troughs and the developed spring on June 11, 2008. Approximately 53 Harrington's penstemon plants were found within a 200 foot radius of the lower trough location. Twelve additional Harrington's penstemon plants were found along the remainder of the project area.

Environmental Consequences/Mitigation:

Proposed Action:

Aquatic Wildlife.

Big River Fish (Colorado pikeminnow, razorback sucker, bonytail chub, humpback chub):

These fish are all federally listed as Endangered, and Critical Habitat is designated for the Colorado pikeminnow and razorback sucker within the Colorado River and its 100-year floodplain from the town of Rifle downstream. In May 1994, BLM prepared a Programmatic Biological Assessment (PBA) that addresses water depleting activities in the Colorado River Basin. In response to BLM's PBA, the U. S. Fish and Wildlife Service (FWS) issued a Biological Opinion (BO) (#ES/GJ-6-CO-94-F-017) on June 13, 1994, which determined that *water depletions from the Colorado River Basin are likely to jeopardize the continued existence of the Colorado pikeminnow, humpback chub, bonytail, and razorback sucker and result in the destruction or adverse modification of their critical habitat.* Adequate water flow at different life-stages is essential to these native fishes. Reduction in water quantity reduces the ability of the river to create and maintain the primary constituent elements that define critical habitats. Food supply, predation, and competition are important elements of the biological environment. Food supply is a function of nutrient supply and productivity, which could be limited by reduction of high spring flows brought about by water depletions. Predation and competition from nonnative fish species have been identified as factors in the decline of the endangered fishes. Water depletions contribute to alterations in flow regimes that favor nonnative fishes.

Particularly important are flows sufficient enough and at a reasonable frequency (mimicking the natural hydrograph) to allow for creation, maintenance and use of important micro-habitats including spawning bars and backwater habitats needed by adult and young fish. Reduced water flows can reduce spawning habitat availability and usability and dewater important backwater habitats or fail to connect river and backwater habitats, resulting in lowered habitat quality, complexity, and availability.

The BO includes reasonable and prudent alternatives developed by the FWS which allow BLM to authorize projects that result in water depletion (if less than 100 AF) while avoiding the likelihood of jeopardy to the endangered fishes and avoiding destruction or adverse modification of their critical habitat. As a reasonable and prudent alternative in the BO, FWS authorized BLM to make a one-time contribution to the Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin (Recovery Program) in the amount equal to the average annual acre-feet depleted by each project. The BO instructed BLM to make an annual payment to the National Fish and Wildlife Foundation (NFWF) to cover all BLM authorized actions that result in water depletions. ***The depletion associated with this proposed water development is 0.1 acre feet.*** This amount is covered by the Programmatic Biological Assessment and Opinion, and will be included on the Field Office's water depletion log and will be incorporated into the fee total submitted to the FWS at the end of the 2008 fiscal year.

Terrestrial Wildlife:

Greater Sage-grouse. One objective in the Northern Eagle/Southern Routt **Greater Sage Grouse** Conservation Plan is "Maintain and enhance large scale open range habitats to provide both sage-grouse habitat and livestock forage." An action to achieve that objective is "Continue to enhance and improve rangeland (public and private) by using all available tools to land managers. These tools include, but are not limited to, timing and intensity of domestic grazing, weed control, fire, water development, vegetation management, and wildlife population management."

The Proposed Action would have minimal impacts to greater sage grouse and their habitat. Sage grouse likely utilize the project area during non-critical times of the year or when moving to and from winter or brooding habitat. There is some potential that sage grouse may nest in the area, as nesting can occur over two miles from an active lek. Sagebrush communities in this area are in good condition, providing productive and healthy habitat for sage grouse. The Proposed Action would likely lead to better livestock distribution and could possibly improve upland condition.

Plants:

Harrington's penstemon. Some of plants could be destroyed directly during construction activities or indirectly due to trampling associated with increased livestock concentration in the area. At least 3,000 Harrington's penstemon plants have previously been documented within one to two miles of the project area. The potential loss of up to 65 plants represents no more than 2.2% of the local population and is not likely to reduce the long-term viability of the local population or lead to a trend toward listing under ESA.

No Action Alternative:

Big River Fish (Colorado pikeminnow, razorback sucker, bonytail chub, humpback chub):

Under the No Action alternative, no water development would be authorized and no impacts associated with water depletion would result.

Greater Sage Grouse: No ponds would be constructed under the No Action Alternative. The habitat is generally in good condition and the area would continue to provide suitable habitat for greater sage grouse if the ponds are not constructed.

Harrington's penstemon:

Under the No Action alternative, no water developments would be authorized and no impacts would occur to Harrington's penstemon from construction of the project or increased grazing use in the area.

Analysis on the Public Land Health Standard for Special Status Species: A formal land health assessment was conducted in this landscape in 2006 and signed on January 29, 2008. The area which encompasses the proposed action was meeting Standard 4 for threatened, endangered or other special status species. The proposed action should result in a negligible impacts to land health conditions relative to Standard 4 and would not prevent the Standard from being met.

Wastes, Hazardous or Solid

Affected Environment: Vehicle and equipment fuel and lubricants would be used for mechanical operations during ground clearing and installation activities. The proposed activities would occur in close proximity to three unnamed ephemeral drainages.

Proposed Action:

Environmental Consequences/Mitigation: Fuels and lubricants would be stored in appropriate containers and refueling would occur in designated areas. While no spills are anticipated, there is potential for hazardous materials to be transported to any of the three nearby unnamed ephemeral drainages. To mitigate potential negative impacts to area drainages, proper BMPs would be followed during the proposed activities and a sufficient vegetative buffer would be maintained between operations and hydrologic features. Existing vegetative cover and low slope angles in the vicinity would further decrease the delivery potential of hazardous materials to nearby drainages.

No Action Alternative:

Environmental Consequences/Mitigation: Under the no action alternative no hazardous materials would be present.

