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**U.S. Department of the Interior  
Bureau of Land Management  
Kremmling Field Office  
P.O. Box 68  
Kremmling, CO 80459**

## **ENVIRONMENTAL ASSESSMENT**

NUMBER: DOI-BLM-120-2010-0029-EA

PROJECT NAME: State Bridge Land Use Permit

LEGAL DESCRIPTION: T. 2 S., R. 83 W., Section 23, SE1/4, 6<sup>th</sup> P.M.

KREMMLING FIELD OFFICE, KREMMLING, COLORADO

CASEFILE/PROJECT NUMBER: COC-074351

APPLICANT: Douglas Moog

PURPOSE AND NEED FOR THE ACTION: Douglas Moog, the new owner of the State Bridge Lodge property, has applied for a Land Use Permit to resolve a trespass issue. Twelve check dams, an embankment with a large culvert within it, a footpath and five yurt structures were constructed without a permit on BLM administered lands.

Background/Introduction/Issues and Concerns: The previous owners of the State Bridge Lodge installed twelve check dams, a large culvert embankment, a footpath and five yurt structures on BLM Administered Lands. This potential trespass situation was brought to the attention of the owner in 2003 and an application was turned into the BLM. Since then, owners have changed and the main lodge burned to the ground. The check dams were loose rock structures that were not properly constructed. It appears that most of the structures have been removed by runoff, although some remnants exist on the edges of the gully. The entire trespass area encompasses 1.12 acres. The trespass situation remains.

DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES:

Proposed Action: BLM proposes to issue State Bridge Lodge a Land Use Permit to resolve a trespass issue on public land. No new facilities or improvements beyond the improvements already made are proposed. Sediment removal, culvert cleaning, and weed control are some of the maintenance activities that would occur to ensure the land and improvements would continue to be functional and the area would remain clean. BLM would authorize these improvements with a three-year permit and discuss the possibility of other resolutions to trespass (sale, exchange) when the permit expires. BLM Land Use Permits are used to authorize uses of public

lands for up to three years. The permit is renewable at the discretion of the authorized officer. The permit authorizes 1.12 acres which includes, twelve check dams, an embankment with a large culvert within it, a footpath and five yurt structures.

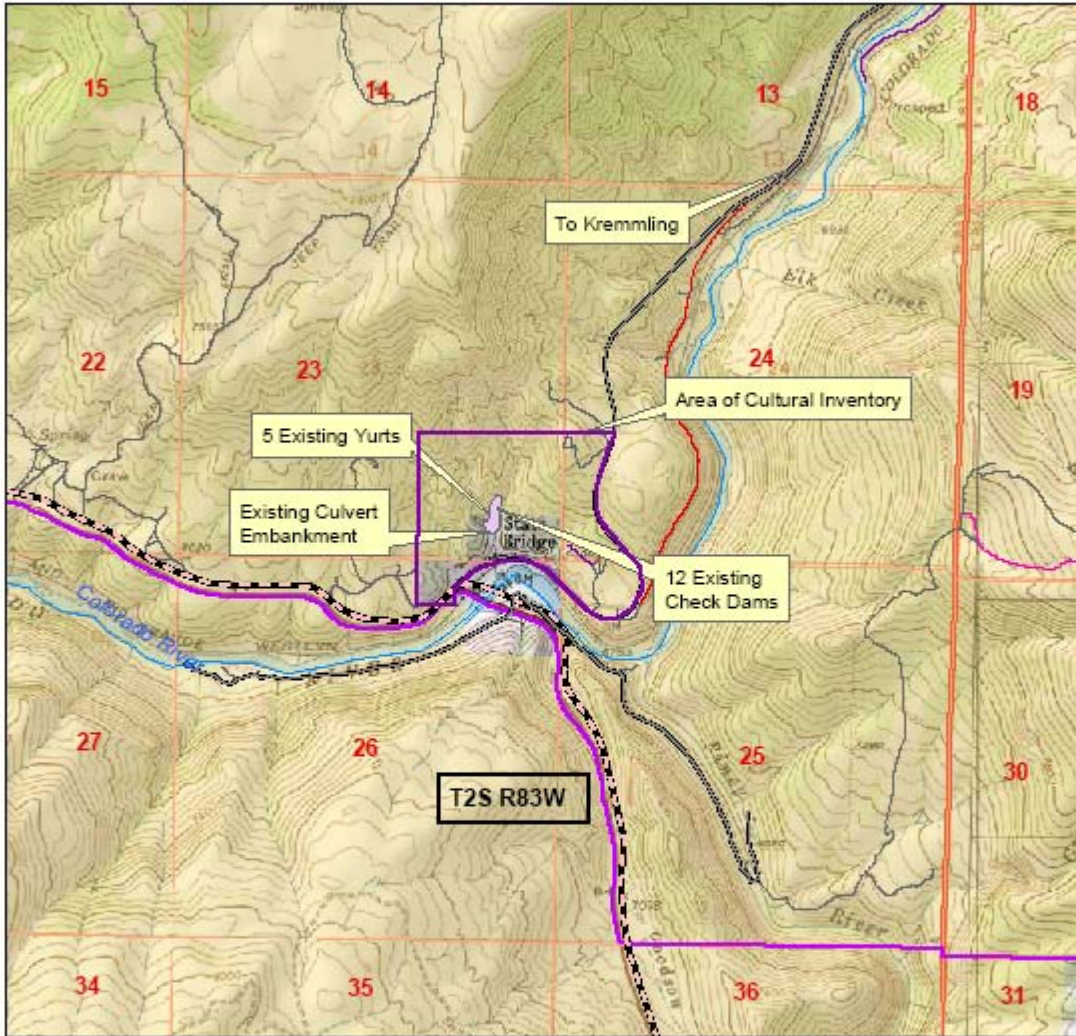
Design Features of the Proposed Action:

