

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

**Categorical Exclusion for
Right of Way for Access Road
for
Thelma Barnes**

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

DOI-BLM-CO-130-2013-002-CX
COC79520

November 2012



LEGAL DESCRIPTION:

Affected Area:

Sixth PM, T. 13 S., R. 102 W., Sec. 13, E ½ of the SE ¼

APPLICANT:

Thelma Barnes
Grand Junction, CO

INTRODUCTION:

The applicant is requesting a new right of way on an existing road.

The proposed action qualifies as a BLM categorical exclusion Handbook 1790-1, Appendix 4, Number: E. Realty (17), based on the qualifying criterion “Grant of a short right-of-way for utility service or terminal access roads to an individual residence, outbuilding, or water well.”

DESCRIPTION OF PROPOSED ACTION:

Ms. Barnes is requesting a new right of way on an existing road for approximately 50 feet by 20 feet wide existing road to the applicant’s property boundary. This short road exits an existing road which is encumbered under right of way COC62970 also known as Mabie Flats Road. Ms. Barnes is a member of the road users association which holds the right of way COC62970. The previous access easement to the Barnes property has recently been determined by both legal counsel and an affidavit from their title company to be improperly executed. The applicant has attempted to acquire legal access through the historical route and has been repeatedly denied by the current land owner. This right of way will allow legal access to the applicant’s property. Currently the single owner of the property wants year round access. No improvements, widening or turnouts are needed. The applicant has built a road on her property to connect with the applied for right of way.

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

Date Approved: JANUARY, 1987

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

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 ones will be considered if projects can be designed to protect resourced of concern (Table 20).”

This proposal has been compared with zones and corridors to determine suitability of project location. This proposal is inside a “suitable” zone for public utilities.

CATEGORICAL EXCLUSION REVIEW:

The proposed action qualifies as a categorical exclusion under H-1790-1, Appendix 4, Number: E. Realty (17). When no extraordinary circumstances apply, the following types of Bureau actions normally do not require the preparation of an EA or EIS: “Grant of a short right-of-way for utility service or terminal access roads to an individual residence, outbuilding, or water well.”

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 a the road right of way would access a single parcel and is currently existing.

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 Class III Cultural Resource Inventory was completed by BLM archaeologists in October of 2012 (BLM GJFO CRIR 1013-01) for the proposed Barnes Right-of-way. A historic isolate, a single can, was recorded during that survey (5ME18464). Isolated finds are determined at the field level to be not-eligible to the National Register of Historic Places. No significant historic or cultural resources would be impacted by the proposed action.

SPECIAL DESIGNATIONS: In 2011, the GJFO, in accordance with the BLM “Policy on Conducting Wilderness Characteristics Inventory on BLM Lands” under Section 201 of the Federal Land Policy and Management Act of 1976, updated its inventory of lands with wilderness character. This project is in an area that did not meet the initial criteria for establishing a wilderness character inventory unit. Therefore, the right-of-way proposal would have no impact on wilderness characteristics.

DRINKING WATER AQUIFERS; WETLANDS, FLOODPLAINS: No drinking

water aquifers, wetlands or floodplains would be impacted by the proposed action.

MIGRATORY BIRDS: Impacts to migratory birds are not expected as no additional habitat will be disturbed and traffic on the access road is not expected to increase as a result of the proposed action.

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

The impacts of access roads are generally well known and documented in the academic and practicing communities. Therefore the environmental effects are not likely to be controversial.

4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

Access roads have a long history in the region and pose no unique or unknown risks.

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 responsible 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 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.

No historic properties listed, or eligible for listing on the National Register of Historic Places, exist in the project area.

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.

The proposed action occurs adjacent to but not within potential habitat for the Gunnison Sage grouse. A site visit conducted on October 24, 2012 confirmed that the area does not contain suitable habitat for the Gunnison sage grouse and the proposed action is not expected to impact Gunnison sage grouse.

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.