Water Quality, Surface and Ground (includes an analysis of Public Land Health Standard 5)

Affected Environment: Proposed activities would occur within a 66,364 acre unnamed sixth field subwatershed in close proximity to three unnamed ephemeral drainages. Two of these drainages are directly tributary to the Colorado River in the vicinity of Derby Junction approximately 1.6 miles downstream and north of the proposed activities. The majority of flow in these drainages is in response to snowmelt and short-duration high intensity precipitation events.

According to the State of Colorado's *Stream Classifications and Water Quality Standards* (CDPHE, Water Quality Control Commission, Regulation No. 37) list, the three unnamed ephemeral drainages mentioned above are within the Upper Colorado River Basin segment 7a that includes all tributaries to the Colorado River from a point immediately above the confluence with the Blue River to a point immediately below the confluence with the Roaring Fork River. This segment has been classified aquatic life cold 1, recreation 2, water supply, and agriculture. These classifications indicate that this segment is capable of sustaining a wide variety of cold water biota, not suitable or intended for primary contact recreation, and suitable or intended to become suitable for potable water supplies and agricultural purposes that include irrigation and livestock use.

The three unnamed ephemeral drainages are not currently listed on the State of Colorado's *303(d) List of Water Quality Limited Segments Requiring TMDLS* (CDPHE, Water Quality Control Commission, Regulation No. 93) or the *Monitoring and Evaluation List* (CDPHE, Water Quality Control Commission, Regulation No. 94) as waterbodies suspected to have water quality problems. At this time there are no current water quality data available for these drainages.

Proposed Action:

Environmental Consequences/Mitigation: Proposed activities would result in some soil compaction and displacement that increase the likelihood of erosional processes, especially on steep slopes and areas devoid of vegetation. Soil detachment and sediment transport are likely to occur in disturbed areas adjacent to the unnamed ephemeral drainages during runoff events associated with spring snowmelt and short-duration high intensity thunderstorms.

The amount of exposed soil associated with the proposed activities would be minimal and it is likely that existing vegetation and prompt revegetation of disturbed areas would minimize the likelihood of sediment transport to unnamed ephemeral drainages. Some soil compaction would result from vehicle and equipment operations, but it would primarily occur in areas that would be reseeded or along the existing road corridor. To further minimize the likelihood of soil degradation and sediment transport, mechanical activities would occur during dry conditions.

As mentioned above in the hazardous materials section, vehicle and equipment fuels and lubricants would be used during implementation of the proposed activities. While no spills are anticipated, there is potential for hazardous materials to be transported to the three unnamed ephemeral drainages in the event of a spill. To mitigate potential negative impacts to surface

waters, proper BMPs would be followed during the proposed activities and a sufficient vegetative buffer would be maintained between operations and hydrologic features. Existing vegetative cover and low slope angles in the vicinity would further decrease the delivery potential of hazardous materials to the unnamed ephemeral drainages.

No Action Alternative:

Environmental Consequences/Mitigation: The no action alternative would have no effect on water quality.

Analysis on the Public Land Health Standard for Water Quality: In 2006 the BLM Glenwood Springs Field Office completed the Burns to State Bridge Land Health Assessment in which measured water quality parameters suggested that surface waters appear to be meeting the standards for water quality established by the State of Colorado. It is not likely that the proposed action and no action alternative would prevent Standard 5 from being met.

Other Affected Resources

In addition to the critical elements, the resources presented in Table 2 were considered for impact analysis relative to the proposed action and no action alternative. Resources that would be affected by the proposed action and no action alternative are discussed below.

Table 2. Other Resources Considered in the Analysis.			
<i>Resource</i>	<i>NA or Not Present</i>	<i>Present and Not Affected</i>	<i>Present and Affected</i>
Access and Transportation	X		
Cadastral Survey	X		
Fire/Fuels Management		X	
Forest Management	X		
Geology and Minerals	X		
Law Enforcement	X		
Paleontology	X		
Noise	X		
Range Management			X
Realty Authorizations		X	
Recreation		X	
Socio-Economics	X		
Soils*			X
Vegetation*			X
Visual Resources			X
Wildlife, Aquatic*			X
Wildlife, Terrestrial*			X

*Land Health Standard

Range Management:

Affected Environment: The proposed project is located in the Deer Pen Allotment which is under a grazing permit to Nottingham Investment Company. Permitted grazing use is as follows:

Livestock No./Kind	Period of Use	% PL	AUMS
449 Cattle	05/01 – 06/30	100	900

Environmental Consequences/Mitigation:

Proposed Action: The proposed action would provide livestock and wildlife with a more reliable source of water in an area of the grazing allotment that lacks sufficient watering sources. This would help improve grazing distribution, would improve conformance with the Guidelines for Livestock Grazing Management in Colorado (Guideline No. 2 - grazing management practices that address distribution), would maintain/improve the condition of upland areas and would help achieve/maintain of Colorado Public Land Health Standard 3 (plant and animal communities).

No Action: The project would not be constructed. The additional drinking water source would not be supplied; consequently, grazing distribution would not be improved. There would be no improved conformance with the Guidelines for Livestock Grazing Management in Colorado (Guideline No. 2 - grazing management practices that address distribution). This alternative would not help achieve/maintain Colorado Public Land Health Standard 3 (plant and animal communities).

Realty Authorizations

Affected Environment:

The proposed project is located in the Public Water Reserve that has been reserved for public uses. This will be addressed in further detail below in the Water Rights section.

Environmental Consequences/Mitigation:

Proposed Action:

The proposed action would continue to provide public water within the withdrawal as well as to the grazing permittee.

Mitigation:

The proposed action would continue to provide public water within the withdrawal as well as to the grazing permittee. As long as the troughs and the spring are opened to wildlife, no mitigation is required because the purpose of the withdrawal is being met.