- The applicant must obtain a state permit for the embankment, which created a small erosion control dam and present a copy to the BLM.
- The applicant would be responsible for weed control on disturbed areas within the limits of the permit. The applicant is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods.
- The applicant is not authorized to post ‘No Trespassing’ or other signage on BLM administered lands restricting public access or use, or depicting BLM administered lands as private. The yurt structures may be signed as private.
- No motorized vehicles would access the yurts permitted by this proposal.
- Maintenance, as needed, would be performed within one week of large storm events. Maintenance would consist of removing sediment deposits from the ponded area, making sure that at least 0.5 feet of depth exists between the bottom of the pond and the culvert lip.

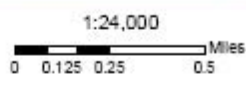
A “large storm event” produces runoff in the defined drainage, with flows reaching the ponded area.
- Excavated sediment and debris will not be spread or stockpiled on BLM lands without prior permission.
- Re-vegetation would be required of the disturbed soils of the embankment and the basin.
- A BLM approved seed mix would be required for the reseeding. If the seeding fails, reseeding would be required with the same or an alternative seed mix. Once an adequate stand of the intended vegetation is established, monitoring would no longer be required.
- Graveling would be required of any access trail.



# State Bridge Land Use Permit COC-074351



- Legend**
- Highway Labels
  - State Bridge
  - County Roads
  - Major Streams
  - State Highways
  - ROUTE 501
  - Interstate
  - U.S.
  - State
  - County Boundary
  - Kremmling FO Boundary
  - Land Status
  - Land Status
  - Bureau of Land Mgt
  - Division of Wildlife
  - National Park
  - US Forest Service
  - National Wildlife Refuge
  - Private
  - State
  - State Forest
  - Reservoirs
  - Sections
  - Towns
  - Township Range



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Annie Sperandio, 05-12-2010  
trigwork/lands/leaproject/maps/Nb\_COC074351.mxd

No Action Alternative: The No Action Alternative would be to deny Douglas Moog the Land Use Permit. The five yurts, twelve check dams and the culvert on BLM land would still be in trespass but BLM would require State Bridge to remove all man-made structures and the area would need to be reclaimed.

No other alternatives were considered.

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: Kremmling Resource Management Plan (RMP), Record of Decision (ROD)

Date Approved: December 19, 1984; Updated February 1999

Decision Number/Page: II-B-12 pg. 14

Decision Language: The Proposed Action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the regulations under BLM Manual 2920.1(A)(1), "Permits may be issued to resolve unauthorized residential occupancy pending ultimate termination via notice to vacate or a decision to sell the land. Such permits must include a provision prohibiting transfer, and other stipulations that will ensure removal of the occupancy, structures, and restoration of the site if the lands are not sold to the occupant."

## AFFECTED ENVIRONMENT / ENVIRONMENTAL CONSEQUENCES / MITIGATION MEASURES:

### HYDROLOGY AND WATER RIGHTS

Affected Environment: The project area is droughty with sparse ground cover and erosive soils. Some of the largest runoff events are the result of short duration (less than 30 minutes), high intensity rainstorms. Due to the soils, rock outcrops, and steep slopes, large amounts of runoff are generated that carry high sediment loads. The drainage with the check dams is very confined, conveying runoff quickly to the mouth where the yurts are located. At least one of the yurts is mapped as being located in the drainage, but the site inspection found the yurt is actually on the channel bank. The drainage widens out and is less confined and less steep as it approaches the yurts' location.

The original owner had hired an engineering firm to design the erosion control work, although the actual construction was not under an engineer's supervision and was not properly executed. The current owner has since hired a different engineering firm to evaluate the existing embankment. This engineering firm estimated the predicated runoff event to be smaller than the previous firms, and has downsized the culvert size to 48-inches. The firm also concluded that a different outlet structure is needed to prevent debris accumulating in the pipe. This appears to be valid, as the outlet is presently partially filled with sediment. The previous report recommended reducing the sediment delivery to the pond by constructing gabion check dams and lining the drainage with a gabion mattress. Due to the sediment loads being a natural characteristic of the

site, it does not make sense to construct structures that would need constant maintenance. Although the current firm may be underestimating the runoff volume, the excavation upstream of the embankment has created a deeper pond below the culvert's outlet. Larger estimates of runoff would be detained in the larger pond.

