



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Colorado River Valley Field Office
2300 River Frontage Road
Silt, Colorado 81652
www.co.blm.gov



CATEGORICAL EXCLUSION

DOI-BLM-CO-N040-2012-0068-CX

A. Background

BLM Office: Colorado River Valley Field Office

Lease/Serial/Case File No:
COC 74399/ 281001

Proposed Action Title/Type: LOVA Bike and Pedestrian Trail System.

Location of Proposed Action: Section 1 of T.6 S., R. 90 W.,
Sixth Principal Meridian, Garfield County, Colorado.

Description of Proposed Action:

The proposed action is to authorize a new right-of-way grant (COC-74399) for Garfield County for construction of an 8' wide path across 0.55 miles of BLM for purposes of bicycle and pedestrian travel along Highway 70 from West Glenwood to the Canyon Creek Bridge. . The proposed right-of-way will cross approximately 2905 feet of BLM with the width being 20 feet, 10 feet on each side of center line, occupying approximately 1.33 acres. The path is to be known as the LOVA Bike Trail System. The proposed trail is to be constructed in 2 phases. This proposal deals with Phase I, initially, as Phase 2 is in the conceptual stage. The trail is to be 8' wide with an additional 4' on each side as the gravel shoulder. This portion of the trail will be approximately 2 ½ miles long. The trail is to be constructed with hot asphalt mix of 4" thickness. Where required, there will be a maximum slope of 2:1. There will be no exposed concrete and a stone landscaped wall with BLM approved paint. There will be a 42" H timber rail where required, an existing Type 3 guardrail and a galvanized chain link fence attached to the guard rail. These are necessary on portions of the route due to terrain.

It is expected that the trail will be used as a permanent facility, to compliment the highway and transportation network, and allow travel off of the roadway by bicycles and pedestrians. Primarily in the spring, summer and fall seasons and expected to be closed for the winter season. Construction is expected to start in 2012 with staging to occupy existing highway right-of-way or on adjacent already disturbed areas or on nearby private property, by permission.

Construction will take place during the summer and fall of 2012.

A. **Land Use Plan Conformance:** The Proposed Action is subject to and has been reviewed for and is in conformance with (43 CFR §1610.5 and § 2800, BLM 1617.3) the following plan:

Name of Plan: Record of Decision and Glenwood Springs Resource Management Plan.

Date Approved: January, 1984; revised in 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: Page 41, Utility and Communication Facility Management.

Decision Language: To respond, in a timely manner, to requests for utility and communication facility authorizations on public land while considering environmental, social, economic, and interagency concerns.

B. Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E. Realty Numbers:

(13) Amendments to existing rights-of-way, such as the upgrading of existing facilities, which entail no additional disturbances outside the right-of-way boundary.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.

EXCLUSIONS	YES	NO
1. Have significant impacts on public health or safety.		X
2. Have significant impacts 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 (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.		X
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].		X
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.		X
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.		X
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		X

10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		X
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).		X
12. 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 (Federal Noxious Weed Control Act and Executive Order 13112).		X

INTERDISCIPLINARY REVIEW:

<u>Name</u>	<u>Title</u>	<u>Area of Responsibility</u>
Erin Leifeld	Archaeologist	Cultural and Native American Concerns
Kimberly Miller	Outdoor Recreation Planner	Recreation, WSR, Wilderness
Greg Wolfgang	Outdoor Recreation Planner	Travel Management, VRM
Carla DeYoung	Ecologist	ACEC, T/E/S Plants, Vegetation
Sylvia Ringer	Wildlife Biologist	Wildlife, T/E/S Wildlife, Migratory Birds
Pauline Adams	Hydrologist	Soil, Air, Water
Isaac Pittman	Rangeland Mgt Spec.	Range Management
Monte Senior	Rangeland Mgt Spec.	Invasive Species, Noxious Weeds
Rusty Stark	Fuels Specialist	Fuels
Everett Bartz	Rangeland Mgt. Spec.	Riparian

REMARKS/MITIGATION (the following mitigations will be carried forward within the permit under Special Conditions:

Cultural Resource Stipulations: A records search of the general project area, and a Class III inventory of the Area of Potential Effect (APE), as defined in the National Historic Preservation Act (NHPA), was completed by the BLM archaeologist (CRVFO CRIR 1012-24). No cultural resources have been identified within the project area and therefore no historic properties will be affected. The project inventory and evaluation is in compliance with the NHPA, the Colorado State Protocol Agreement, and other federal law, regulation, policy, and guidelines regarding cultural resources.