No Action:

Public access to the water within the withdrawal would still be available.

Soils (includes an analysis of Public Land Health Standard 1)

Affected Environment: According to the *Soil Survey of Aspen-Gypsum Area, Colorado: Parts of Eagle, Garfield, and Pitkin Counties* (USDA 1992), the proposed action would be located on the soil map units Forelle-Brownsto complex, Miracle loam, and Torriorthents-Camborthids-Rock outcrop complex. Following is a brief description of the three soil map units encountered in the project area.

- Forelle-Brownsto complex (44) – This soil map unit is found on mountains and benches at elevations ranging from 6,500 to 7,500 feet and on slopes of 12 to 25 percent. Approximately 55 percent of this unit is Forelle soil, 30 percent Brownsto soil, and the other 15 percent a mixture of several soil types. The Forelle soil is deep, well drained and is derived from sedimentary rock alluvium. Surface runoff is rapid and the water erosion hazard is moderate to severe. The Brownsto soil is deep, well drained and is derived from calcareous sandstone and basalt alluvium. Surface runoff is rapid and the

water erosion hazard is moderate. Primary uses for this soil map unit include rangeland and wildlife habitat.

- Miracle loam (78) – This moderately deep, well drained soil is found on hills and ridges at elevations ranging from 8,000 to 9,000 feet and on slopes of 3 to 30 percent. This soil is derived primarily from redbed sandstone and shale. Surface runoff is rapid and the water erosion hazard is moderate. Primary uses for this soil include livestock grazing and wildlife habitat.
- Torriorthents-Camborthids-Rock outcrop complex (104) – This soil map unit occurs on south-facing mountainsides, hills, and ridges with slopes ranging from 6 to 65 percent. Approximately 45 percent of this unit is Torriorthents, 20 percent Camborthids, and 15 percent Rock outcrop. The Torriorthents are shallow to moderately deep, well drained, and are derived from sedimentary rock. Surface runoff is rapid and the water erosion hazard is severe. The Camborthids are shallow to deep, well drained, and are derived from sandstone, shale, and basalt. Surface runoff is rapid and the water erosion hazard is severe. The Rock outcrop component of this unit consists of exposed sandstone, shale, and basalt. This soil map unit is used primarily for wildlife habitat.

Proposed Action:

Environmental Consequences/Mitigation: As mentioned in the water quality section above, the proposed activities would result in some soil compaction and displacement that increase the likelihood of erosional processes, especially on steep slopes and areas devoid of vegetation. Soil detachment and sediment transport are likely to occur in disturbed areas adjacent to the unnamed ephemeral drainages during runoff events associated with spring snowmelt and short-duration high intensity thunderstorms.

The amount of exposed soil associated with the proposed activities would be minimal and it is likely that existing vegetation and prompt revegetation of disturbed areas would minimize the likelihood of sediment transport to unnamed ephemeral drainages. Some soil compaction would result from vehicle and equipment operations, but it would primarily occur in areas that would be reseeded or along the existing road corridor. To further minimize the likelihood of soil degradation and sediment transport, mechanical activities would occur during dry conditions.

Vehicle and equipment fuels and lubricants would be used for operations during the implementation of the proposed activities. While no spills are anticipated, there is potential for hazardous materials to be transported to the three unnamed ephemeral drainages in the event of a spill. To mitigate potential negative impacts to surface waters, proper BMPs would be followed during the proposed activities and a sufficient vegetative buffer would be maintained between operations and hydrologic features. Existing vegetative cover and low slope angles in the vicinity would further decrease the delivery potential of hazardous materials to the unnamed ephemeral drainages.

No Action Alternative:

Environmental Consequences/Mitigation: The no action alternative would have no effect on soil resources.

Analysis on the Public Land Health Standard for Upland Soils: In 2006 the BLM Glenwood Springs Field Office completed the Burns to State Bridge Land Health Assessment in which Standard 1 for Upland Soils was being met at all sites assessed. It is not likely that the proposed action or the no action alternative would prevent Standard 1 from being met.

Vegetation (includes an analysis of Public Land Health Standard 3)

Affected Environment: Vegetation in the project area consists of Wyoming big sagebrush, Mountain big sagebrush, snowberry and rubber rabbitbrush with some pockets of Gambel oak. Pinyon pine, and Utah and Rocky Mountain junipers are scattered throughout the project area. The understory consists of native grasses and forbs.

Environmental Consequences/Mitigation:

Proposed Action:

The project would result in some minor ground disturbance associated with the burial of the pipeline and clearing of areas for the two water troughs. Seeding of the disturbed areas with weed-free seed combined with the potential influx of grasses, forbs and shrubs from seeds and from roots adjacent to the disturbed areas is likely to re-establish vegetation rapidly following project completion. The water developments will draw additional livestock use to the area. Livestock trampling and grazing may limit the cover and vigor of vegetation in the immediate area. Noxious weeds may also likely invade the disturbed areas; therefore prompt weed control will be important for restoring a native plant community to the site.

The development of new water sources in the allotment may more evenly distribute livestock use throughout the allotment, thereby resulting in improvements to vegetation conditions in other parts of the allotment that are currently receiving heavier use.

No Action Alternative:

Under the No Action alternative, the construction of the pipeline and troughs would not be approved and no surface disturbances would result. There would be no temporary or permanent loss of vegetation in the area.

Analysis on the Public Land Health Standard for Plant and Animal Communities (partial, see also Wildlife, Aquatic and Wildlife, Terrestrial): In 2006 the BLM Glenwood Springs Field Office completed the Burns to State Bridge Land Health Assessment in which Standard 3 for healthy plant communities was being met at all sites assessed. Neither the proposed action nor the no action alternative would prevent Standard 3 from being met.