The State of Colorado administers all dams, both for water right and dam safety concerns. The embankment creates a dam that would pond some water, especially once the proposed outlet is installed. Due to being located on an ephemeral drainage and the dam being shorter than 15 feet, the dam does not require a water right to store water. There are no impacts to water rights from the existing dam.

The dam does, however, require a permit from the state. Consulting with the Water Commissioner for the area, the structure does not have a state permit. Once the state approves the structure, they would inspect it as needed, depending on the dam hazard rating they assign it. The applicant has been provided with the state's applications for an "erosion control dam" and a "non-jurisdictional dam".

**Environmental Consequences:** The existing embankment is located at the mouth of an erosive, "flashy" drainage. The drainage is dry almost all the time, but if sufficient precipitation occurs, runoff rapidly moves down the channel, carrying sediment and debris. The existing yurts appear to be safe from most runoff events. The existing embankment detains runoff from travelling towards the county road and the Colorado River, catching debris, rocks, and sediment. If the embankment fails, a larger peak flow (increased from natural conditions) of water and sediment would reach the county road and/or the Colorado River. This could result in damage to the road, deposits creating traffic hazards, and sediment loading to the river. The actual degree of hazard is reduced by the small size of the drainage and the amount of runoff that would be ponded behind the embankment. Much of the pond's storage is located below the embankment fill, reducing problems of seepage. Maintaining the pond's volume, insuring the culvert is free of deposits, and watching for seepage, animal burrows, or changes in the embankment would help reduce the potential for failure.

If the No Action Alternative is selected, the embankment would be removed, or at a minimum, breached. Any runoff and generated sediment/debris flow would not be detained by the embankment, but would continue towards the county road and river. Road hazards and damage and sediment loads to the Colorado River would return to previous (pre trespass) levels, similar to adjacent drainages. Actual amounts of debris and sediment is dependent on the runoff event's size, timing, and the runoff pathway across the adjacent State Bridge Lodge lands. The trespass yurts would also be removed. Once the site is re-vegetated, there would be no impacts to the hydrology of the area.

Mitigation: None

**SOILS** (includes a finding on Standard 1)

**Affected Environment:** Soil information is from the Eagle County Soil Survey. The area is mapped as primarily occurring within two soil mapping units. The predominant unit (#104) is a complex that includes shallow undeveloped soils and rock outcrops. Due to the defined channels being located in the "104" soil, this soil basically determines how quickly and how

much runoff enters the channel. The mapping unit consists of soils that overlie sandstones, shales, and basalts. Runoff is rapid and the soils are considered to be severely erodible.

Currently, the BLM area around the yurts and pond is highly disturbed due to construction, some vehicle traffic, and storm flow events. It does not appear that topsoil was salvaged for re-vegetation purposes, or that any seeding occurred after the initial construction. The yurts are located where the very confined drainage enters the wider depositional fan area. Comparing photographs of the drainage in March, 2010 to September, 2010, there has been at least one large storm flow. One large sediment deposit in the drainage is actively eroding and movement of vegetative debris, rocks, and sediment is evident. There are few remaining check dams (from 2003) that are easily discernible. The check dams were not an appropriate erosion control practice for this area and were not constructed correctly. The contributing uplands will always generate large amounts of sediment due to the steep slopes and naturally sparse vegetative cover. Check dams in this area are generally filled with sediment after 1 or 2 runoff events and then no longer catch sediment. Check dams that were not properly anchored into the sides and bottom of the drainage have been washed away.

Currently, there is a lot of disturbed soil as part of the pond cleanout and outlet work. From the March photographs, a large amount of sediment had to be cleaned out of the ponded area to recreate a basin. During the September, 2010 site visit, there was also a large stockpile of soil downhill of the embankment, presumably on private land. The areas around the yurts have little to no ground vegetation. The embankment was initially used as a road. Continued access to the yurts may also result in soil compaction, rutting and erosion.

**Environmental Consequences:** The Proposed Action would leave the remaining checkdams in the drainages. These check dams have experienced various runoff events and are basically stable. Continued maintenance of the few check dams would not result in measurable erosion control. This trapped sediment would otherwise be deposited in the ponded area. Since the structures are stable and maintenance activities could disturb more sediment than it would control, maintenance of the check dams should not be pursued, nor new check dams constructed. Under the No Action Alternative, all trespass structures would be removed. To discern the remaining check dams' rocks from natural rocks would not only be difficult, but where deposition has occurred, rock removal would dislodge whatever sediment has collected. It is recommended that the check dams be abandoned in place with no further maintenance, regardless of which alternative is selected.

Maintaining the yurts and embankment/culvert would primarily consist of equipment access to the pond/embankment on a "regular" basis to maintain the storage volume. Equipment accessing the ponded area could result in a compacted road – primarily along the top of the embankment and the sides/bottom of the pond. The frequency of access would be entirely dependent on the characteristics of the precipitation events the area experiences. These disturbed or poorly vegetated soils are even more prone to erosion during snowmelt and thunderstorm events, and would continue to be washed away or deposited in the basin. Seeding the disturbed areas will help reduce accelerated soil erosion.