Cultural Resources

If subsurface cultural values are uncovered during operations, all work in the vicinity of the resource will cease and the authorized officer with the BLM notified immediately. The operator shall take any additional measures requested by the BLM to protect discoveries until they can be adequately evaluated by the permitted archaeologist. Within 48 hours of the discovery, the State Historic Preservation Officer (SHPO) and consulting parties will be notified of the discovery and consultation will begin to determine an appropriate mitigation measure. BLM in cooperation with the operator will ensure that the discovery is protected from further disturbance until mitigation is completed. Operations may resume at the discovery site upon receipt of written instructions and authorization by the authorized officer.

Native American human remains

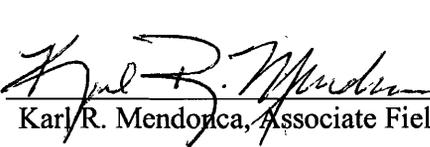
Pursuant to 43 CFR 10.4(g), the holder must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony on federal land. Further, pursuant to 43 CFR 10.4 (c) and (d), the holder must stop activities in the vicinity of the discovery that could adversely affect the discovery. The holder

shall make a reasonable effort to protect the human remains, funerary items, sacred objects, or objects of cultural patrimony for a period of thirty days after written notice is provided to the authorized officer, or until the authorized officer has issued a written notice to proceed, whichever occurs first.

Noxious and Invasive Plant Species Stipulation: The applicant will monitor the project area for the presence of any noxious weeds and will be responsible for promptly controlling any noxious weeds on the Colorado State List A or B within the right-of-way. If the applicant 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.

I considered this action and determined that it 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.

C. Signature

Authorizing Official:  Date: 6/04/2012
Karl R. Mendonca, Associate Field Manager

Contact Person

For additional information concerning this CX review, contact Karl Mendonca, Associate Field Manger, Colorado River Valley Field Office, 2300 River Frontage Road, Silt, CO 81652, (970)876-9004.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

RIGHT-OF-WAY GRANT

SERIAL NUMBER COC -74399
LOVA Bike/Pedestrian Path

1. A right-of-way is hereby granted pursuant to Title V of the Federal land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).

2. Nature of Interest:

a. By this instrument, the holder:

Garfield County
108 West 8th Street
Glenwood Springs

receives a right to construct, operate, maintain, and terminate a public county trail on public lands described as follows: :

Section 1 of T.6 S., R. 90 W.,
Sixth Principal Meridian, Garfield County, Colorado.

b. The right-of-way area granted here is 20 feet wide, 2905 feet long and contains 1.33 acres, more or less.

c. The right of ingress and egress is granted on existing public roads.

d. This instrument shall terminate on Dec 31, 2041, unless, prior thereto, it is renewed, relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.

e. This instrument may be renewed. If renewed, the right-of-way shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.