Visual Resources

Affected Environment: The proposed action occurs within an area classified as VRM Class II in the 1984 Glenwood Springs Resource Management Plan. The objective of this VRM Class II is to retain the existing characteristic landscape. The level of change in any of the basic landscape elements (line, form, color, texture) due to management activities should be low and not evident.

The Key Observation Point (KOP) used for the Sky Legend project analysis was Eagle County Road 301 also known as the Colorado River Road. This KOP is approximately 1 ½ + miles away at a lower elevation, however the deer pen area is highly visible.

This project area is comprised of typical mountain topography rising up from the Colorado River Valley, with vegetation types on north-facing slopes consisting of sagebrush, snowberry and rubber rabbitbrush with some pockets of Gambel oak. Pinyon pine, and Utah and Rocky Mountain junipers are also scattered throughout the project area. The existing landscape character has retained its naturalness with few linear features resulting from old roads that are used administratively by grazing permittee.

Environmental Consequences/Mitigation:

Proposed Action:

The proposed action would create short term impacts by creating new contrasts within the landscape resulting from the disturbance to the soil and existing vegetation and from introducing a new linear feature. However, with successful reclamation the long term contrasts should disappear and the related impacts would be minimal and evidence of the project from the KOP would be low if seen at all. The proposed action will meet long term VRM Class II objectives with the following mitigation.

Mitigation: In order to ensure long term VRM Objectives are met, long term monitoring should occur to ensure that reclamation of the pipeline is successful. In order to reduce long term contrasts, all rocks and or spoil materials should avoid creating linear or unnatural features.

No Action Alternative: There would be no new surface disturbance, therefore there would be no changes to the existing landscape character and VRM Class II objectives would be maintained.

Wildlife, Aquatic (includes an analysis of Public Land Health Standard 3):

Affected Environment:

The proposed water pipeline and troughs would be located in upland habitats consisting primarily of sagebrush and scattered pinyon juniper woodlands. Other than the Crissman Spring source, no perennial waters are located in or near the project area.

Environmental Consequences/Mitigation:

Proposed Action:

The project would result in some minor ground disturbance due to burial of the pipeline and clearing of areas for the two water troughs. Given the distance to perennial water, and the fact that all disturbed areas would be reseeded, no impacts to aquatic wildlife are anticipated.

No Action Alternative:

Under the no action alternative, no pipeline or troughs would be constructed. No impacts to aquatic wildlife would result.

Analysis on the Public Land Health Standard 3 for Plant and Animal Communities (partial, see also Vegetation and Wildlife, Terrestrial):

A formal Land Health Assessment was completed for the area in 2006. At that time the majority of the area was meeting Standard 3 for aquatic wildlife. The proposed action should have no bearing on the watersheds ability to continue to meet Standard 3.

Wildlife, Terrestrial (includes an analysis of Public Land Health Standard 3)

Affected Environment:

The allotment provides important habitat for a variety of obligate species of birds, raptors, small mammals, reptiles, and are particularly important as food and cover for wintering big game. Terrestrial habitats have historically been altered by roads, fences, buildings, public recreation use, vegetative treatments and livestock developments.

Species of High Public Interest. The project is within CDOW mapped elk summer range and elk severe winter range. The project is within mule deer summer and critical winter range. Summer range is that part of the overall range where 90% of the individuals are located between spring green-up and the first heavy snowfall. Summer range is not necessarily exclusive of winter range; in some areas winter range and summer range may overlap. Severe winter range is considered that part of the overall range where 90% of the individuals are located when the annual snowpack is at its maximum and/or temperatures are at a minimum in the two worst winters out of ten. Critical winter range depicts areas of high importance to wintering mule deer in Colorado. The map layer is created by combining winter concentration areas and "high density" mule deer severe winter range.

Elk data analysis Unit (DAU) E-12 (Piney River) includes game management units (GMUs) 35 and 36. The 2006 post-hunt elk population estimate was 5,230. No current DAU plan exists however it is scheduled to be updated in the near future. The CDOW recommended population objective for DAU-12 is 5,000 elk (CDOW 2008).

Deer DAU D-8 (State Bridge) includes game management units (GMUs) 15, 35, 36 and 45. The 2006 post-hunt deer population estimate was 24,500. No current DAU plan exists however it is scheduled to be updated in the near future. The CDOW recommended population objective for DAU-12 is 21,000 deer (CDOW 2008).

Environmental Consequences/Mitigation:

Proposed Action:

Plant communities in this allotment are in good condition, providing healthy and productive habitat for a variety of terrestrial wildlife species. The Proposed Action would provide livestock and wildlife with two additional sources of water which would help improve grazing distribution. This would help maintain or improve existing habitat conditions. Vegetation surrounding the proposed ponds and water tank would likely be eaten and trampled by livestock. However, this would not be significant within the larger landscape. Wildlife species may be displaced from the pond sites during construction, due to noise and an increase in human activity. Most wildlife would return to the area once construction of the ponds is complete.

Livestock water developments were not designed with wildlife in mind, and many animals drown while attempting to drink or bathe in them, particularly when escape structures are absent or inadequate, water levels are low, and during drought. The need for wildlife escape structures (also called wildlife ramps or bird ladders) in troughs has been documented in range and wildlife publications for more than three decades. This project includes the installation of escape structures which will help protect wildlife.

No Action Alternative:

No construction would take place under the No Action Alternative. The habitat is generally in good condition and the area would continue to provide suitable habitat for wildlife species if the ponds are not constructed.

Analysis on the Public Land Health Standard for plant and animal communities (partial, see also Vegetation and Wildlife, Aquatic): Neither the proposed action nor the no action alternative would prevent Standard 3 from being met. The proposed action would help maintain spatial distribution of livestock and likewise wildlife across the area.

REFERENCES

Colorado Division of Wildlife. 2008. Habitat Partnership Program Lower Colorado River Habitat Management Plan 2008-2012. State of Colorado.