Under the No Action Alternative, the yurts, road, and embankment would be removed. Initially this would increase the amount of soil disturbance, due to the need to re-contour the area near the embankment and ripping compacted soils. Until re-vegetation successfully stabilizes the

disturbances, erosion control practices would be necessary to protect the soils and the private land's developments. Erosion control practices may consist of mulching disturbed areas, erosion wattles staked across slopes, or other soil stabilizing actions to reduce rills and soil movement. Once re-vegetation occurred, soil loss might be less than the current conditions, as more of an understory vegetative cover could be established that would protect soil from some erosion.

Mitigation: None

## SOCIO ECONOMIC

**Affected Environment:** State Bridge Lodge has been recently purchased for the purpose of musical entertainment events. The facilities available are mostly for overnight rentals. The entertainment would be in an open air forum. There would be income generated from these events for Eagle County and State Bridge Lodge.

**Environmental Consequences:** The proposed action would allow for the developer to run his business as planned and there would be a positive effect to the economics of his business. The permit would allow State Bridge Lodge to keep the extra yurts, which are in trespass, which would allow for more paying visitors. The extra income could also aid in the maintenance funds needed for the check dams and embankment needed to prevent damage to the State Bridge Lodge's facilities. Eagle County would benefit from tax income from State Bridge Lodge's employees and visitors. Although, the benefit could be outweighed by the extra law enforcement needed during events and the possibility of extra road maintenance needed on Eagle County Road 11 due to the increase of traffic. BLM's ranger could also be taken away from other areas during these events to assist in offenses occurring on public land.

The No Action Alternative would require the owner to remove the yurts in trespass and reclaim the dams. The owner has spent a large amount of money remodeling the existing buildings and "stage" area on private land and more money would need to be spent on the reclamation on public land. There is the possibility that the funds would not be available for the reclamation and the business would close down and no work on public land would ever occur. BLM would need to reclaim the ground disturbance above State Bridge Lodge to stop the drainage damaging public lands, State Bridge assets and the county road.

Mitigation: Require a \$5000.00 reclamation bond to be used to resolve the trespass by State Bridge Lodge if another resolution cannot be found.

**CUMULATIVE IMPACTS SUMMARY:** The area considered for discussing the incremental effect of the Proposed Action when added to other past, present, and reasonably foreseeable future actions is the area at the intersection of CO Hwy. 134 and Eagle County Road 11 with the Colorado River on the south and the drainage that flows from the north to State Bridge.

In the past there have been many functions at State Bridge that have spilled over onto public land, creating new routes, soil erosion, vegetation loss, and trash. The recreation on the Colorado River increases uses on public land from parking to camping. The yurts and check dams were built without authorization. Damage specific to the unauthorized construction has been soil erosion and vegetation loss.

The EA's impact assessments concludes that no impact would result from the proposed action or no action alternatives on air quality, floodplains, migratory birds, vegetation, aquatic and terrestrial wildlife, access/transportation, geology and minerals, noise, range management, recreation and visual resources. Therefore there would be no cumulative impact, and no further discussion of these resources is required.

Cumulative impacts addressed in the proposed action include impacts to hydrology and water rights, soils and socio-economics.

The impacts would be long term and are consistent with the analysis in the Kremmling RMP. When added to effects identified in the Kremmling RMP and effects of other actions in the area, the cumulative impact of the proposed action would be limited, as summarized below.

Impacts from the proposed action would be minor as there would be no major ground disturbance. But a storm event could immediately cause soil erosion and vegetation loss on BLM administered lands. Design features for this project such as seeding, gravelling, and maintenance of the dams should help with these impacts. Allowing maintenance on BLM-administered lands could benefit the soils and vegetation during these storms. Socio-economics would benefit by keeping the yurts and providing more accommodations for visitors to the music events. Impacts from the No Action Alternative would be the same for soils and vegetation. Sediment and debris deposits could be carried by snowmelt or an intense thunderstorm's runoff down the drainage towards the county road and river. This drainage would be no different than adjacent drainages during these events, and could result in damage or inconvenience to State Bridge Lodge depending on what they place in the private portion of the drainage. The socio-economics of the proponent could be affected if the yurts had to be removed and the entire area reclaimed. With fewer yurts, there could be more visitors camping on BLM-administered lands.

Development for this area in the future is expected to increase. The BLM has received an application for a Special Recreation Permit for musical events held on the private lands with intermittent parking and camping on public lands throughout the summer. With the increase in recreationists it is assumed that the area could have natural resource damage that would have to be mitigated by the permittee.

PERSONS / AGENCIES CONSULTED: See Appendix 2 for Tribal Consultation List. No comments were received from the tribes. The proposed land use permit was discussed with representatives from Eagle County during an on-site visit.

INTERDISCIPLINARY REVIEW: See IDT-RRC in Appendix 1.

