



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

IN REPLY REFER TO:
COC 74928/281001

CATEGORICAL EXCLUSION DOI-BLM-CO-N040-2012-0102-CX

A. Background

BLM Office: Colorado River Valley Field Office

Lease/Serial/Case File No:
COC 74928/281001

Proposed Action Title/Type: Chaparral Aspen Remote HOA Access Road

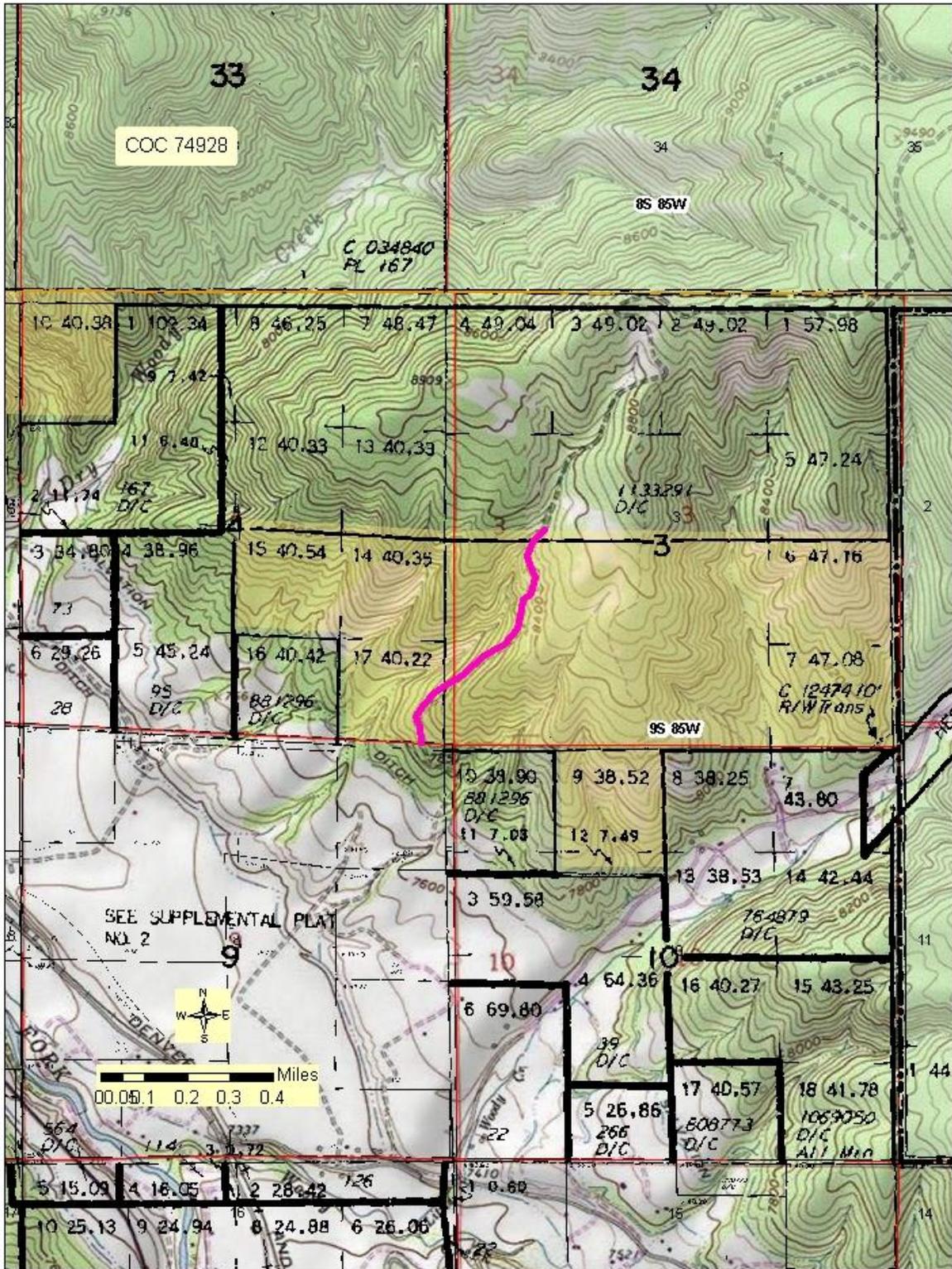
Location of Proposed Action: T9S, R85W Section 3 and 4

