

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

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**Environmental Assessment  
for the Mesa Life LLC Access Road ROW**

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

DOI-BLM-CO-130-2012-0052-EA

April 2015



The Bureau of Land Management is responsible for the stewardship of our public lands. It is committed to manage, protect, and improve these lands in a manner to serve the needs of the American people for all times. Management is based on the principles of multiple-use and sustained yield of our nation's resources within a framework of environmental responsibility and scientific technology. These resources include recreation; rangelands; timber; minerals; watershed; fish and wildlife; wilderness; air; and scenic, scientific and cultural values.

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## **CHAPTER 1 – INTRODUCTION**

### **1.1 IDENTIFYING INFORMATION**

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This Environmental Assessment (EA) has been prepared in response to Mesa Life LLC application for Right-of-Way (ROW) to the Bureau of Land Management (BLM) Grand Junction Field Office (GJFO) for transportation and utility systems on federal lands (SF299s). The ROW requested is for access to private property.

CASEFILE/PROJECT NUMBER: COC-74234

PROJECT NAME: Mesa Life LLC Access Road ROW

PLANNING UNIT: Grand Junction Field Office

### **1.2 PROJECT LOCATION AND LEGAL DESCRIPTION**

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#### **LEGAL DESCRIPTION:**

The legal location for the Mesa Life access road is as follows (see Figures 1 and 2):

Sixth Principal Meridian, Mesa County, Colorado

T. 1 S., R. 96 W.,

Section 26, SE $\frac{1}{4}$ NW $\frac{1}{4}$ .

### **1.3 PURPOSE AND NEED**

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The purpose for the Proposed Action is to provide and allow access across public land to private property. The need for the action is established by the BLM's responsibility under the Federal Land Policy and Management Act (FLPMA) to respond to Mesa Life's request for a ROW Grant. This EA has been prepared to disclose and analyze the environmental effects of the Mesa Life, LLC proposed road ROW Grant and improvements/construction in the vicinity of the town of Mesa, in Mesa County, Colorado. The EA is a site-specific analysis of potential effects that could result with the implementation of a Proposed Action or Alternatives to the Proposed Action. If granted, the actions would include development of appropriate project design and mitigation that would be consistent with the goals, objectives, and decisions of the Grand Junction Resource Area Resource Management Plan (RMP – BLM, 1987), as well as with other applicable federal, state, and county policies, regulations, and laws. The Proposed Action is consistent with FLPMA, which reiterates that the 1970 Mining and Minerals Policy Act shall be implemented and directs that public lands be managed in a manner which recognizes the need for domestic sources of minerals and other resources.

### **1.4 PUBLIC PARTICIPATION**

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Scoping is the process by which the BLM solicits internal and external input on the issues, impacts, and potential alternatives that will be addressed, along with the extent to which those issues and impacts will be analyzed in a NEPA document. Internal scoping is the use of BLM and cooperating agency staff to help determine what needs to be analyzed in a NEPA document. External scoping involves notification and opportunities for feedback from other agencies, organizations, tribes, local governments, and the public. NEPA regulations (40 CFR §1500-

1508) do not require external scoping for an EA, and the BLM decided to internally scope the Proposed Action. The Project was reviewed by resource specialists in September 2012, and posted to the GJFO website. No public comments have been received for this project.

## **1.5 DECISION TO BE MADE**

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The BLM will decide whether to approve the proposed Mesa Life, LLC Access Road ROW and Improvements project based on the analysis contained in this EA.

The BLM may choose to: a) accept the Project as proposed, b) accept the Project with modifications/mitigation, c) accept an Alternative to the Proposed Action, or d) deny the application. The Decision Record associated with this EA may not constitute the final approval for the Proposed Action. It provides the BLM Authorized Officer (AO) with an analysis from which to base the final approval for the proposed ROW.

## **CHAPTER 2 – PROPOSED ACTION AND ALTERNATIVES**

### **2.1 INTRODUCTION**

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The purpose of this chapter is to describe the Proposed Action. The No Action Alternative is also discussed in this chapter. Alternatives considered but not analyzed in detail are also discussed.

Mesa Life, LLC researched alternatives to the Proposed Action. Two possible routes crossing entirely private lands were discussed with relevant private landowners. One route, located south of the BLM parcel, was rejected because the landowner refused to consider the possibility of an easement. A second alternative route would have involved several parcels of private property to the north and west, and would require all new construction of about 8,000 feet of roadway (approximately 4 times the length of the proposed ROW on BLM). These two alternatives were considered and eliminated.

### **2.2 ALTERNATIVES ANALYZED IN DETAIL**

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#### **2.2.1 Proposed Action**

Mesa Life LLC is an entity formed to purchase land and build homes for its members. The LLC has purchased 80 acres along Spring Creek near Mesa, Colorado and plans to build two single family homes beginning in the Spring of 2015. The LLC would like to request a ROW for the use of an existing road across a 40 acre BLM parcel bordering their 80 acre parcel on the east side. This ROW coupled with an easement across property owned by Danny Hawkins, the neighbor to the east, would provide a year-round access road connecting the Mesa Life property with County Road 52.5.

Mesa Life, LLC is proposing the construction and improvements of approximately 1.01 miles of access road on a combination of BLM and private land. About 0.65 mile would be on private land and 0.36 mile on BLM Land. The road length on BLM and on Mesa Life LLC is existing (about 0.74 mile); a new section of road (about 0.27 mile) would be constructed on the Danny Hawkins parcel (see Figures 1 and 2).

The Project Area consists of BLM and private lands. Within the project area, 36 percent of the access road length is on federal land managed by BLM. The ownership breakdown is in Table 1.

