

**U.S. Department of the Interior  
Bureau of Land Management  
Uncompahgre Field Office  
Montrose, CO, CO-S050**

## **CATEGORICAL EXCLUSION**

NUMBER: DOI-BLM-CO-S050-2009-0034 CX

CASEFILE: COC- 73710

PROJECT NAME: Land Use Permit for Two Bee Hive Sites

PLANNING UNIT: Uncompahgre Basin Resource Management Unit

LEGAL DESCRIPTION:

Highway 92 Site: NE1/4SW1/4, Sec. 22, T. 15 S., R. 92 W., 6<sup>th</sup> PM.

Shavano Valley Site: NW1/4NE1/4, Sec. 17, T. 49 N., R. 10 W., NMPM.

APPLICANT: Richard A. McCollum

DESCRIPTION OF PROPOSED ACTION: The proposed action is to issue a land use permit for two apiary sites to Richard McCollum. This categorical exclusion (CX) is valid for ten years, or for three renewals of the three-year land use permit, unless determined at the time of permit renewal to be inadequate by the Authorized Officer. The initial permit issued under this CX would be issued for 3 years, 2009-2011, and would be authorized under FLPMA Sec. 302 with the right of renewal. It would be subject to rent and the attached stipulations; see Exhibit A.

There will be approximately 56 hives at each site and the period of use for both sites would be May 1<sup>st</sup> through November 30<sup>th</sup> each year. The Highway 92 site is located approximately 3 miles northwest of Crawford; and the Shavano Valley site is located approximately 8 miles northwest of Montrose, just north of Rim Road and the Tabeguache Mountain Trailhead.

The same apiary sites were authorized to Richard McCollum in 2006 for 3 years (COC-70305); that permit expired on November 30, 2008. The proposed new land use permit would not authorize any additional rights. See Categorical Exclusion CO-150-2006-0050 CE, signed October 27, 2006.

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

Name of Plan: Uncompahgre Basin Resource Management Unit

Date Approved: July 1989

Decision Number/Page: Management Unit 1: livestock grazing, wildlife habitat, recreation, and woodlands; and Management Unit 16: general land uses.

Decision Language: In Management Unit 1, the public lands are managed for livestock grazing, wildlife habitat, recreation and woodlands. Lands actions are allowed as long as they will result in minimal adverse impacts. In Management Unit 16, the public lands are managed for general land uses. Lands actions are allowed as long as they will result in minimal adverse impacts.

CATEGORICAL EXCLUSION REVIEW: The proposed action qualifies as a categorical exclusion under 516 DM 11.9, Number: E(19) which allows for issuance of short-term (3 year) land use authorizations for such uses including apiary sites where the proposal includes rehabilitation to restore the land to its natural or original condition. None of the following exceptions in 516 DM 2, Appendix 2, apply.

Exclusion	YES	NO
1. Have significant adverse effects on public health and safety.	_____	_____ <u>X</u>
2. Have adverse effects on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands, floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.	_____	_____ <u>X</u>
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.	_____	_____ <u>X</u>
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	_____	_____ <u>X</u>
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.	_____	_____ <u>X</u>
6. Be directly related to other actions with individually insignificant but cumulatively significant environmental effects.	_____	_____ <u>X</u>
7. Have adverse effects on properties listed, or eligible for listing, in the National Register of Historic Places.	_____	_____ <u>X</u>
8. Have adverse effects on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species.	_____	_____ <u>X</u>
9. Have the potential to violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.	_____	_____ <u>X</u>
10. Have the potential for a disproportionately high and adverse effect on low income or minority populations.	_____	_____ <u>X</u>

11. Restrict access to and ceremonial use of Indian sacred sites by Indian religious practitioners or adversely affect the physical integrity of such sacred sites. \_\_\_\_\_ X
12. Significantly, contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species. \_\_\_\_\_ X

INTERDISCIPLINARY REVIEW:

<u>Name</u>	<u>Title</u>	<u>Area of Responsibility</u>
Linda Reed	Realty Specialist	Lands and Realty
Glade Hadden	Archaeologist	Cultural Resources
Thane Stranathan	Natural Resource Specialist	Threatened & Endangered Species

REMARKS:

Cultural Resources: There are no impacts anticipated from this proposed action to cultural resources. This action was previously authorized in 2006 and a field check was performed at that time with negative results. Inventory requirements are waived under the provisions of 8110.23B2 and B3.