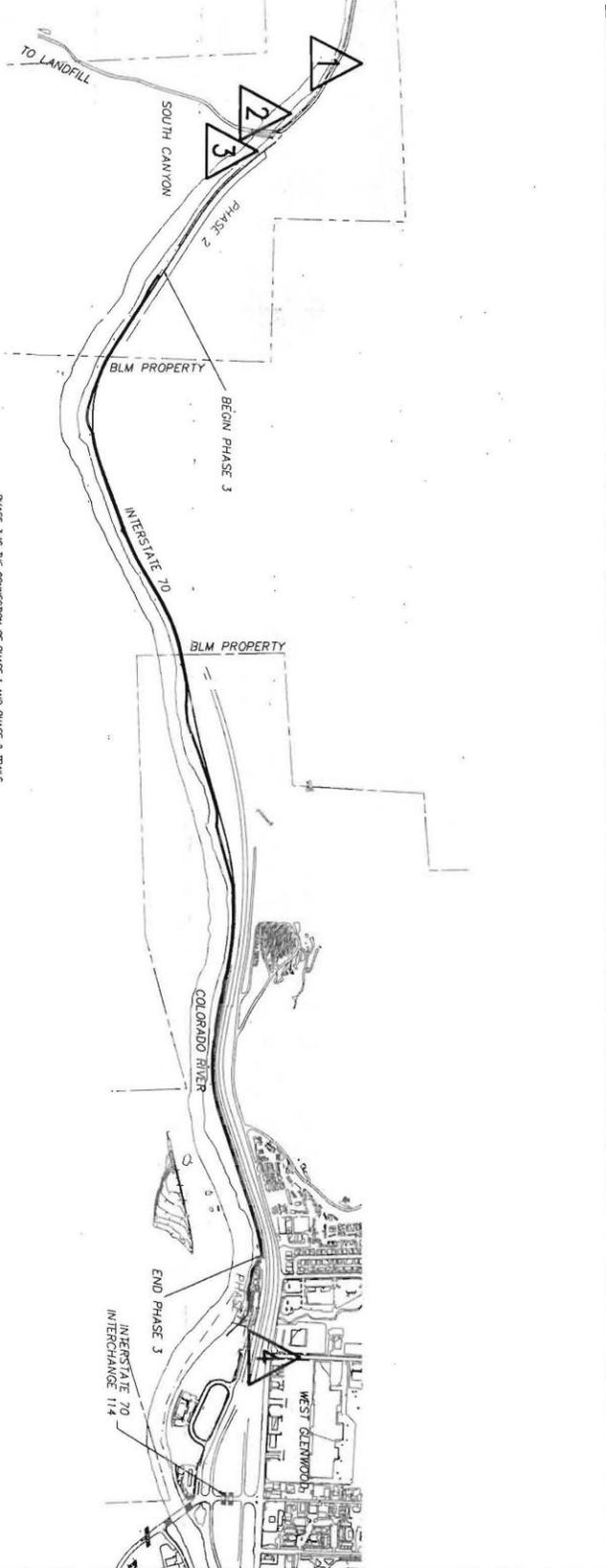
- f. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.
3. Rental: The County of Eagle is exempt from rental payments
4. Terms and Conditions:
 - a. This grant is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800, and all other applicable federal, state, and local laws, regulations, and standards.
 - b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
 - c. Each grant issued for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
 - d. The plans, maps, or designs set forth in the Application, and Special Stipulations and Conditions (Exhibits A and B attached hereto) are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
 - e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
 - f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

