

**U.S. Department of the Interior
Bureau of Land Management
Uncompahgre Field Office
Montrose, CO, CO-150**

CATEGORICAL EXCLUSION

NUMBER: DOI-BLM-CO-S050-2012-04

CASEFILE: COC-75122

PROJECT NAME: NRCS Irrigation Pipeline and Existing Access Road

PLANNING UNIT: Uncompahgre Basin Resource Management Unit

LEGAL DESCRIPTION: 6th Principal Meridian, Colorado,
T. 15 S., R. 92 W.,
Secs. 1, 2, 10 and 11.

APPLICANTS: Daniel and Jayne Sullivan

DESCRIPTION OF PROPOSED ACTION: The proposed action is to issue a right-of-way to the Sullivan's to construct, operate, maintain and terminate a buried irrigation water pipeline and also authorize an existing road for ranch use purposes. The pipeline project was designed by the Natural Resource Conservation Service (NRCS). The project is located approximately four miles north of Crawford.

The 8-inch diameter water pipeline will primarily be buried adjacent to an existing access road used by WAPA to access their transmission line. However there are instances that due to the gravity flow design of the pipeline, the new pipeline will deviate from the road and follow the route of the existing Bone Mesa/Camp Stool Ranch pipeline. These instances are primarily located at the beginning and end of the pipeline. The pipeline and access road would be approximately 4200 feet long by 30 feet wide and encumber 2.893 acres of public land. Pressure valves will be located along the pipeline as required, but will be contained within the pipeline right-of-way. In addition to the pipeline, an existing road providing access to a separate pasture owned by the ranch would also be authorized. The road would be approximately 2375 feet long by 20 feet wide and encumber 1.09 acres. The total right-of-way would be approximately 3.983 acres.

The right-of-way would be issued under FLPMA for 30 years with the right of renewal. It will be subject to rent and the attached stipulations, see Exhibit A.

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 2: Wildlife habitat, coal, woodlands.
Page 147

Decision Language: All other land uses would be permitted if they would not degrade the areas' winter range capabilities.

CATEGORICAL EXCLUSION REVIEW: The proposed actions qualify as categorical exclusions under 516 DM 11.9, as follows: Pipeline: Number: E(12) Grants of right-of-way wholly within the boundaries of other compatibly developed rights-of-way. Existing Road: Number E(16) Issuance of leases, permits or rights-of-way for the use of existing facilities, improvements, or sites for the same or similar purposes and Number E(17) which allows for grants of short rights-of-way for utility service or access road to an individual residence. 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, Native American Religious Concerns
Robert Bavin	Wildlife Biologist	TES, Migratory Birds, Big Game
Lynae Rogers	Rangeland Mgt Specialist	Invasive Species
Julie Jackson	Recreation Planner	Transportation
Jedd Sondergard	Hydrologist	Hydrology, Water Rights, Soils

REMARKS:

Cultural Resources: The proposed irrigation pipeline route was examined for cultural resource presence by BLM archaeologist Glade Hadden on November 1, 2011 with negative results. The entire project is situated within previously disturbed surface and is exempt from further Cultural Resource Inventory under the provisions of BLM manual 8110.23B2. No further work is required.

Native American Religious Concerns: None known. If future consultations reveal concerns, the appropriate mitigation measures will be implemented.

Threatened and Endangered Species: There are no adverse impacts to any threatened or endangered species or their habitats.

Big Game: To protect wintering big game and crucial habitats, no surface disturbing activities shall occur from December 1st through April 30th. Any exceptions to this requirement must have prior written approval from the authorized officer.

Migratory Birds: To minimize impacts on migratory bird populations, it is recommended that no surface disturbing activities occur from May 15th through July 15th. This timeframe encompasses the core breeding season for the majority of migratory birds in the project area. Project activities shall retain and avoid modifying identified cavity trees, snags, and perches in the project area.

Noxious Weeds: Since yellow star thistle is known to exist within the general project area, Stipulations 7 and 8 have been included in Exhibit A.

NAME OF PREPARER:

Linda Reed

November 9, 2011

NAME OF ENVIRONMENTAL COORDINATOR: /s/ Bruce Krickbaum

DATE: 1/4/12

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 12 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: 1/6/12

STIPULATIONS

1. The holder shall contact the authorized officer at least five days prior to the anticipated start of construction and/or any surface disturbing activities. The authorized officer may require and schedule a preconstruction conference with the holder prior to the holder's commencing construction and/or surface disturbing activities on the right-of-way. The holder and/or his representative shall attend this conference. The holder's contractor, or agents involved with construction and/or any surface disturbing activities associated with the right-of-way, shall also attend this conference to review the stipulations of the grant. The BLM authorized representative is Barney Buria, Environmental Protection Specialist, who can be reached at the Uncompahgre Field Office, 2465 South Townsend, Montrose, Colorado 81401 or phone at (970) 240-5333. An alternate contact is Linda Reed, Realty Specialist, Uncompahgre Field Office, (970) 240-5322.
2. The holder shall construct, operate, and maintain the facilities, improvements, and structures within this right-of-way in conformance with the design plans developed by the Natural Resources Conservation Service. Any relocation, additional construction, or use that is not in accord with the approved conditions shall not be initiated without the prior written approval of the authorized officer. A copy of the complete right-of-way grant, including all plans and stipulations shall be made available at the right-of-way site during construction. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health or the environment.
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. Use of pesticides/herbicides shall comply with the applicable Federal and state laws. Pesticides/herbicides 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/herbicides, the holder shall obtain from the authorized officer written approval of

the applicant's 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. The plan should be submitted no later than March 1st of any calendar year to cover the proposed activities for the next growing season. Emergency use of pesticides/herbicides shall be approved in writing by the authorized officer prior to such use.

