

**United States Department of the Interior  
Bureau of Land Management**

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**Categorical Exclusion  
for  
Beehive Rock N' Hay, LLC Access Road**

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Grand Junction Field Office  
2815 H Road  
Grand Junction, Colorado 81506

DOI-BLM-CO-130-2013-011-CX

**June 2013**



LEGAL DESCRIPTION:

Affected Federal Lands:

Sixth PM, T. 10 N., R. 96 W., Sec. 27: N½SW¼NE¼  
Mesa County

See **Exhibit A: Map** for location details.

APPLICANT:

Beehive Rock N' Hay, LLC  
James B. Moore  
Grand Junction, CO

INTRODUCTION:

The applicant is requesting a new right-of-way on an existing road, in order to travel from their private property across intervening public lands to reach irrigation infrastructure (see Ex. A, 'Project Map'). The road is currently used and maintained by two other private entities, (a) an adjacent landowner (COC-60067, EA# CO-076-7-7) and Encana (COC-31814, EA# CO-076-8-15).

No improvements, widening or turnouts are needed, and no new surface disturbance would be created by this Proposed Action.

The purpose of the proposed action is to provide the applicant with secure access to their irrigation head gate and controls for irrigating pasture land. The need for the action is established under the BLM's responsibility to respond to requests for right-of-way grants under the Federal Land Policy and Management Act of 1976, As Amended (FLPMA).

The proposed action qualifies as a BLM categorical exclusion based on qualifying criterion, "Grants of right-of-way wholly within the boundaries of other compatibly developed rights-of-way" (Handbook 1790-1, Appendix 4, Number E. Realty (12)).

DESCRIPTION OF PROPOSED ACTION:

Mr. Moore of Beehive Rock N' Hay, LLC is requesting a new right-of-way on an existing road, in order to secure access to irrigation controls associated with the company's hay production. The requested right-of-way is 18 feet wide and 1200 feet in length (see Ex. A, 'Project Map'). Mr. Moore's use of the right-of-way would be for occasional year-round ingress and egress in his personal vehicle, to operate his company's irrigation facilities.

The existing road is currently authorized to cross public lands under Right-of-Way Grant Serial Numbers COC 60067, issued to Linda McBride, and COC 31814, issued to Encana Corporation. Ms. McBride owns the land on which Beehive Rock N' Hay's irrigation facilities are located, and she has a verbal agreement with Mr. Moore to allow him access across her private property to operate his irrigation facilities.

Due to the use of the road by Encana and Ms. McBride, the road is already being maintained for occasional year-round traffic, and is adequate for the Proposed Action in its current state. No additional improvements, widening, or turnouts are planned or required, and no new surface disturbance would occur if the grant were to be authorized. Because of the lack of alternative road access to the area, this is the only practical way for Mr. Moore to access his irrigation facilities.

#### 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:

GRAND JUNCTION Resource Management Plan and Record of Decision (RMP)

Date Approved: JANUARY, 1987

Decision Number/Page: 2-29, 2-31, 2-48

Decision Language:

**Public Utilities Management**

**2-29:** “To respond, in a timely manner, to requests for utility authorizations on public land while considering environmental, social, economic, and interagency concerns.”

**2-31:** “Applications in suitable and sensitive areas will be considered if projects can be designed to protect resources of concern.”

This proposal has been evaluated under the RMP and found to be located within a “suitable” zone for public utilities.

#### CATEGORICAL EXCLUSION REVIEW:

The proposed action qualifies as a categorical exclusion under give H-1790-1, Appendix 4, Number: E. Realty (12). When no extraordinary circumstances apply, the following types of Bureau actions normally do not require the preparation of an EA or EIS: “Grants of right-of-way wholly within the boundaries of other compatibly developed rights-of-way.”

#### EXTRAORDINARY CIRCUMSTANCES

There are no extraordinary circumstances having effects which may significantly affect the environment. I considered the following resource conditions in determining whether extraordinary circumstances related to the proposed action warranted further analysis and documentation in an EA or EIS (516 DM 2, Appendix 2):

**1. Have significant adverse effects on public health and safety.**

The proposed action is not expected to impact public health and safety because the right-of-way would only be used to access irrigation headgates, and the road is pre-

existing and will not require upgrades or modifications.

- 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.**

HISTORIC AND CULTURAL RESOURCES: 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 a Colorado BLM permitted cultural resource contracting firm (GJFO CRIR 5498-02, OAHF Project No. ME.LM.NR418). Conditions of the existing cultural environment are incorporated by this reference but the following briefly summarizes cultural resources in the APE. No cultural resources were found, and no additional survey is required. 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.