The proposed access would not restrict access to and ceremonial use of sacred sites for American Indian practitioners. There are no sacred sites present in the proposed right-of-way area.

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.

This project is designed to minimize disturbance to avoid new infestation of noxious weeds. The grant would include a stipulation to prevent noxious weed introduction and treat infestations, 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	Archaeologist	Cultural Resources, Native American Religious Concerns
Anna Lincoln	Ecologist	Special Status Species
Heidi Plank	Wildlife Biologist	Wildlife, Fisheries, Special Status Species
Nate Dieterich	Hydrologist	Hydrology
Chris Pipkin	Recreation Planner	Wilderness Characteristics
Catherine Ventling	Natural Resource Specialist	Land Use Authorizations

NAME OF PREPARER: Catherine Ventling

NAME OF ENVIRONMENTAL COORDINATOR: Collin Ewing

DATE: November 1, 2012

CE

DECISION:

I have reviewed this document and have decided to implement the Barnes Access Road project and described above that the proposed action. This project is categorically excluded from documentation in an EA or EIS under H-1790-1, Appendix 4, Number: E. Realty (17).

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. The proposal is within and area suitable for Public Utilities under the current Resource Management Plan.

Collin Ewing

11/14/12

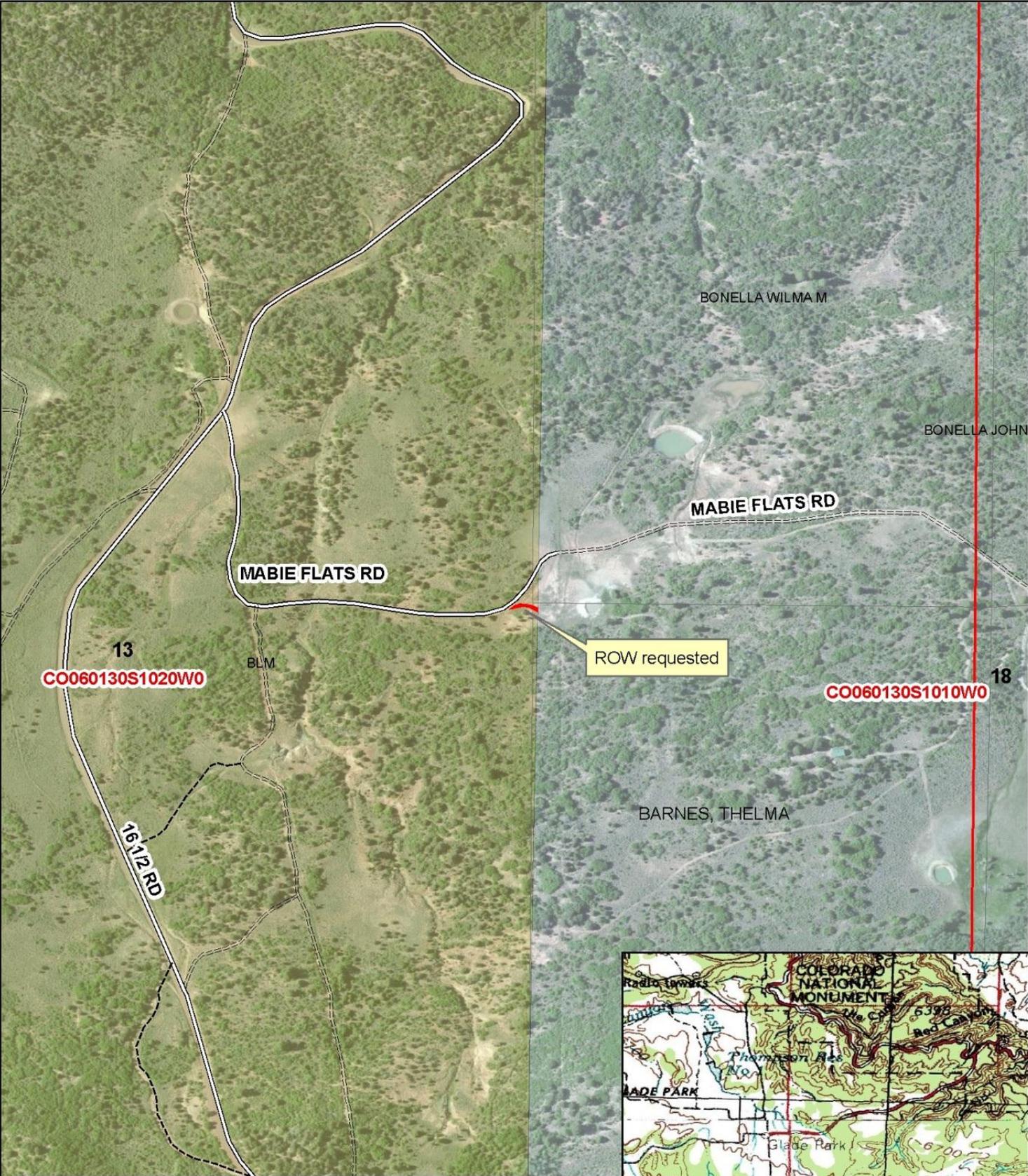
Date

Field Manager
Grand Junction Field Office

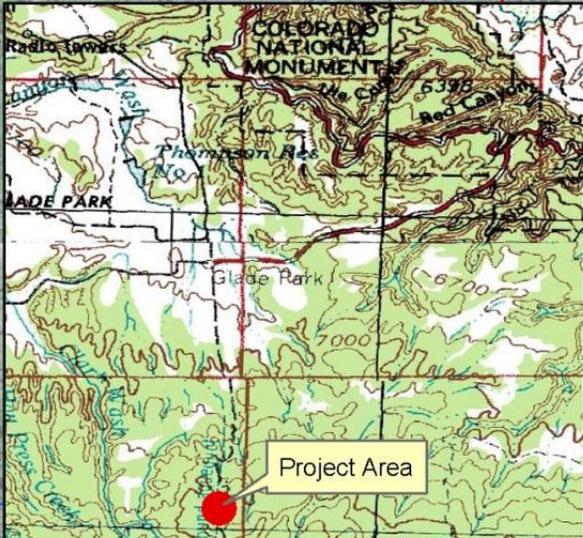
ATTACHMENTS: Exhibit A: Project Map.
Exhibit B: Stipulations

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
PHYSICAL RESOURCES						
Air and Climate	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	N. Dieterich 10/5/12	
Geological	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	DSG 9/27/12	
Mineral Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	DSG 9/27/12	
Soils	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	N. Dieterich 10/5/12	See above