Northern Eagle/Southern Routt Greater Sage-Grouse Work Group. 2004. Northern Eagle/Southern Routt Greater Sage-Grouse Conservation Plan. Colorado Division of Wildlife, Denver, Colorado.

SUMMARY OF CUMULATIVE IMPACTS

Indirect long-term cumulative impacts from increased access could result in a range of impacts to known and undiscovered cultural resources in the vicinity of the project location.

PERSONS AND AGENCIES CONSULTED:

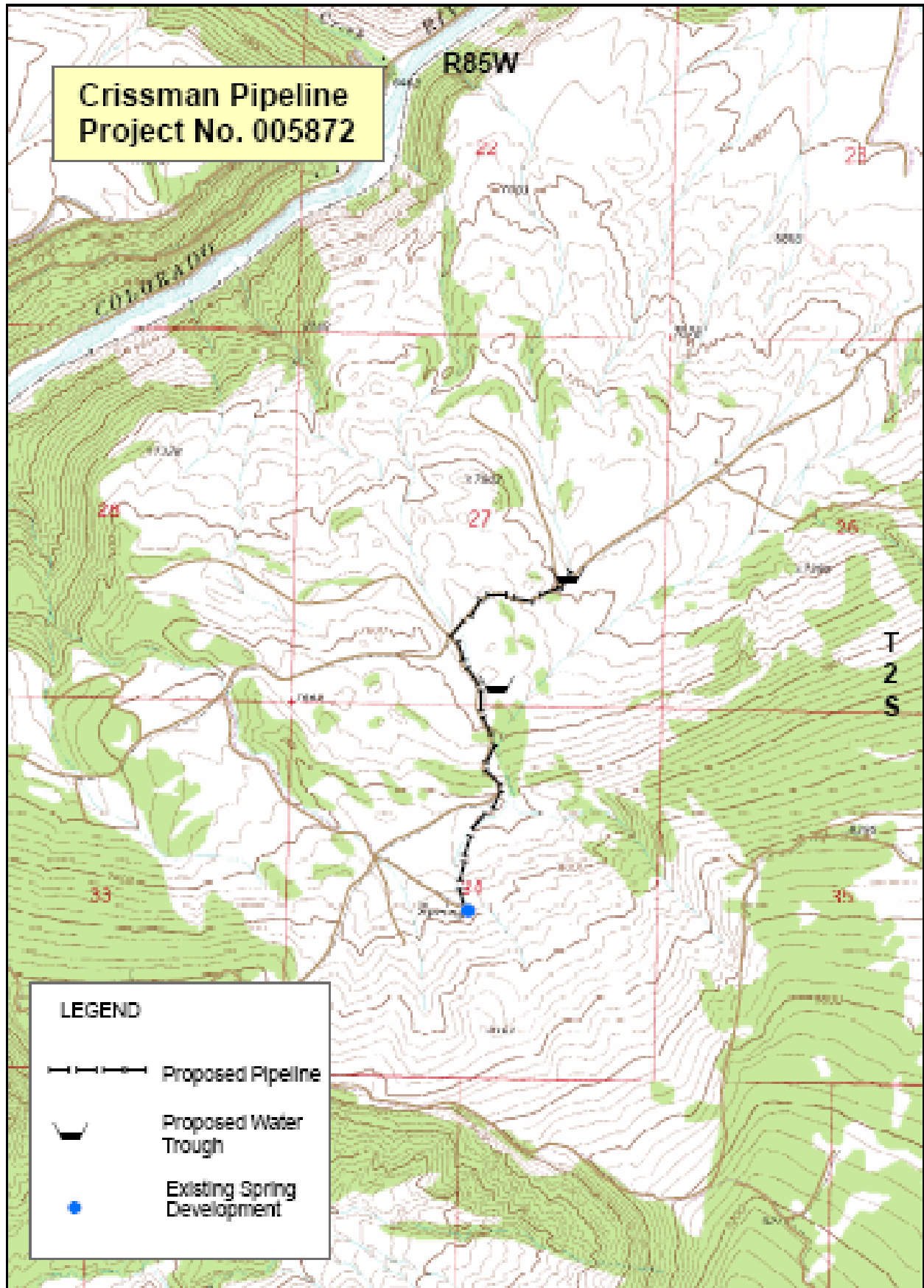
Bill Nottingham, grazing permittee

INTERDISCIPLINARY REVIEW:

<i>Name</i>	<i>Title</i>	<i>Responsibility</i>
Michael Kinser	Rangeland Management Specialist	NEPA Lead, Wetlands and Riparian Zones, Range Management
Cheryl Harrison	Archaeologist	Cultural Resources and Native American Religious Concerns
Jeff O'Connell	Hydrologist/Geologist	Soil, Air, Water, Geology
Brian Hopkins	Wildlife Biologist	Migratory Birds, Terrestrial Wildlife, T&E
Dereck Wilson	Rangeland Management Specialist	Invasive, Non-native Species
Carla DeYoung	Ecologist	Vegetation, T/E/S Plants, ACEC
Kay Hopkins	Outdoor Recreation Planner	WSR, Wilderness, VRM
Carole Huey	Realty Specialist	Lands & Realty

APPENDICES: Location map, specifications and drawings.

ATTACHMENTS: None



Project Specifications

02229

DIVISION 2

SITework

Rev. 11-90

SECTION 02229

TRENCHING, BACKFILLING, AND COMPACTING

PRODUCTS

MATERIALS:

- A. General: Material excavated shall be considered unclassified.
- B. Fill Material: Shall be approved before use. Material from excavations shall be used, unless it contains ice or frozen earth, debris, high moisture content, or is specified in other sections to be replaced. Materials removed in clearing and grubbing shall not be used for backfill. Backfill shall not contain rock larger than [] inches in diameter.
- C. Bedding: Shall be material approved by the Contracting Officer, with a general size range from 1/4 inch to 1/2 inch.