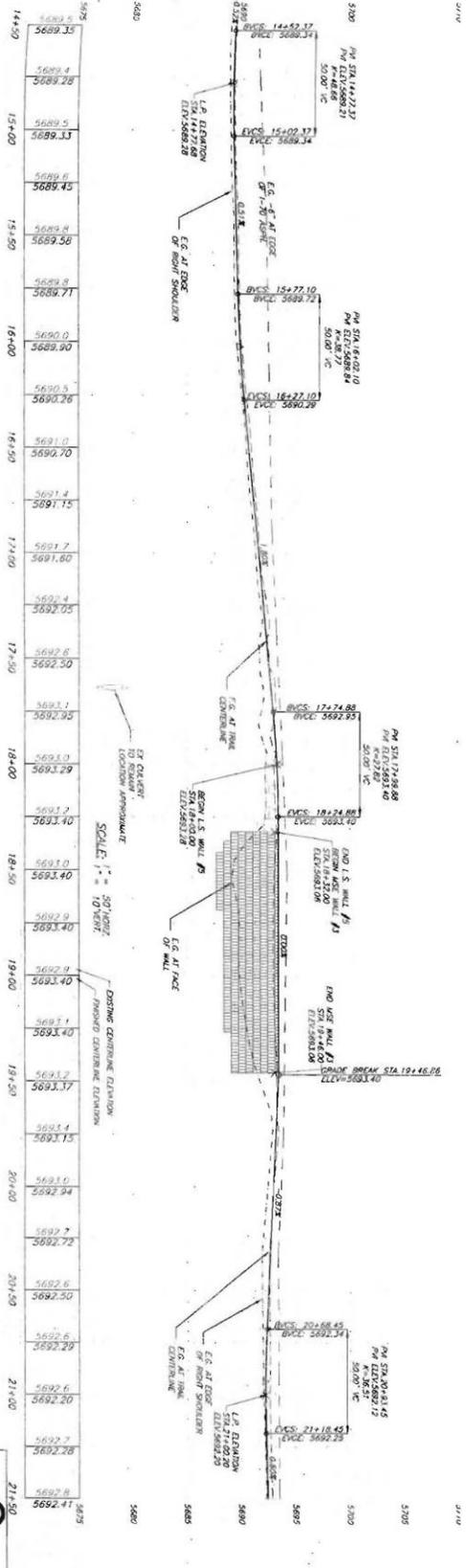
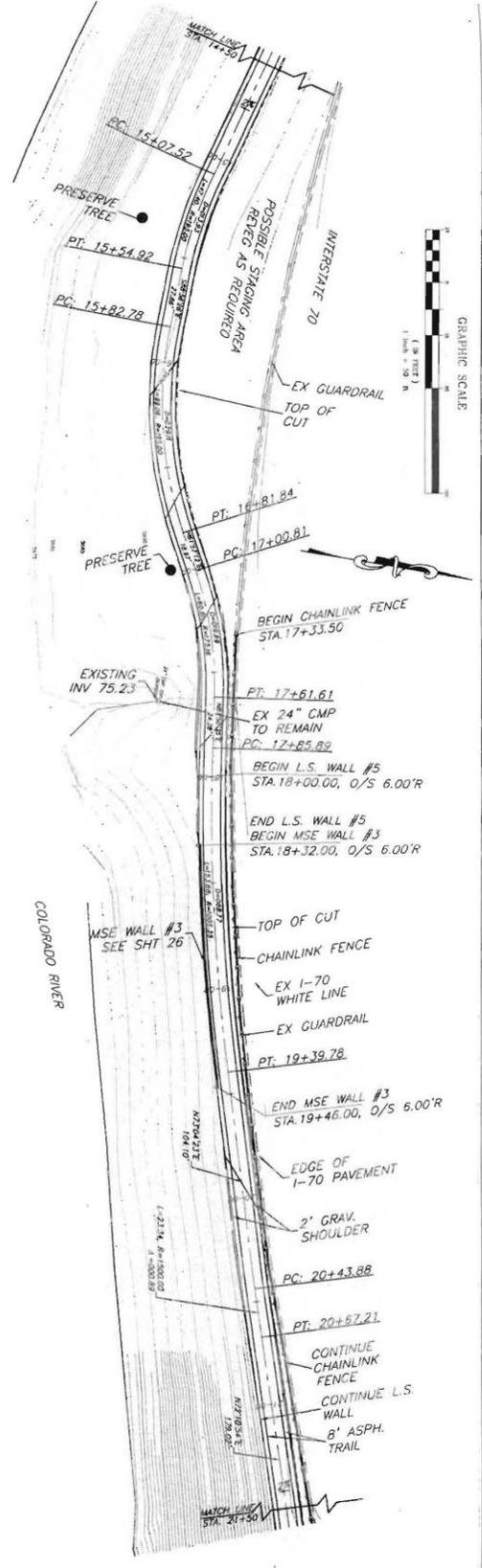
Exhibit A: PLANS / DRAWINGS