SPECIAL DESIGNATIONS: No lands with special designation, or current candidates for special designation, would be affected by the Proposed Action. There are no lands with wilderness characteristics that would be affected by the Proposed Action.

DRINKING WATER AQUIFERS; WETLANDS, FLOODPLAINS: Soil and water concerns have been adequately addressed in previous NEPA. No additional impacts are anticipated with authorization for use of the existing access road by the applicant.

MIGRATORY BIRDS: There exists the potential for songbird and raptor nesting in the area, but with no surface disturbance planned, there would be no effects from the Proposed Action.

- 3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.**

The impacts of road access and vehicle travel on the surrounding environment are generally well known and documented in the academic and practicing communities. Therefore the environmental effects are not likely to be controversial. The proposed action would involve no change in use that would produce new environmental effects.
- 4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.**

Roads have a long history in the region and pose no unique or unknown risks. This particular road has existed and been in similar use under COC-60067 for approximately 15 years. The proposed action would involve no change in use that could produce new or uncertain environmental effects.

**5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.**

This decision is like one of many that have previously been made and will continue to be made by BLM officials regarding land use authorizations on public lands. The decision is within the scope of the Resource Management Plan and is not expected to establish a new precedent for future actions. The decision does not represent a decision in principle about a future consideration.

**6. Be directly related to other actions with individually insignificant but cumulatively significant environmental effects.**

This is a stand-alone project. There are no projects with significant environmental impacts known to BLM that would result directly or indirectly from implementation of this project.

**7. Have adverse effects on properties listed, or eligible for listing, in the National Register of Historic Places.**

Previous cultural resource inventory has been conducted for this right-of-way (BLM CRIR No. 5498-02, OAHF Project No. ME.LM.NR418). No cultural resources were found. The attached standard ROW cultural stipulations should protect any cultural resources unknown to the agency.

**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.**

No Threatened, Endangered, or BLM Sensitive animal species area known in the area. A substantial population of DeBeque milkvetch lies about 1400' west of the proposed ROW. Even though no improvements, widening, turnouts, or other disturbance is contemplated, a survey was conducted by BLM personnel on May 3, 2013. Debeque milkvetch were not seen in the project area, but were seen in bloom in the known area mentioned above. The project area's soils and existing vegetation are unlikely to, and in fact do not, support this plant. A previous ROW EA (COC-60067, EA# CO-076-7-7) on the same road indicates rare plants are known in the area but were not affected.

**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.**

This decision complies with other Federal, State, or local laws and requirements imposed for the protection of the environment.

**10. Have the potential for a disproportionately high and adverse effect on low income or minority populations.**

The minority and low-income populations of the county are small relative to state-wide averages and such populations are dispersed throughout the county. Therefore, no minority or low-income populations would suffer disproportionately high and adverse effects as a result of the Proposed Action.

**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.**  
Previous cultural resource inventory has been conducted for this right-of-way (BLM CRIR No. 5498-02, OAHP Project No. ME.LM.NR418). No cultural resources were found, and no additional survey is required.

**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.**

The Proposed Action involves no new surface disturbance that would create the potential for new weed infestations in the affected area. The right-of-way grants on the affected roadway contain stipulations requiring grant holders to monitor and control noxious weeds and notify the Grand Junction Field Office when necessary. The Grand Junction Field Office routinely treats weed infestations when they are found, therefore we do not expect this project to contribute to invasive species infestation.

INTERDISCIPLINARY REVIEW:

<u>Name</u>	<u>Title</u>	<u>Area of Responsibility</u>
Alissa Leavitt-Reynolds Natalie Fast	Archaeologist	Cultural Resources, Native American Religious Concerns
John Toolen	Ecologist	Special Status Species
John Toolen	Wildlife Biologist	Wildlife, Fisheries, Special Status Species
Nate Dieterich	Hydrologist	Hydrology
Mark Tabor	Natural Resource Specialist	Weeds
Chris Pipkin	Outdoor Recreation Planner	Outdoor Recreation Planning

NAME OF PREPARER: Alexander Nees

NAME OF ENVIRONMENTAL COORDINATOR: Christina Stark

DATE:

DECISION:

DECISION:

I have reviewed this document and have decided to implement the Beehive Rock N' Hay, LLC Access Road project and have described above that proposed action. This project is categorically excluded from documentation in an EA or EIS under H-1790-1, Appendix 4, Number E. Realty (12).