EXECUTION

PREPARATION:

- A. Clearing: Maximum clearing width is 7 ft on each side of the trench. Provide minimum disturbance to existing grass and sod. Dispose of debris on site. Clearing and grubbing shall be according to Section 02111 - Clearing and Grubbing.

INSTALLATION:

- A. Trench Excavation: Shall be as shown on the drawings. Excavate trenches in rock to a depth of at least 4 inches but not exceeding 12 inches below pipe bottom.
 - 1. When overexcavation occurs repair the area by backfilling with approved bedding material and compacting to 95% maximum dry density according to AASHTO T 99, Method C.
 - 2. When frost action occurs, remove frozen soil and replace with approved soil compacted to 95% of maximum dry density as determined by AASHTO T 99, Method C.
 - 3. When soil becomes saturated above the optimum moisture content, compact after it has dried, or remove soil down to firm material and place backfill before construction proceeds.
- B. Bedding: Shall be placed as shown on the drawings. Fine grade the trench bottom throughout and provide uniform and continuous support for each section of pipe except at bell holes or depressions necessary for making proper joints. Compact to 95% maximum dry density as determined by AASHTO T 99, Method C.

- C. Trench Backfill: After testing and approval of interconnected piping the trench backfilling shall be completed. Where shown on the drawings the backfill shall be placed without compaction. The excavated material shall be placed in the trench and shall be mounded as shown on the drawings. Puddling or flooding of trench for consolidation of backfill or use of wheel rolling by construction equipment will not be permitted.
1. Provide uniform and continuous support for each section of pipe except at bell holes or depressions necessary for making proper joints. Place backfill in 6-inch maximum loose lifts to a depth of 1 ft over the top of the pipe. Compact to 95% maximum dry density as determined by AASHTO T 99, Method C. Prevent lateral displacement during compaction.

SECTION 02231

CLEARING AND GRUBBING

PART 1 GENERAL

1.1 SUMMARY

A. Section Includes: Clearing of vegetation, and grubbing of stumps, roots, and debris; disposal of unutilized materials; and other incidental work related to preparing the site for later use.

B. Related Sections:

Trenching - Section 02229

Minor Earth Dams and Pits - Section 02291

1.2 DEFINITIONS

A. Clearing: Clearing shall consist of the felling, trimming, and cutting of obstructions such as trees into sections and the satisfactory disposal of the trees and other surface vegetation designated for removal, including down timber, snags, brush, and rubbish occurring in the areas to be cleared.

B. Grubbing: Grubbing shall consist of the removal and disposal of below-surface stumps, roots larger than 75 millimeters (3 inches) in diameter, and matted roots from the designated grubbing areas.

C. Hazardous Waste: Substance likely to cause death or injury by reason of being explosive, flammable, poisonous, corrosive, oxidizing, irritating, or otherwise harmful; and includes, but is not limited to flammable dust, flammable fiber, combustible liquid, dangerous chemical, flammable gas, liquified flammable gas, and flammable liquid.

1.3 PROJECT/SITE CONDITIONS

A. Work Limits: Area to be cleared and grubbed will be the excavation area. Total width of clearing shall not exceed 15 feet. This width may be to one side of the pipeline or partially to both sides. Scalping of topsoil during clearing operations will not be permitted.

B. Burning of Slash: Shall not be permitted.

C. Landscape Preservation: Protect vegetation outside the work limits from injury. Existing trees and shrubs shall not be disturbed or damaged.

PART 2 PRODUCTS

2.1 PREPARED PRODUCTS

A. Tree Wound Paint: Bituminous based material of standard manufacture specially formulated for tree wounds.

- B. Herbicide: Comply with Federal Insecticide, Fungicide, and Rodenticide Act, Title 7 U.S.C. Section 136, for requirements on Contractor licensing, certification, and record keeping.

2.2 EQUIPMENT

- A. Spark Arresters: Shall meet the requirements of the U.S. Forest Service Spark Arrester Guide, Volume 2, dated 1993.

PART 3 EXECUTION

3.1 PROTECTION

- A. Utility Lines: Protect existing utility lines that are indicated to remain from damage. Notify the BLM immediately of damage to or an encounter with an unknown existing utility line. The Contractor shall be responsible for the repairs of damage to existing utility lines that are indicated or made known to the Contractor prior to the start of clearing and grubbing operations. When utility lines which are to be removed are encountered within the area of operations, the Contractor shall notify the BLM 72 hours prior to interruption of the service.

3.2 CLEARING

- A. Requirements: Clear trees, stumps, roots, brush, and other vegetation in areas to be graded; cut off flush with or below the original ground surface, except such trees and vegetation indicated or directed to be left standing. Trees designated to be left standing within the cleared areas shall be trimmed of dead branches 1-1/2 inches or more in diameter and be painted with an approved tree-wound paint. Limbs and branches to be trimmed shall be neatly cut close to the bole of the tree or main branches. Trees and vegetation to be left standing shall be protected from damage incident to clearing, grubbing, and construction operations by the erection of barriers or by such other means as the circumstances require. Clearing shall also include the removal of existing obstructions that are a distance of 5 feet beyond the perimeter of to-be-built structures.

3.3 GRUBBING

- A. Requirements: Material to be grubbed, together with logs and other organic or metallic debris not suitable for foundation purposes, shall be removed to a depth of not less than 18 inches below the original surface level of the ground in areas indicated to be grubbed. Depressions made by grubbing shall be filled with suitable material and compacted to make the surface conform with the original adjacent surface of the ground. Debris not suitable for foundation purposes shall be removed.
- B. Low Embankment Areas: When the finished subgrade is less than 3 feet above the original ground, remove stumps, roots, and debris to a minimum of 6 inches below the original ground. Backfill stump and root holes with approved material and compact before placing embankment material.
- C. High Embankment Areas: When the finished subgrade is 3 feet or more from the original ground, stumps may be cut flush and left in place. Removal of undisturbed stumps and

roots and nonperishable solid objects will not be required. The surface of the original ground shall be scarified before starting the embankment operation.