Computer File Information		Index of Revisions		S. Canyon Trail Phase 3		As Constructed		Survey Control Sheet		Project No.	
date 04/04/06	Index: UAS	0000		Garfield County		No Revisions		DC		SIT	
Issue Date 1-19-12	Index: MLC			South Canyon to West Glenwood		Revised:		MLC		SIT	
Name: 130000000-001-004Admin sheets.dwg	Index: MLC					Valid:		Structure Numbers		Sheet Number	
Scale: 1" = 500'	Units: ENGLISH							of		3	

POINT	NORTHING	EASTING	ELEVATION	LOCATION	DESCRIPTION
1	51772869	7831649	5656.57	SOUTH CANYON	± SPT WESTERN OF END OF GARIBOLD AND ± 21' SOUTHWEST
2	51590529	72217159	5668.79	SOUTH CANYON	± E. OF RURAL SOUTHWEST CORNER OF CONCRETE BRIDGE DECK
3	515871029	78552689	5678.63	SOUTH CANYON	± SPT NORTHWEST OF NORTHWEST CORNER OF BR. SIGNAL SHED
4	51783199	10316649	5709.68	I-70 WEST ONR EXIT 114 N.E.S. CAP	

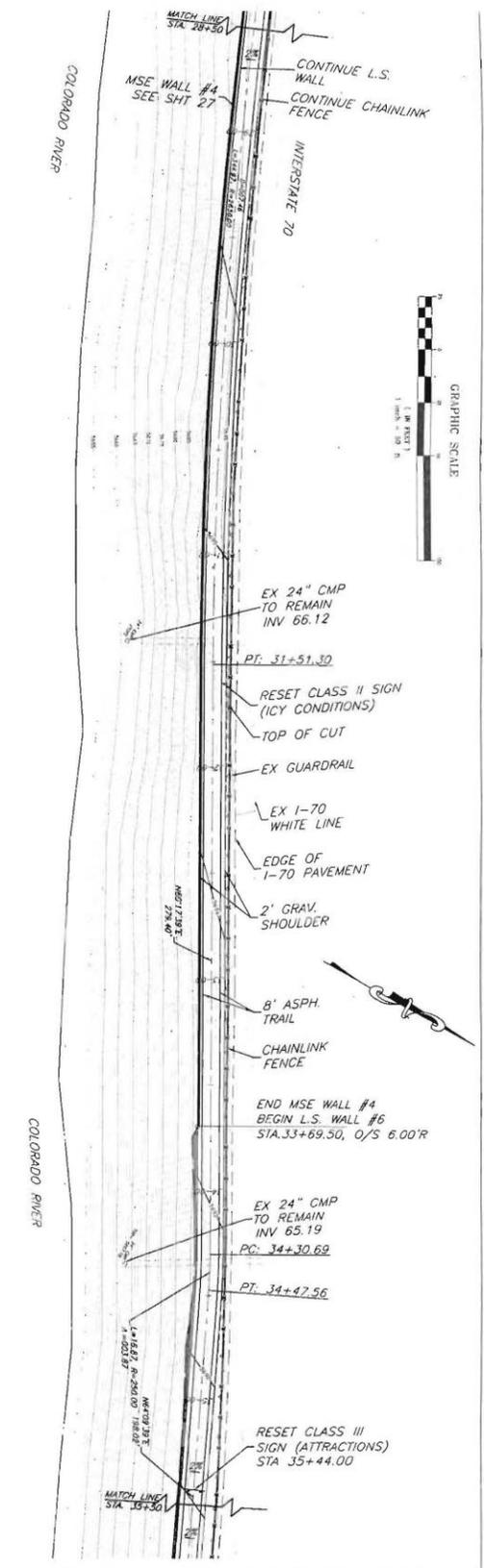
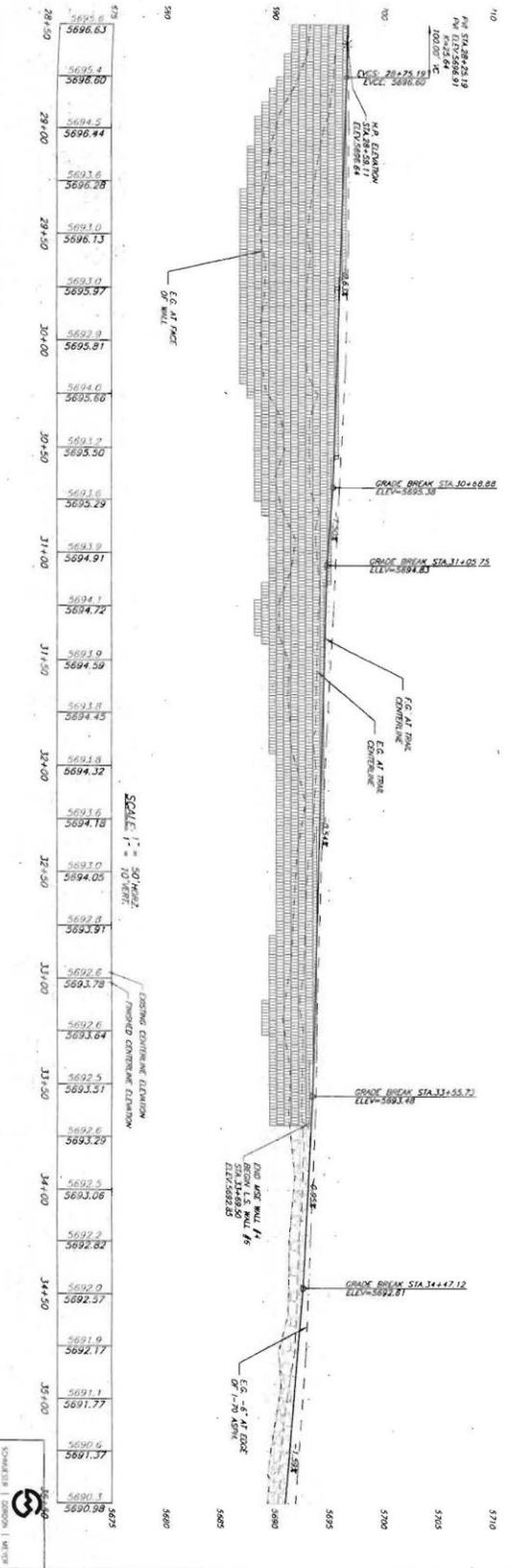
PHASE 3 IS THE CONNECTION OF PHASE 1 AND PHASE 2 TRAILS LOCATED BETWEEN THE COLORADO RIVER AND INTERSTATE 70