STIPULATIONS:

a. Pursuant to 43 CFR 10.4(g) the holder of this authorization or its contractor must notify the BLM Authorized Officer (AO), 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), the holder must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.

b. The operator or its contractor is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are uncovered during any project or construction activity, the operator must stop work in the area of the discovery that might further disturb such materials, and immediately contact the AO. Within five working days the AO will inform the operator as to the mitigation measures the operator will likely have to undertake before the site can be used (assuming in place preservation is not necessary).

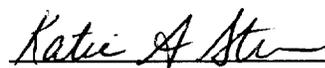
c. The holder shall notify the AO at least 180 days prior to non-emergency activities that would cause surface disturbance in the ROW or TUP. The BLM will determine if a cultural resource inventory, treatment, or mitigation is required.

d. A "Notice to Proceed" stipulation shall be required for any non-emergency activities as defined above that would cause surface disturbance on the ROW or TUP. Any request for a "Notice to Proceed" should be made to the AO, who shall review the proposed action for consistency with resource management concerns such as wildlife, big game winter range, paleontology, threatened and endangered species, and cultural resource protection. Additional measures may be required to protect these resources.

RATIONALE:

This action is listed in the NEPA Handbook H-1790-1 as an action that may be categorically excluded. I have evaluated the action relative to the 12 criteria listed above and have determined that no extraordinary circumstances exist.

The applicant has demonstrated a need for this action, in order to legally access their irrigation facilities in order to use their existing water right. Authorization of the proposal would therefore provide a public benefit, and there is no associated surface disturbance or other adverse environmental effects to justify rejection of the application.