APPENDICES:

Appendix 1 – Interdisciplinary Team Analysis Review Record and Checklist  
Appendix 2 – Native American Tribal List

ATTACHMENTS:

- 1) Stipulations
- 2) Seed Mix

**Finding of No Significant Impact and Decision Record  
Bureau of Land Management  
Kremmling Field Office**

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**Environmental Assessment DOI-BLM-LLCON02000-2010-0029-EA**

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**Case File No.:** COC-74351

**Proposed Action Title/Type:** State Bridge Land Use Permit

**Applicant/Proponent:** Douglas Moog

**Location of Proposed Action:** T. 2 S., R. 83 W., Section 23, SE1/4, 6<sup>th</sup> P.M.

**Conformance with Applicable Land Use Plan:**

This proposal has been reviewed to determine if the proposed action conforms to the land use plan terms and conditions as required by 43 CFR 1610.5. This proposed action is in conformance with the following land use plan:

Name of Plan:	Kremmling Resource Management Plan	Date Approved:	1999
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**BACKGROUND**

Douglas Moog, the new owner of the State Bridge Lodge property, has applied for a Land Use Permit to resolve a trespass issue. Twelve check dams, an embankment with a large culvert in it, a footpath, and five yurt structures were constructed without authorization on BLM-administered lands.

**Finding of No Significant Impact**

The Kremmling Field Office interdisciplinary review and analysis determined that the proposed action would not trigger significant impacts on the environment based on criteria established by regulations, policy and analysis.

I have reviewed the above mentioned NEPA compliance document (EA). I have determined that the proposed action and the alternatives are in conformance with the Kremmling Resource Management Plan, 1999.

I have determined, based on the analysis in DOI-BLM-LLCON02000-2010-0029-EA, that this is not an action which would significantly affect the quality of the human environment and, therefore, an Environmental Impact Statement is not required. This determination is based on the rationale that the significance criteria, as defined by the Council on Environmental Quality (CEQ) (40 CFR 1508.27) have not been met.

The following rationale was used to determine that significant impacts were not present for each criteria mentioned in Title 40 CFR 1508.27:

1. *Beneficial and adverse impacts.*

The proposed action benefits the proponent economically, because the applicant would not have to remove structures. There would be more accommodations for visitors to the music events, which will reduce the impacts to public lands. Adverse impacts from the proposed action are minor as very little ground disturbance on public lands would occur. Allowing maintenance to occur to prevent storm damages to vegetation and soils would be a benefit.

2. *The degree to which the proposed action affects public health or safety.*

No adverse affects to public health and safety are anticipated to result from implementation of the proposed action.

3. *Unique characteristics of the geographic area.*

While the proposed project is in close proximity to resources considered to be unique (i.e., cultural resources), this in and of itself does not require the preparation of an Environmental Impact Statement. The critical factor here is whether the proposed action has a significant impact to these unique characteristics. Based on the analysis in the EA these characteristics will not be affected.

4. *The degree to which the effects on the quality of the human environment are likely to be highly controversial.*

The effects of the proposed action on the quality of the human environment are not considered highly controversial.

5. *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.*

The effects on the human environment from the proposed action are known and do not involve unique or unknown risks.

6. *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.*

The proposed action will not establish a precedent for a future action resulting in significant effects. It does not represent a decision in principle about a future consideration, since issuing a future land use permit is not automatic.

7. *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.*

The proposed action authorizes temporary use of a small area of public lands that have been used, and would continue to be used in the same manner, for the duration of the land use permit. Approval is being considered for a Special Recreation Permit authorizing intermittent use of public lands near the State Bridge for camping and vehicle parking.





# United States Department of the Interior



## BUREAU OF LAND MANAGEMENT

Kremmling Field Office  
2103 E. Park Avenue  
Kremmling, CO 80459  
[www.blm.gov/co/kremmling](http://www.blm.gov/co/kremmling)

## STATE BRIDGE LAND USE PERMIT DECISION

### 1.0 Introduction and Background

Douglas Moog, the new owner of the State Bridge Lodge property, has applied for a Land Use Permit to resolve a trespass issue. Twelve check dams, an embankment with a large culvert in it, a footpath, and five yurt structures were constructed without authorization on BLM-administered lands.

### 2.0 Decision and Rationale

#### 2.1 Alternatives Considered but not Selected

Under the No Action alternative, the land use permit would not be issued and Douglas Moog would be required to remove the yurts and reclaim the public land involved in the trespass.

#### 2.2 Decision and Rationale

No public comments were received for this project. Based on information in the EA, the project record, and consultation with my staff, I have decided to issue the land use permit as described in the EA. The project is not expected to adversely impact any resources.

When the land use permit expires, it is subject to renewal at the discretion of the authorized officer and may be revoked in accordance with its terms and the provisions of 40 CFR 2920.0-3. Issuing a three-year permit to temporarily resolve a trespass situation gives the BLM time to find a more permanent solution without disrupting the applicant's business, while ensuring the health of the land.

### 3.0 Consultation and Coordination

No special status animal or plant species (or their habitats) were found; consultation with USFWS is not necessary. Eagle County and Native American Tribes were consulted.

## 4.0 Public Involvement

No comments on the EA were received from Native American Tribes or Eagle County. The proposed land use permit was discussed with representatives from Eagle County during an on-site visit.

## 5.0 Plan Consistency

Based on information in the EA, the project record, and recommendations from BLM specialists, I conclude that this decision is consistent with the 1999 Kremmling RMP and the Federal Land Policy and Management Act (FLPMA).