6. The holder shall be responsible for noxious weed control within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations), including pesticides/herbicides approved for use on BLM land.
7. To reduce the chance of introducing and establishing new noxious weeds in the area all trailers and heavy equipment used for the construction of the project will be power washed and free of debris before entering BLM land.
8. Noxious weed inventories will be conducted prior to construction of the pipeline; and if necessary, they will be treated to reduce spreading along the existing access road and onto adjacent BLM lands. Note this road is also authorized for use by Western Area Power Administration (WAPA).
9. 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.
10. 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.
11. The authorized officer may suspend or terminate in whole, or in part, any construction or maintenance activities, 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.
12. All construction, operation and maintenance shall be within the authorized limits of the right-of-way granted herein. The holder shall clearly flag the exterior boundaries of the

right-of-way, prior to any surface disturbing activities, in order to identify the location and limits for all surface disturbing activities as determined by the authorized officer.

13. All brush, grasses, and other woody material cleared from the right-of-way shall be removed from the public land and not scattered on site; unless the debris is mulched and used for reclamation as natural materials to enhance surface stability and re-vegetation efforts.
14. No burning of trash, litter, trees, brush or other vegetative material shall be allowed under this grant.
15. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support such equipment. If the equipment creates ruts in excess of four (4) inches deep, the soil shall be deemed too wet to adequately support the construction equipment.
16. The holder shall disturb and remove only the minimum amount of soils and vegetation necessary for the pipeline construction, operation, and maintenance. Topsoil shall be conserved during excavation and reused as cover on disturbed areas to facilitate regrowth of vegetation. The holder shall re-contour disturbed areas as necessary by grading to restore the area to approximately the original contour of the ground as directed by the authorized officer.
17. The holder shall design and construct adequate water-control structures in each drainage crossing, as appropriate, to prevent excessive erosion along the pipeline and protect the pipeline from the natural erosion process within the drainage.
18. As appropriate, the holder shall construct waterbars on all disturbed areas to the spacing and cross sections specified by the authorized officer. Waterbars are to be constructed to: (1) simulate the imaginary contour lines of the slope (ideally with a grade of one or two percent); (2) drain away from the disturbed area; and (3) begin and end in vegetation or rock whenever possible. The waterbars shall be constructed at 50-foot intervals on grades over 14%, 100 feet apart on grades 10-14%, and 200 feet apart on grades 5-10%.
19. The holder shall seed all disturbed areas with the following seed mix. There shall be no primary or secondary noxious weed seed in the seed mixture. In addition, there should be no more than 0.5% total weed seed, less than 2% other seed, and no trash larger than ¼ inch in length. Seed shall not be stored in burlap bags. Seed going on projects less than 20 acres or less than 200 lbs. shall be tested, and the viability testing of seed shall be done in accordance with State law(s). Seed tests shall be less than one year old and can be from the company's seed test. Seed test documents can be from: a) certified "blue" tag(s); b) an independent seed lab test; or c) a seed lab analysis either by seed lot or by seed mix. Copies of the seed test documents shall be forwarded to the BLM, Uncompahgre Field Office. Commercial seed shall be either certified or registered pure live seed (PLS). The seed container shall be tagged in accordance with State law(s) and available for inspection by the authorized officer. Only State Certified weed free mulch shall be used.

The seed shall be evenly and uniformly planted over any disturbed areas. Seed shall be broadcast and the area shall be raked or chained to cover the seed. The seeding will be repeated until a satisfactory stand is established as determined by the authorized officer. Evaluation of growth will not be made before completion of the second growing season after seeding. The authorized officer is to be notified a minimum of two days prior to seeding of the project. Seeding shall be completed at a time of optimum soil moisture content, i.e., early spring or the fall.

<u>Seed Mix</u>	<u>Pounds/acre PLS</u>
Western Wheatgrass	4
Indian Ricegrass or Bottlebrush squirreltail	<u>4</u>
Total	8 lbs/acre PLS

20. This stipulation applies to road for ranch purposes only, not the road also used by WAPA: The road is authorized as a minimum standard road. The holder shall maintain the road under this right-of-way in order to provide for reasonable access to landowners property. Road maintenance shall be performed to minimize erosion along the roadway and adjacent land. Road maintenance shall include, but is not limited to road blading, surfacing as necessary, constructing side ditches, and installation and maintenance of waterbars and culverts, as applicable. If the holder's scope of use exceeds the road standards defined herein, the holder shall apply for an amendment to the right-of-way in order to provide for such an upgrade in road standard, as determined by the authorized officer.
21. Construction activity and new surface disturbance will be prohibited during the period from December 1st to April 30th for the protection of big game winter range. Any exceptions to this requirement must have prior written approval from the authorized officer.
22. To minimize impacts on migratory bird populations, it is recommended that no surface disturbing activities occur from May 15th through July 15th. This timeframe encompasses the core breeding season for the majority of migratory birds in the project area. Project activities shall retain and avoid modifying identified cavity trees, snags, and perches in the project area.
23. Prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. 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, drainage structures, or surface material, recontouring, topsoiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.