  
Field Manager  
Grand Junction Field Office

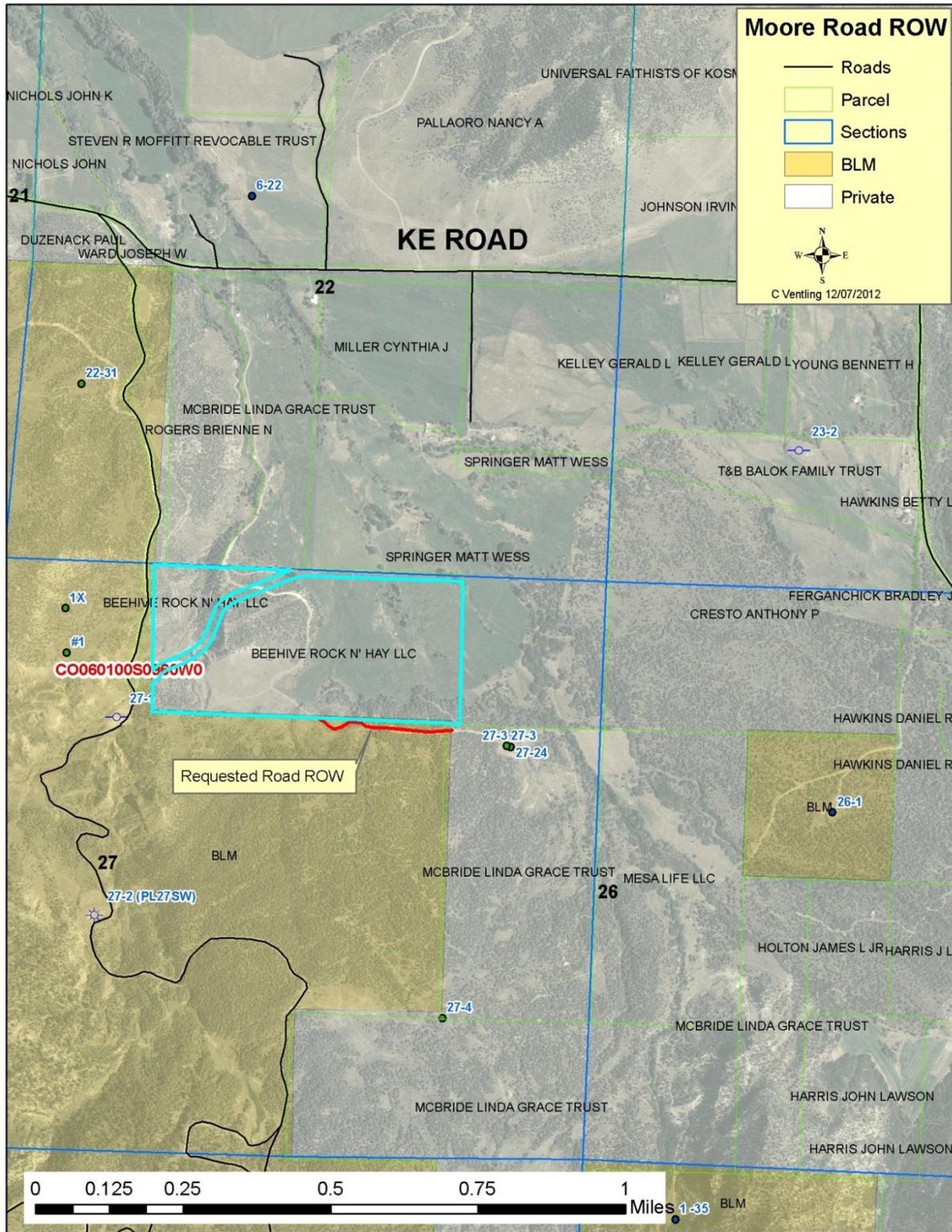
7/11/2013  
Date

ATTACHMENTS: Table 1 – Potentially Impacted Resources  
 Exhibit A: Project Map  
 Exhibit B: Stipulations

**Table 1– Potentially Impacted Resources**

Resources	Not Present On Location	No Impact	Potentially Impacted	Effects sufficiently analyzed/ mitigated in previous NEPA document or proposed action?	BLM Evaluator Initial & Date	Comments
<b>PHYSICAL RESOURCES</b>						
Air and Climate	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	ND 12/21/12	
Geological	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	DSG 12/7/12	
Mineral Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	DSG 12/7/12	
Soils	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	ND 12/21/12	
Water (surface & subsurface, floodplains)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	ND 12/21/12	
<b>BIOLOGICAL RESOURCES</b>						
Special Status Plants	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	JT 05/10/12	See above
Special Status Wildlife	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	JT 12/21/12	
Migratory Birds	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	JT 12/21/12	
Other Important Wildlife Habitat	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	JT 12/21/12	See above
Vegetation, Forestry	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	SC 12/14/12	
Invasive, Non-native Species	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	MT 12/11/12	
Wetlands/Riparian Zones	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	CARS 1/9/13	
<b>HERITAGE RESOURCES AND HUMAN ENV.</b>						
Cultural or Historical	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	ALR 2/11/13	
Paleontological	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	DSG 12/7/12	
Tribal & American Indian Religious Concerns	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	ALR 2/11/13	
Visual Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	CPP 12/19/12	
Social/Economic	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	CE 1/7/12	No analysis needed. Minor CX
Transportation and Access	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	CPP 12/19/12	
Wastes, Hazardous or Solid	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	AK 2/4/13	
<b>LAND RESOURCES</b>						
Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	CPP 12/19/12	
Special Designations (ACEC, SMAs, WSR)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	CPP 12/19/12	
Wilderness & Wilderness Characteristics	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	CPP 12/19/12	
Range Management	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	SC 12/14/12	
Wild Horse and Burros	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	JRD 12/11/12	
Land Tenure, ROW, Other Uses	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	CLV12/10/12	

# EXHIBIT A – Project Map



## **EXHIBIT B – Stipulations**

### RIGHT-OF-WAY STIPULATIONS:

1. The holder shall construct, operate, and maintain the facilities, improvements, and structures within this right-of-way in strict conformity with the plan(s) of development which was (were) approved and made part of the grant on the date signed. Any relocation, additional construction, or use that is not in accord with the approved plan(s) of development, shall not be initiated without the prior written approval of the authorized officer. A copy of the complete right-of-way grant, including all stipulations and approved plan(s) of development, shall be made available on the right-of-way area during construction, operation, and termination. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health and safety or the environment. BLM Guide Stipulation A1
2. The holder shall contact the authorized officer at least 60 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 including the plans(s) of development. . BLM Guide Stipulation A3.
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. The 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 shall 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. BLM Guide Stipulation B1
4. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of [user entry] inches deep, the soil shall be deemed too wet to adequately support construction equipment. . BLM Guide Stipulation F1.
5. A bond, acceptable to the authorized officer, shall be furnished by the holder by December 31, 2013 or at such earlier date as may be specified by the authorized officer. The amount of this bond shall be determined by the authorized officer. This bond must be maintained in effect until removal of improvements and restoration of the right-of-way has been accepted by the authorized officer. BLM Guide Stipulation P4.
6. Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means

all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment. BLM Guide Stipulation R1.

7. The holder(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(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. BLM Guide Stipulation R3.
8. 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. Further, pursuant to 43 CFR 10.4(c) and (d), the holder must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer. [BLM Guide Stipulation R3.]
9. New surface disturbance or vegetation removal shall not be allowed between May 15 and July 15, to prevent potential taking of migratory birds and/or eggs unless otherwise approved by the Grand Junction Field Office Manager. If vegetation removal can be planned and accomplished prior to May 15, then exception to this condition can be granted to allow work on the project during the closure period. [BLM Guide Stipulation R3.]