Native American Religious Concerns: None known.

Threatened and Endangered Species: Impacts to T&E species from the proposed project will result in a No Effect.

Sensitive Species: The proposed action will have No Effect upon biological species listed as sensitive within the BLM Uncompahgre field office.

It was recommended in the wildlife clearance that both locations be subject to the deer and elk winter timing stipulation of no surface disturbance activity between December 1<sup>st</sup> and April 30<sup>th</sup>. See stipulation #14. Note that the permit is valid between May 1<sup>st</sup> and November 30<sup>th</sup>.

NAME OF PREPARER: Linda Reed April 1, 2009

NAME OF ENVIRONMENTAL COORDINATOR: /s/ Bruce Krickbaum

DATE: 4/6/09

DECISION AND RATIONALE: I have reviewed this CER and have decided to implement the proposed action.

This action is listed in the Department Manual as an action that may be categorically excluded. I have evaluated the action relative to the 10 criteria listed above and have determined that it does not represent an exception and is, therefore, categorically excluded from further environmental analysis.

SIGNATURE OF AUTHORIZED OFFICIAL:       /s/ Barbara Sharrow  
Barbara Sharrow  
Uncompahgre Field Office, Field Manager

DATE SIGNED: 4/6/09

### **STIPULATIONS**

1. The holder shall contact the Authorized Officer at least two days prior to placing and removing the bee hives on public land. The BLM authorized representative is Barney Buria, Environmental Protection Specialist. He can be reached at the Uncompahgre Field Office, 2505 South Townsend, Montrose, Colorado 81401 or phone at (970) 240-5333. Alternate contact is Linda Reed, Realty Specialist, and she can be reached at (970) 240-5322.
2. The holder is responsible for weed control in the permitted areas. The holder will consult with the Authorized Officer for planning acceptable weed control measures on all noxious weed infestations. The use of pesticides shall comply with Federal and state laws governing their proper use, storage and disposal, and any limitations imposed by the Secretary of the Interior. Prior to the use of herbicides, the holder will obtain from the Authorized Officer written approval of a Plan showing the type and quantity of material to be used, method of application, location of storage and disposal of containers, and any other information deemed necessary by the Authorized Officer. Emergency use of herbicides shall be approved in writing by the Authorized Officer prior to such use.
3. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the Authorized Officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the Authorized Officer after consulting with the holder.
4. Pursuant to 43 CFR 10.4(g), the holder 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.
5. The holder shall comply with applicable State standards for public health and safety, environmental protection and siting, construction, operation and maintenance, if these State standards are more stringent than Federal standards for similar projects.
6. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated regarding toxic substances or hazardous materials. In any event, the holder 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 of 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 of State government.

7. The Authorized Officer may suspend or terminate in whole or in part, when in his judgment, unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.
8. The holder shall be fully liable for injuries or damages to third parties resulting from holder's activities or facilities on lands under Federal jurisdiction in which the damage or injury occurred.
9. The holder shall maintain the permitted areas in a safe and sanitary condition. Materials that are not in use shall not remain on the site. No burning of materials of any kind is allowed.
10. The holder shall not access the permitted areas during periods when the soil is too wet to adequately support vehicles. If vehicles create ruts in excess of four inches deep, the soil is deemed to be too wet to adequately support vehicles.
11. The holder shall rehabilitate the permitted areas to restore the land to its natural or original condition. This shall include, but may not be limited to, scarifying and reseeded compacted and disturbed areas with a native and weed free seed mix as directed by the Authorized Officer.
12. The holder shall seed all disturbed areas with 5.5 pounds of Slender Wheatgrass drilled rate (rate shall be doubled if broadcast and raked in). The seed shall be certified weed free. Seeding shall be repeated until a satisfactory stand has been reestablished as determined by the authorized officer.
13. The holder is responsible to notify the authorized officer for any change in: 1) property ownership, 2) contact representative, 3) address and 4) phone number for the holder and to keep this information current for the administrative record.
14. Construction activity and surface disturbance will be prohibited during the period from December 1<sup>st</sup> to April 30<sup>th</sup> for the protection of elk and mule deer winter range. Any exceptions to this requirement must have prior written approval from the authorized officer.

15. Prior to termination of the permit, the holder 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 as necessary. This plan shall include, but is not limited to, removal of facilities, recontouring, or seeding, as determined necessary.