Water (surface & subsurface, floodplains)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	N. Dieterich 10/5/12	See above
BIOLOGICAL RESOURCES						
Special Status Plants	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	ARL 9/27/12	
Special Status Wildlife	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	HLP 11/1/12	See above
Migratory Birds	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	HLP 11/1/12	See above
Other Important Wildlife Habitat	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	HLP 9/28/12	
Vegetation, Forestry	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	JM 10/22/12	
Invasive, Non-native Species	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	MT 10/12/12	
Wetlands/Riparian Zones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	CARS 10/12/12	
HERITAGE RESOURCES AND HUMAN ENV.						
Cultural or Historical	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	ALR 11/1/12	
Paleontological	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	DSG 9/27/12	
Tribal & American Indian Religious Concerns	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	ALR 11/1/12	
Visual Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	CPP 10/02/12	
Social/Economic	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	CE 10/1/12	
Transportation and Access	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	CPP 10/02/12	
Wastes, Hazardous or Solid	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	AEK 10/1/12	
LAND RESOURCES						
Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	CPP 10/02/12	
Special Designations (ACEC, SMAs, WSR)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	CPP 10/02/12	
Wilderness & Wilderness Characteristics	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	CPP 10/02/12	See above
Range Management	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	JM 10/22/12	
Wild Horse and Burros	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	CLV 11/1/12	
Land Tenure, ROW, Other Uses	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	CLV 11/1/12	