## 6.0 Administrative Remedies

Administrative remedies may be available to those who believe they will be adversely affected by this decision. Appeals may be made to the Office of Hearings and Appeals, Office of the Secretary, U.S. Department of Interior, Board of Land Appeals (Board) in strict compliance with the regulations in 43 CFR Part 4. Notices of appeal must be filed in this office within 30 days after publication of this decision. If a notice of appeal does not include a statement of reasons, such statement must be filed with this office and the Board within 30 days after the notice of appeal is filed. The notice of appeal and any statement of reasons, written arguments, or briefs must also be served upon the Regional Solicitor, Rocky Mountain Region, U.S. Department of Interior, 755 Parfet Street, Suite 151, Lakewood, CO 80215.

The effective date of this decision (and the date initiating the appeal period) will be the date this notice of decision is posted on BLM's (Kremmling Field Office) internet website.

/s/ Dave Stout  
David Stout  
Field Manager, Kremmling Field Office

4/13/2011  
Date

Appendix 1

**INTERDISCIPLINARY TEAM ANALYSIS REVIEW RECORD AND CHECKLIST:**

**Project Title: State Bridge Lodge Permit**

**Project Leader: Annie Sperandio**

**Date Proposal Received:**

**Date Submitted for Comment:**

**Due Date for Comments:**

**Need for a field Exam: Completed**

**Scoping Needs/Interested or Affected Publics:**

**Consultation/Permit Requirements:**

Consultation	Date Initiated	Date Completed	Responsible Specialist/ Contractor	Comments
Cultural/Archeological Clearance/SHPO	N/A	N/A	BBW	
Native American	3/26/2010	4/27/2010	BBW	Tribal Consultation was initiated and completed.
T&E Species/FWS	N/A	N/A	MM	
Permits Needed (i.e. Air or Water)	9/29/10		Applicant	Applicant's representative was provided copies of state applications to permit the dam.

**(NP) = Not Present**

**(NI) = Resource/Use Present but Not Impacted**

**(PI) = Potentially Impacted and Brought Forward for Analysis.**

NP NI PI	Discipline/Name		Date Review Comp.	Initials	Review Comments (required for Critical Element NIs, and for elements that require a finding but are not carried forward for analysis.)
<b>CRITICAL ELEMENTS</b>					
NI	Air Quality	<b>Belcher</b>	9/29/2010	PB	The Proposed Action would not affect the present air quality, which is considered to be good.
NP	Areas of Critical Environmental Concern	<b>McGuire</b>	10/8/10	MM	There are no Areas of Critical Environmental Concern in the proximity of the proposed project area.
NP	Cultural Resources	<b>Wyatt</b>	11/2/2010	BBW	A cultural inventory, CR-10-27, was conducted and located no cultural resources within the area of the proposed action.
NP	Environmental Justice	<b>Cassel</b>	11/10/10	SC	According to the most recent Economic Census Bureau statistics (2009), there are minority and low income communities within the Kremmling Planning Area. There would be no direct impacts to these populations.
NP	Farmlands, Prime and Unique	<b>Belcher</b>	9/29/2010	PB	There are no farmlands, prime or unique, in the proximity of the proposed project area.
NI	Floodplains	<b>Belcher</b>	9/29/2010	PB	The Proposed Action is located outside of the active Colorado River floodplain and would not

					affect it.
NP	Invasive, Non-native Species	<b>Johnson Torma Hughes</b>	10/27/10	ZH	There are currently no invasive or non-native species recorded in the project area. Under the design features of the proposed action the applicant would be responsible for notifying the BLM of any county listed invasive species in the project area.
NI	Migratory Birds	<b>McGuire</b>	10/8/10	MM	Habitat for migratory birds would not be impacted and no other disturbance to migratory birds as a result of the Proposed Action is expected to occur.
NP	Native American Religious Concerns	<b>Wyatt</b>	11/2/2010	BBW	No tribe has identified any area of traditional spiritual concern.
NP	T/E, and Sensitive Species (Finding on Standard 4)	<b>McGuire</b>	10/8/10	MM	There are no T/E, or sensitive species recorded in the area or expected to occur in the habitat surrounding the project area.
NP	Wastes, Hazardous and Solid	<b>Hodgson</b>	9/20/10	KH	There are no quantities of wastes, hazardous or solid, located on BLM-administered lands in the proposed project area, and there would be no wastes generated as a result of the Proposed Action or No Action alternative.
NI	Water Quality, Surface and Ground (Finding on Standard 5)	<b>Belcher</b>	10/4/10	PB	The Proposed Action will detain some stormwater on site, slowing runoff to the Colorado River. Under the No Action Alternative, water quality would return to pre trespass levels.
NP	Wetlands & Riparian Zones (Finding on Standard 2)	<b>Belcher</b>	9/29/2010	PB	The Proposed Action is located in the uplands and would not directly or indirectly impact any wetland or riparian area.
NP	Wild and Scenic Rivers	<b>Schechter</b>	10/4/2010	HS	There are no eligible Wild and Scenic River segments in the proposed project area.
NP	Wilderness	<b>Monkouski</b>	11/2/2010	JJM	There is no designated Wilderness or Wilderness Study Areas in the proximity of the proposed project area.
<b>NON-CRITICAL ELEMENTS</b> (A finding must be made for these elements)					
PI	Soils (Finding on Standard 1)	<b>Belcher</b>	10/1/2010	PB	See analysis in this E.A.
NI	Vegetation (Finding on Standard 3)	<b>Johnson Torma</b>	6/16/2010	RJ	No further vegetation disturbance would be allowed, therefore other than the affects of the drainage from the large rain events, there should be no impacts to vegetation. A seed mix is attached for re-vegetation and reclamation of current disturbed areas.
NI	Wildlife, Aquatic (Finding on Standard 3)	<b>McGuire</b>	10/8/10	MM	Habitat for aquatic wildlife would not be impacted and no other disturbance to aquatic wildlife as a result of the Proposed Action would be expected to occur.
NI	Wildlife, Terrestrial (Finding on Standard 3)	<b>McGuire</b>	10/8/10	MM	Habitat for terrestrial wildlife would not be impacted and no other disturbance to terrestrial Wildlife as a result of the Proposed Action is expected to occur.
<b>OTHER NON-CRITICAL ELEMENTS</b>					
NI	Access/Transportation	<b>Monkouski</b>	11/2/2010	JJM	BLM administered lands would not be of sole use and remain open to the public where the public has legal access.
NP	Forest Management	<b>K. Belcher</b>	10/1/2010	KB	The Project Area has only scattered pinon/juniper, and does not affect forest management.