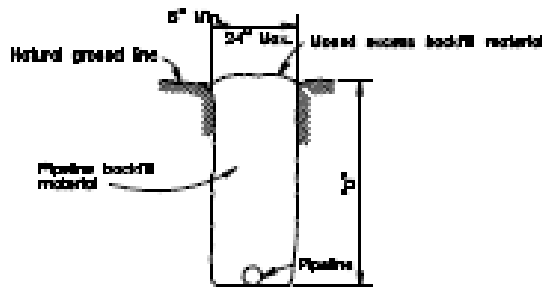
3.4 SALVAGE

- A. Trees and Limbs, 8-inch Diameter and Larger: Trim limbs, cut into approved log lengths, and stockpile where directed. The stockpiled materials will remain the property of the Government.
- B. Trees and Limbs, 3-inch to 8-inch Diameter: Cut logs into 4-foot lengths and stack where directed. The stockpiled material will remain the property of the Government.

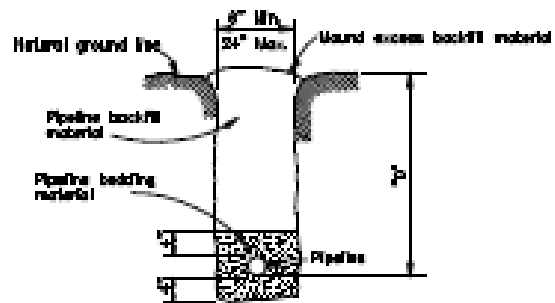
3.5 DISPOSAL

- A. Requirements: Material that is not to be salvaged shall be removed from the project site and legally disposed of offsite or disposed of by a combination of burying and removal. Burning will not be permitted.

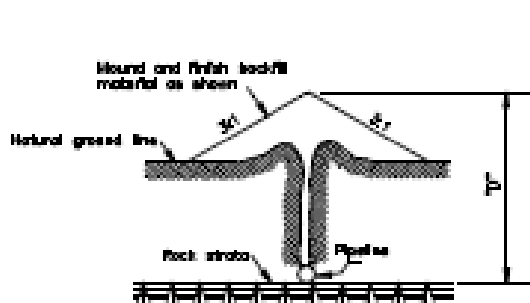
END OF SECTION



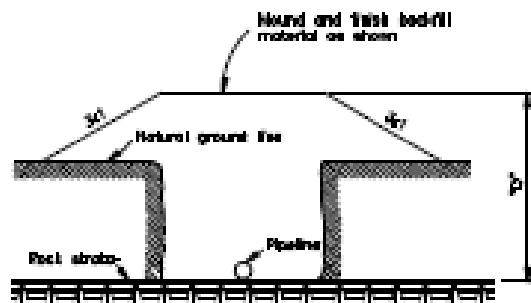
TRENCH-TYPE I INSTALLATION



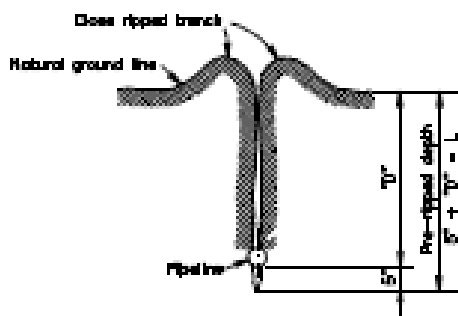
TRENCH-TYPE II INSTALLATION



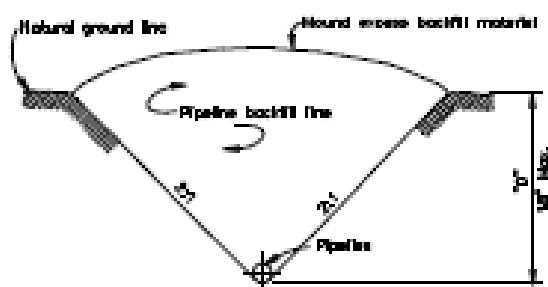
MOUNDED-TYPE A INSTALLATION



MOUNDED-TYPE B INSTALLATION



RIPPED-TYPE INSTALLATION



V\"/>

NOTES:

1. Type of trench shall be as required in specifications.
2. "T" is equal to specified depth as shown on the pipeline plan or profile sheets.

ALWAYS THINK SAFETY

UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT DIVISION OF TECHNICAL SERVICES SERVICE CENTER	
PIPELINE INSTALLATION TYPES	
DESIGNED	by others
REVIEWED	
APPROVED	
DRAWN	SCALE NONE
DATE JULY 25, 1992	SHEET OF
DRAWING NO. 02282-1	



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Glenwood Springs Field Office
50629 Highway 6 and 24
Glenwood Springs, Colorado 81601



IN REPLY REFER TO:
ON 0507515
(CO-140)

May 12, 2009

2008-59

NOTICE OF PROPOSED DECISION

Introduction:

On September 19, 2007 [redacted] of the Glenwood Springs Field Office (GSFO) met with [redacted] to discuss and plan the location of Crissman Pipeline. The project would involve construction of 1.2 miles of water pipeline and installation of two water troughs along the pipeline. The water source for the pipeline would be from Crissman Spring. The proposed project would provide livestock with a more reliable source of water in an area of the allotment that lacks sufficient watering sources. It was agreed that the Bureau of Land Management (BLM) would supply materials and Nottingham Investment Company would supply the labor and equipment necessary for construction.

The proposed project has undergone review for conformance with the land use plan and compliance with the National Environmental Policy Act (NEPA). The review and NEPA compliance has been completed as documented in Environmental Assessment (EA) No. CO-140-CO-104-2008-059.