Description of Proposed Action:

Chaparral Aspen Remote Homeowners Association, Inc. is seeking a non-exclusive Right of Way for an existing roadway that has been historically used to access private property. Woody Creek Ventures (WCV) is owner of Chaparral Aspen Remote Parcels (the "Remote Parcels") consisting of 371 acres to the north of an isolated BLM tract ("the BLM Tract") near Woody Creek, Colorado. The Remote Parcels are bordered by the BLM Tract on the south, National Forest to the east and north, and private undeveloped property to the west. There is no public highway or other public access to the Remote Parcels, such that WCV desires to obtain a year-round Right of Way on an existing BLM road called Discovery Way through the BLM Tract. WCV does not seek to build a new road, or any additional structures or facilities through the BLM Tract. The road would continue to be approximately 3313 feet (0.627 miles) in length, and would maintain the existing width of approximately 25 feet with two pull outs. WCV would maintain the road as unpaved, but would also contribute to general maintenance as needed for safety and access to the Remote Parcels. Because WCV would not be constructing a new road, no temporary work areas would be needed for construction.

There is one residential structure currently on the Remote Parcels, and WCV anticipates that five additional structures will be built over time. Because transferrable development rights ("TDR") on four of the ten lots have been transferred and thus retired for those particular lots, only six of the ten lots on the Remote Parcels may be developed. Accordingly, while there may be increased use of Discovery Way during the building process, the incremental additional volume of traffic on Discovery Way associated with a ROW would be minimal over time.

The proposed right-of-way will be 25 feet in width by 3313 feet in length, 12.5 feet on each side of center line, occupying approximately 1.90 acres. Term will be 30 years.



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:

(12) Grants of right of way wholly within the boundaries of other compatibly developed rights-of-way.

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

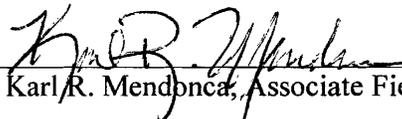
INTERDISCIPLINARY REVIEW:

<u>Name</u>	<u>Title</u>	<u>Area of Responsibility</u>
John Brogan	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
Brian Hopkins	Wildlife Biologist	Wildlife, T/E/S Wildlife, Migratory Birds
Pauline Adams	Hydrologist	Soil, Air, Water
Monte Senor	Rangeland Mgt Spec.	Range Management, Invasive Species, Noxious Weeds, IDT Lead
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:

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: 10/2/2012
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.

RIGHT-OF-WAY STIPULATIONS

1. The holder shall contact the Authorized Officer (AO) at least 60 days prior to the anticipated start of any surface disturbing activities. It is the holder's responsibility to comply with all applicable Federal, State, and local laws and regulations existing or hereafter enacted or promulgated. The BLM will determine if any surveys or inventories are required. As necessary, the holder shall demonstrate compliance in writing, i.e., with surveys and inventories completed by qualified individuals, with the following laws including, but not limited to, the Endangered Species Act (if potential habitat is determined to be present), the National Historic Preservation Act, and the Native American Graves Protection and Repatriation Act. Evaluations and inventories can be completed by BLM, or by the holder in order to meet the holder's schedule and subject to approval by the AO. Inventories may be time sensitive and may require US Fish and Wildlife Service concurrence, therefore this process could take longer than 60 days to complete. The holder shall not initiate any surface disturbing activities on the right-of-way without prior written approval, as determined necessary by the AO.

2. 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. 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. The holder shall be responsible for 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. 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 1 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.

4. 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.
5. 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.
6. All construction, operation and maintenance shall be within the authorized limits of the right-of-way granted herein.
7. No burning of trash, litter, trees, brush or other vegetative material shall be allowed under this grant.
8. 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.
9. The holder shall contact the AO to determine the appropriate seed mix to be used on all disturbed areas in the right-of-way.
10. 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.