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Issue Date: 1/19/12	Issue: MLC	1	
Issue Description: Initial		2	
Issue Date: 1/20/12	Issue: MLC	3	
Issue Description: R&P 1, 1.6, 1.7		4	
Issue Date: 2/1/12	Issue: MLC	5	
Issue Description: R&P 1, 1.6, 1.7		6	
Issue Date: 2/1/12	Issue: MLC	7	
Issue Description: R&P 1, 1.6, 1.7		8	
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Issue Description: R&P 1, 1.6, 1.7		100	

Computer File Information		Index of Revisions	
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File Name: N:\span\road\col-west\trail\phase 3	Plot: 1.dwg		
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As Constructed		Trail Plan & Profile	
No Revisions	Revised:	Design:	Lib Structure
		WJC	WJC
		Sheet: 14	Sheet Number
Project No.		SC	
S. Canyon Trail Phase 3		SIT	
South Canyon to West Glenwood		14	



Computer File Information		Index of Revisions	
Date: 1/19/12	Initial: MLC		
Revision Date:	Initial:		
File Name: \\13909\13909-041-000\041\000000	Job No:		
Scale: 1" = 50'	Units: ENGLISH		
S. Canyon Trail Phase 3		As Constructed	
Trail Plan & Profile		Trail Plan & Profile	
Project No.:	Sheet No.:		
15	15		