Barnes Access Road Proposed ROW
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STANDARD 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 proposal approved, amended and made part of the grant. Any relocation, additional construction, or use not in accord with the grant shall not occur without the prior written approval of the BLM.
2. Holder shall make a copy of the complete amended right-of-way grant, including all stipulations and approved proposals, available on the right-of-way area at all times of construction, operation, and termination.
3. The holder shall obtain and comply with all legal Federal, State and County resolutions and regulations and permit requirements.
4. All requirements and stipulations of the grant shall remain in effect and the holder shall construct, operate, maintain and reclaim the pipeline in strict conformity with the submitted application for the right-of-way, drawings and attachments, to grant stipulations and to industry standards.
5. The holder shall obtain agreements allowing construction with all existing rights-of-way holders and pipeline operators, approved in writing, prior to any surface disturbance or construction of the pipeline across or adjacent to any existing rights-of-way or approved pipelines. It is the grant holder's responsibility to coordinate with all other rights-of-way holders and adjacent landowners and resolve any conflicts involved with this project.
6. Contact the Grand Junction Field Office Manager at least 48 hours prior to construction start date.
7. The holder is responsible for obtaining all necessary environmental clearances and permits from all agencies (U.S. Army Corps of Engineers, Colorado Division of Wildlife, U.S. Fish & Wildlife, U.S. Forest Service, Colorado Department of Transportation, Colorado Department of Health & Environment, County Health Department, etc.) before commencing any work under this permit. Without all clearances and permits, this permit shall not be in effect. Holder shall assume all responsibility and liability related to potential environmental hazards encountered in connection with work under this permit.
8. When saturated soil conditions exist on or along the road route, construction shall be halted until soil material dries out or is frozen sufficiently for construction to proceed without undue damage and erosion to soils.
9. All construction equipment and vehicles shall be clean and free of weeds and weed seeds prior to moving equipment onto public lands and start of construction.
10. All existing roads shall be maintained in good condition and shall be returned to a condition as good as or better than before project commencement.

11. Trash shall be confined in a covered container while the project is in progress. Upon completion, all trash, flagging, laths, etc. shall be removed and hauled to an authorized disposal site. No burning or burial of trash, trees, brush or any other material shall be allowed. Human waste shall be properly contained and shall be disposed of at an approved sanitary landfill.
12. The Grand Junction Field Office Manager shall be notified at least 48 hours prior to commencing reclamation work.
13. A General Construction Permit from the Colorado Department of Public Health and Environment (CDPHE) is required when one acre or more is to be disturbed. Compliance with the permit requires the preparation and implementation of a Stormwater Management Plan for erosion prevention, systematic monitoring of the site, establishment of positive, directed run-off management and implementation and maintenance of site-specific adaptive Best Management Practices (BMPs).
14. New surface disturbance 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.
15. In the event any fencing or cattleguards are damaged they shall immediately be replaced or repaired.
16. The holder shall notify the authorized officer at least 60 days prior to non-emergency activities that would cause surface disturbance in the right-of-way. A "Notice to Proceed" shall be required prior to any non-emergency activities that would cause surface disturbance on the right-of-way. Any request for a "Notice to Proceed" must be made to the authorized officer, who will review the proposed action for consistency with resource management concerns such as wildlife, big game winter range, paleontology, special status species, and cultural resource protection. The authorized officer may require the completion of special status species surveys or other resource surveys by a third party contractor at the expense of the holder. Additional measures may be required to protect special status species or other resources.
17. 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.
18. 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.

19. On the Right-of-Way, the holder shall monitor and control those noxious weeds that may occur or be found, as listed in the booklet, Noxious Weeds of Mesa County. 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 Bureau of Land Management. Prior to the use of pesticides, the holder shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, the 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. Emergency use of pesticides shall be approved in writing by the authorized officer prior to such use. Oil and gas operators must follow the *Noxious and Invasive Weed Management Plan for Oil and Gas Operators* dated March 2007.
20. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. 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 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.