NI	Geology and Minerals	<b>Hodgson</b>	9/20/10	KH	No impacts.
NP	Fire	<b>Wyatt</b>	11/2/2010	BBW	No impacts.
PI	Hydrology/Water Rights	<b>Belcher</b>	10/1/2010	PB	See analysis in this E.A.
NP	Paleontology	<b>Rupp</b>	11/2/2010	FGR	No geologic strata sensitive for fossil resources are present.
NI	Noise	<b>Monkouski</b>	11/2/2010	JJM	Short term noise from construction and maintenance under the proposed action would have no additional impacts since the location currently has existing noise impacts from County Road 11 and Highway 131. Additionally, the railroad is within ¼ mile of the site and the State Bridge Lodge property has historically hosted music events with visitors staying in the yurts and other lodging on-site.
NI	Range Management	<b>Johnson Torma</b>	6/16/2010	RJ	The Proposed Action would not impact livestock grazing.
NP	Lands/ Realty Authorizations	<b>Sperandio</b>	9/22/10	AS	There are no ROWs in the proposed area.
NI	Recreation	<b>Monkouski Schechter</b>	11/2/10	JJM HS	The proposed action is located within the Upper Colorado River Special Recreation Management Area (SRMA). The SRMA is managed to provide and maintain float boating opportunities and associated activities in a roaded natural setting. Since the yurts, check-dams and culvert already exist; changes to the landscape should be low and should not attract attention. – HS Additional recreational opportunities in the proposed action vicinity include hiking, hunting and camping. These activities would continue in the vicinity of the proposed action and would not be impacted since BLM administered lands would remain open to the general public. - JJM
PI	Socio-Economics	<b>Cassel</b>	11/10/10	SC	See Analysis
NI	Visual Resources	<b>Hodgson</b>	9/20/10	KH	The proposed action is located within a Visual Resource Inventory (VRI) Class II area. Since the 1984 Resource Management Plan (RMP) did not designate Visual Resource Management (VRM) areas, BLM manages visual resources to protect the VRI by applying management class objectives to the inventory. Objectives for VRM Class II are to retain the existing character of the landscape. Since the yurts, check-dams and culvert already exist; changes to the landscape should be low and should not attract attention.
PI	Cumulative Impact Summary		11/10/10	SC	See Analysis
<b>FINAL REVIEW</b>					
	P&E Coordinator	<b>Cassel</b>	1/14/11	SC	

Appendix 2

**NATIVE AMERICAN TRIBES CONTACTED:**

Ivan Posey, Chairman  
Shoshone Business Council  
Shoshone Tribe  
P O Box 538  
Ft. Washakie, WY 82514

Mr. Norman Tidzump  
Tribal Historic Preservation Officer  
Shoshone Tribe, Cultural Center  
P.O. Box 538  
Fort Washakie, WY 82514

Ernest House, Sr., Chairman  
Ute Mountain Ute Tribe  
P O Box JJ  
Towaoc, CO 81334

Mr. Terry Knight, Sr., NAGPRA Rep.  
Ute Mountain Ute Tribe  
P O Box 468  
Towaoc, CO 81334

Harvey Spoonhunter, Chairman  
Northern Arapaho Business Council  
P O Box 328  
Fort Washakie, WY 82514

THPO Director  
Northern Arapaho Tribe  
P O Box 396  
Fort Washakie, WY 82514

Ernest House, Jr., Executive Secretary  
Colorado Commissioner of Indian Affairs  
130 State Capitol  
Denver, Colorado 80203

Robert Goggles, NAGPRA Representative  
Northern Arapaho Tribe  
328 Seventeen Mile Road  
Arapaho, WY 82510

Mathew Box, Chairman  
Southern Ute Indian Tribe  
P O Box 737  
Ignacio, CO 81137