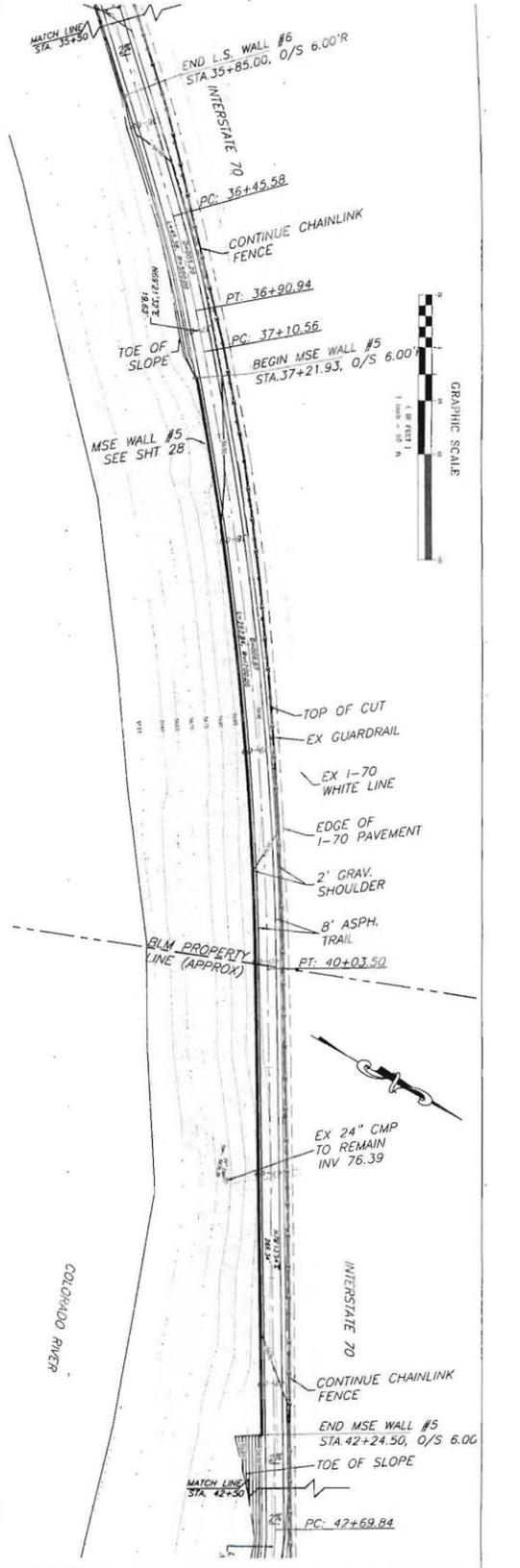
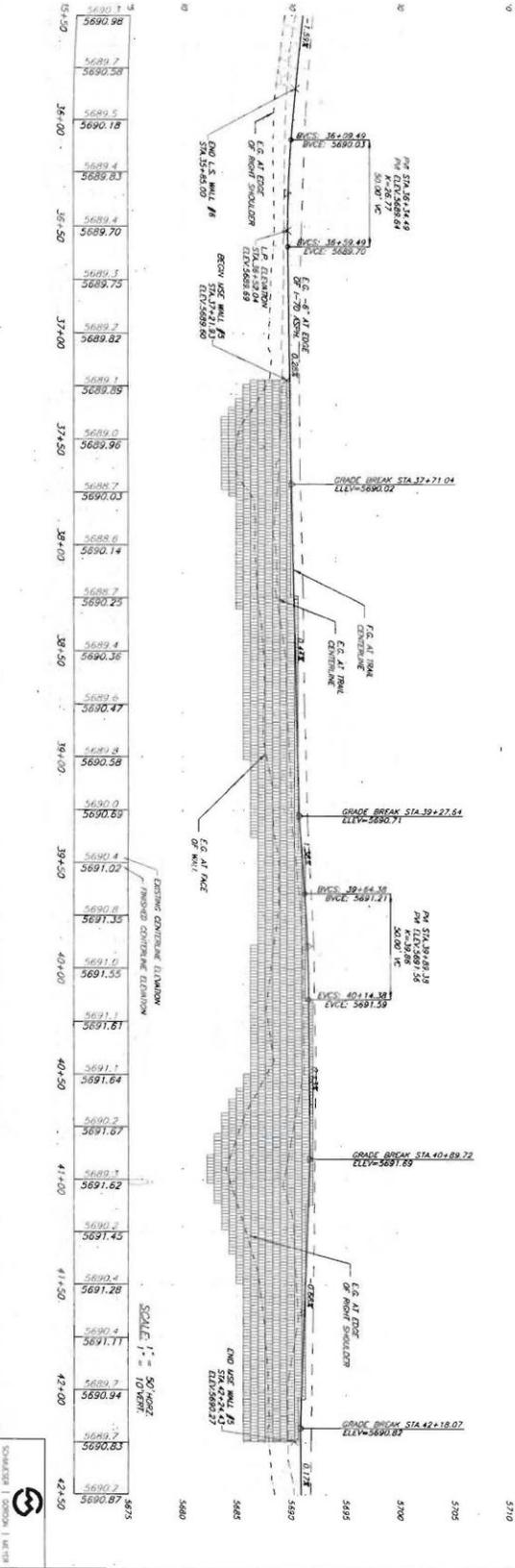