Finding Of No Significant Impact (FONSI):

The environmental assessment, analyzing the environmental effects of the proposed action, has been reviewed. The proposed action with mitigation measures result in a finding of no significant impact on the human environment. Therefore, an environmental impact statement is not necessary to further analyze the environmental effects of the proposed action.

Rationale: The analysis of the proposed action with mitigation measures did not identify any impacts that would be significant in nature either in context or intensity. In addition, there is nothing to indicate the action is highly controversial or that it is related to other actions with individually insignificant but cumulatively significant actions.

Proposed Decision:

Under authority of 43 CFR 4120.3-1(f), 43 CFR 4120.3-2(a), 43 CFR 4120.3-4 and 43 CFR 4160.1(a), it is my proposed decision to adopt the "Proposed Action" of the EA, including mitigation measures, which would authorize the construction

of 1.2 miles of pipeline and installation of two water troughs along the pipeline. The project will be authorized under the enclosed Cooperative Range Improvement Agreement which also specifies standards, design, construction and maintenance criteria, and other conditions and stipulations for the range improvement.

Rationale for the Proposed Decision

Construction of the proposed range improvement is in conformance with the Glenwood Springs Resource Management Plan (RMP), approved January, 1984, revised 1988, amended in November 1991 - Oil and Gas Leasing and Development - Final Supplemental Environmental Impact Statement; amended Nov. 1996 - Colorado Standards and Guidelines; amended in August 1997 - Castle Peak Travel Management Plan; amended in March 1999 - Oil and Gas Leasing & Development Final Supplemental Environmental Impact Statement; amended in November 1999 - Red Hill Plan Amendment; amended in September 2002 - Fire Management Plan for Wildland Fire Management and Prescriptive Vegetation Treatment Guidance; amended in June 2007 - Record of Decision for the Approval of Portions of the Roan Plateau Resource Management Plan Amendment; and amended in March 2009 - Record of Decision for the Designation of Areas of Critical Environmental Concern for the Roan Plateau Resource Management Plan. The action is in conformance with Livestock Grazing Management, Planned Management Actions (pg. 20) of the RMP which states, "construct facilities such as springs, reservoirs, fences, corrals, and livestock trails where necessary to control and distribute livestock."

An interdisciplinary team prepared an EA (No. CO-140-2008-059) for the proposed pipeline and water troughs. My proposed decision is based on the findings of the analyses contained in the EA. The analysis of the proposed action indicated that the proposed range improvements would provide livestock and wildlife with additional sources of water, would help improve grazing distribution, would maintain or improve the condition of upland areas and wildlife habitat, would help maintain or achieve Colorado Public Land Health Standard 3 (plant and animal communities, and would improve conformance with the Guidelines for Livestock Management in Colorado.

Authority

43 4120.3-1(f) states: "Proposed range improvement projects shall be reviewed in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4371 et seq.). The decision document following the environmental analysis shall be considered the proposed decision under subpart 4160 of this part."

43 CFR 4120.3-2(a) states: "The Bureau of Land Management may enter into a cooperative range improvement agreement with any person, organization, or other government entity for the installation, use, maintenance, and/or modification of permanent range improvements or rangeland developments to achieve management or resource condition objectives. The cooperative range improvement agreement shall specify how the costs or labor, or both, shall be divided between the United States and cooperator(s)."

43 CFR 4120.3-4 states: "Range improvement permits and cooperative range improvement agreements shall specify the standards, design, construction and maintenance criteria for the range improvements and other additional

conditions and stipulations or modifications deemed necessary by the authorized officer."

43 CFR 4160.1(a) states: "Proposed decisions shall be served on any affected applicant, permittee or lessee and any agent and lien holder of record, who is affect by the proposed actions, terms or conditions, or modifications relating to applications, permits and agreements (including range improvement permits) or leases, by certified mail or personal delivery. Copies of the proposed decisions shall also be sent to the interested public".

Protest and/or Appeal

Any applicant, permittee, lessee or other interested publics may protest a proposed decision under Sec. 43 CFR 4160.1 and 4160.2, in person or in writing to Karl R. Mendonca, Supervisory Natural Resource Specialist, Bureau of Land Management, 50629 US Highway 6 & 24, Glenwood Springs, Colorado 81601 within 15 days after receipt of such decision. The protest, if filed, should clearly and concisely state the reason(s) as to why the proposed decision is in error.

In accordance with 43 CFR 4160.3 (a), in the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice unless otherwise provided in the proposed decision.

In accordance with 43 CFR 4160.3 (b) upon a timely filing of a protest, after a review of protests received and other information pertinent to the case, the authorized officer shall issue a final decision.

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.3 and 4160 .4. The appeal must be filed within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR 4.471 and 4.479, pending final determination on appeal. The appeal and petition for a stay must be filed in the office of the authorized officer, as noted above. The person/party must also serve a copy of the appeal on any person named [43 CFR 4.421(h)] in the decision and the Office of the Solicitor, United States Department of Interior, 755 Parfet Street, Suite 151, Lakewood, Colorado 80215.

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise complies with the provisions of 43 CFR 4.470.

Should you wish to file a petition for a stay, see 43 CFR 4.471 (a) and (b). In accordance with 43 CFR 4.471(c), a petition for a stay must show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

As noted above, the petition for stay must be filed in the office of the authorized officer and serviced in accordance with 43 CFR 4.473. Any person named in the decision from which an appeal is taken (other than the appellant) who wishes to file a response to the petition for a stay may file with the Hearings division a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition. Within 15 days after filing the motion to intervene and response, the person must serve copies on the appellant, the office of the Solicitor and any other person named in the decision (43 CFR 4.472(b)).

If you have any questions, feel free to contact either :

Sincerely,



Karl R. Mendonca
Supervisory Natural Resource Specialist

Enclosure(s)

Cooperative Range Improvement Agreement (BLM Form 4120-6)