Neil Cloud, NAGPRA Representative  
Southern Ute Tribe  
Mail Stop #73  
Ignacio, CO 81137

Curtis Cesspooch, Chairman  
Uintah & Ouray Tribal Business Committee  
P O Box 190  
Ft. Duchesne, UT 84026

Betsy Chapoose, Director  
Cultural Rights & Protection Specialist  
Uintah & Ouray Tribe  
P O Box 190  
Fort Duchesne, UT 84026

STIPULATIONS  
FOR  
STATE BRIDGE LAND USE PERMIT  
COC-74351

Design Features

1. The permittee must obtain a state permit for the embankment, which creates a small erosion control dam and present a copy to the BLM.
2. The permittee shall be responsible for weed control on disturbed areas within the limits of the permit. The permittee is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods.
3. The permittee is not authorized to post 'No Trespassing' or other signage on BLM administered lands restricting public access or use, or depicting BLM administered lands as private. The yurt structures may be signed as private.
4. No motorized vehicles may access the yurts permitted by this proposal.
5. Maintenance, as needed, will be performed within one week of large storm events. Maintenance would consist of removing sediment deposits from the ponded area, making sure that at least 0.5 feet of depth exists between the bottom of the pond and the culvert lip.  
A "large storm event" produces runoff in the defined drainage, with flows reaching the ponded area.
6. Excavated sediment and debris will not be spread or stockpiled on BLM lands without prior permission.
7. Revegetation is required of the disturbed soils of the embankment and the basin using the attached seed mixture. Re-seeding is required on the disturbed areas around the yurts with a native species.
8. Gravelling is required for any access trail.

Standard Stipulations

9. The permittee is responsible for informing all persons in the area who are associated with this project that they will be subject to prosecution for disturbing historic or archaeological sites, or for collecting artifacts.

The permittee shall immediately bring to the attention of the Authorized Officer any and all antiquities, or other objects of historic, paleontological, or scientific interest including but not limited to, historic or prehistoric ruins or artifacts DISCOVERED as a result of operations under this authorization (16 U.S.C. 470.-3, 36 CFR 800.112). The permittee

shall immediately suspend all activities in the area of the object and shall leave such discoveries intact until written approval to proceed is obtained from the Authorized Officer. Approval to proceed will be based upon evaluation of the object(s). Evaluation shall be by a qualified professional selected by the Authorized Officer from a Federal agency insofar as practicable (BLM Manual 8142.06E). When not practicable, the permittee shall bear the cost of the services of a non-Federal professional.

Within five working days the Authorized Officer will inform the permittee as to:

- Whether the materials appear eligible for the National Register of Historic Places;
- The mitigation measures the permittee will likely have to undertake before the site can be used (assuming in situ preservation is not necessary); and,
- A timeframe for the Authorized Officer to complete an expedited review under 36 CFR 800.11 to confirm, through the State Historic Preservation Officer, that the findings of the Authorized Officer are correct and that mitigation is appropriate.
- If the permittee wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the Authorized Officer will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the permittee will be responsible for mitigation costs. The Authorized Officer will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the Authorized Officer that the required mitigation has been completed, the permittee will then be allowed to resume construction.
- Antiquities, historic, prehistoric ruins, paleontological or objects of scientific interest that are outside of the authorization boundaries but directly associated with the impacted resource will also be included in this evaluation and/or mitigation. Antiquities, historic, prehistoric ruins, paleontological or objects of scientific interest, identified or unidentified, that are outside of the authorization and not associated with the resource within the authorization will also be protected. Impacts that occur to such resources, which are related to the authorizations activities, will be mitigated at the permittee's cost.

10. Pursuant to 43 CFR 10.4(g), the permittee of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4 (c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.
11. The permittee shall conduct all activities associated with the construction, operation, and termination of the permit within the authorized limits of the permit.
12. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the permittee shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage

and disposal of containers, and any other information deemed necessary by the authorized officer. Emergency use of pesticides shall be approved in writing by the authorized officer prior to such use.

13. The permittee(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the permittee(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.
14. Prior to termination of the permit, the permittee shall contact the authorized officer to arrange a joint inspection of the permit area. This inspection will be held to agree to an acceptable termination and rehabilitation plan. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding. The authorized officer must approve the plan in writing prior to the permittee's commencement of any termination activities.

SEED MIX\* FOR RECLAMATION OF  
STATE BRIDGE LAND USE PERMIT  
NOVEMBER 2010

Western Wheatgrass	<i>Pascopyrum smithii</i>	6.0 lbs PLS**/acre
Bluebunch Wheatgrass	<i>Pseudoroegneria spicata</i>	6.0 lbs PLS/acre
Slender Wheatgrass	<i>Elymus trachycaulus</i> ssp: <i>trachycaulus</i>	6.0 lbs PLS/acre
Canby bluegrass	<i>Poa canbyii</i>	2.0lbs PLS/acre
Indian ricegrass	<i>Achnatherum hymenoides</i>	<u>4.0 lbs PLS/acre</u>
	TOTAL	24.0 lbs PLS/acre

Seeding rates are for broadcast seeding. If drilled, seeding rates may be halved.

\*All seed must be certified weed free

\*\*PLS = pure live seed