Exhibit B: SPECIAL STIPULATIONS AND CONDITIONS

1. The holder shall notify the Colorado River Valley Field Manager (Authorized Officer) at least three days prior to the start of construction 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 or surface disturbing activities.
2. The plans, maps, and designs set forth in the application are incorporated into and made a part of this Grant instrument as fully and effectively as if they were set forth herein in their entirety.
3. All design, material, and construction, operation, maintenance, and termination practices shall be in accordance with safe and proven engineering practices. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.
4. The project proponent would assume responsibility for monitoring the ROW for proper installation and maintenance of erosion control BMP's.
5. Trash shall be confined in a covered container while construction is in progress. Upon completion, all trash, flagging, laths, etc., shall be removed and hauled to an authorized disposal site.
6. The holder shall comply with all county, state, and federal regulations and permit requirements.
7. This Grant shall not be assignable without written permission of the authorized officer.
8. This Grant may be renewed. If renewed, the Grant shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.
9. Cultural Resources, Education/Discovery Stipulation:

Cultural Resources

If subsurface cultural values are uncovered during operations, all work in the vicinity of the resource will cease and the authorized officer with the BLM notified immediately. The operator shall take any additional measures requested by the BLM to protect discoveries until they can be adequately evaluated by the permitted archaeologist. Within 48 hours of the discovery, the State Historic Preservation Officer (SHPO) and consulting parties will be notified of the discovery and consultation will begin to determine an appropriate mitigation measure. BLM in cooperation with the operator will ensure that the discovery is protected from further disturbance until mitigation is completed. Operations may resume at the discovery site upon receipt of written instructions and authorization by the authorized officer.

Native American human remains

Pursuant to 43 CFR 10.4(g), the holder 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 on federal land. Further, pursuant to 43 CFR 10.4 (c) and (d), the holder must stop activities in the vicinity of the discovery that could adversely affect the discovery. The

holder shall make a reasonable effort to protect the human remains, funerary items, sacred objects, or objects of cultural patrimony for a period of thirty days after written notice is provided to the authorized officer, or until the authorized officer has issued a written notice to proceed, whichever occurs first.

10. The holder shall insure that all construction and maintenance equipment is washed prior to use to insure removal of weed seeds and their potential transfer to the ROW area. The holder shall monitor the ROW for the presence of Garfield County or State-listed noxious weeds annually during the growing season. After consulting with the authorized officer, the holder shall control weed infestations which have resulted from the holder's construction, operation, maintenance or use of the ROW. If chemical control is necessary, 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. A Pesticide Use Proposal must be approved by BLM prior to the use of herbicides.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant.

Signature of Holder

Title

(Date)

Signature of Authorized Officer

Karl R. Mendonca

Associate Field Manager

(Effective Date of Grant)