**Table 1. Land Management in Project Area.**

<b>Owner</b>	<b>Length of Access Road</b>	<b>Percent of Project Length</b>
Bureau of Land Management	0.36 mile	36 percent
Private (Danny Hawkins)	0.27 mile	27 percent
Private (Mesa Life LLC)	0.38 mile	38 percent
<b>Total private</b>	<b>0.65</b>	<b>65 percent</b>
<b>Total</b>	<b>1.01</b>	<b>100</b>

### **BLM Access Road Section (existing)**

The existing BLM road was built by a gas company, however, is no longer in use for oil/gas purposes. The road is in good condition. The road would stay in its existing alignment. The part of the road that crosses the BLM parcel is approximately 1,900 feet long and about 14 feet wide. A 30-foot ROW width would be required to maintain the existing drain areas and for snow storage. An existing 24-inch culvert is in good condition (See Table 2, EPM W-1).

### **Private Access Road Section (new)**

The new roadway construction work to be conducted on private lands would be done in the Spring of 2015 and would be completed in about 30 days, when the ground is dry enough for a large dump truck and road grader to operate. One or two operators would be employed to haul gravel and grade the road bed. Normal work schedule would be weekdays (Monday through Friday), approximately from 8am to 5pm. Various equipment and personnel would be mobilized to the site, and may include some or all of the following at any one time during the work day:

- large dump truck and operator;
- road grader and operator.

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Standard environmental protection measures associated with construction on private land are shown in Table 2.

**Table 2. Environmental Protection Measures.**

<b><i>Aesthetics</i></b>	
A-1	The contractor shall exercise care to preserve the natural landscape and shall conduct construction operations so as to prevent any unnecessary damage to, or destruction of, natural features. <i>(Applicable primarily to private lands access road construction)</i>
<b><i>Air Quality</i></b>	
AQ-1	The contractor shall utilize such practicable methods and devices as are reasonably available to control, prevent and otherwise minimize atmospheric emissions or discharges of air contaminants.
AQ-2	Vehicles and equipment showing excessive emission of exhaust gases due to poor engine adjustments or other inefficient operating conditions shall not be operated until corrective adjustments or repairs are made.
<b><i>Biological Resources</i></b>	
BR-1	Vegetation shall be preserved and protected from damage by construction operations to the maximum extent practicable. <i>(Applicable primarily to private lands access road construction)</i>
BR-2	Spring/early summer vegetation clearing could affect migratory bird nesting; therefore the May 15 to July 15 restriction on vegetation clearing will be applied. Any expansion of the road between February 1 and August 15 that requires removal of potential nesting trees for raptors would require surveys. <i>(Applicable primarily to private lands access road construction)</i>
BR-3	On completion of the work, all work areas, except any permanent roads, shall be regraded, as required, so that all surfaces drain naturally, blend with the natural terrain, and are left in a condition that will facilitate natural revegetation, provide for proper drainage and prevent erosion. <i>(Applicable primarily to private lands access road construction)</i>
BR-4	All construction materials and debris shall be removed from the project area in a timely manner. <i>(Applicable primarily to private lands access road construction)</i>
BR-5	The applicant would use clean gravel and road base, and monitor the road for weeds after construction is completed. Monitoring during the construction phase and noxious weed populations identified along the new ROW alignment or within any disturbed area associated with the project would be treated by Mesa Life, LLC with BLM-approved chemicals.
<b><i>Cultural Resources</i></b>	
CR-1	Should any previously unknown historic/prehistoric sites or artifacts be encountered during construction, all land altering activities at that location will be immediately suspended and the discovery left intact until such time that BLM is notified and appropriate measures taken to assure compliance the National Historic Preservation Act

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	and enabling legislation.
<b><i>Fire Prevention/Control</i></b>	
FP-1	The contractor shall maintain in all construction vehicles a current list of local emergency response providers and methods of contact/communication. All construction vehicles would be equipped with fire extinguishers and shovels for fighting small fires, if necessary. Construction crews would be equipped and trained to fight small fires. Spark arresters would be required for equipment generating sparks, including ATVs and chainsaws. Smoking would be allowed during construction activities only in designated safe-smoking areas. Common sense practices regarding heat/spark sources, particularly in dry conditions, would be followed. Avoiding parking hot vehicles on dry shrubs and other logical avoidance practices would be followed. Construction crews would have access to telephones to contact the necessary fire officials if a fire occurs, or if one were observed in the project vicinity.
<b><i>Land Use</i></b>	
LU-1	The contractor shall limit movement of crews, vehicles and equipment on the ROW and approved access roads to minimize damage to property and disruption of normal land use activity.
LU-2	The contractor shall maintain all fences and gates during the construction period. Any fence or gate damaged during construction will be repaired immediately by the contractor.
<b><i>Noise</i></b>	
N-1	Construction vehicles and equipment shall be maintained in proper operating condition and shall be equipped with manufacturers' standard noise control devices or better (e.g. mufflers, engine enclosures).
<b><i>Soils</i></b>	
S-1	All soils compacted by movement of construction vehicles and equipment, shall be 1.) loosened and leveled harrowing or disking to approximate pre-construction contours and 2.) reseeded with certified weed-free native grasses and mulched (except in cultivated fields). The specific seed mix(s) and rate(s) of application will be determined by the BLM. <i>(Applicable primarily to private lands access road construction)</i>
<b><i>Traffic</i></b>	
T-1	The contractor shall make all necessary provisions for conformance with federal, state and local traffic safety standards and shall conduct construction operations so as to offer the least possible obstruction and inconvenience to public traffic.
<b><i>Waters/Wetlands</i></b>	
W-1	If the existing culvert over East Spring Creek needs to be repaired or upgraded to a larger culvert, BLM would be consulted and any permitting requirements from the U.S. Army Corps of Engineers would be evaluated.

## 2.2.2 No Action Alternative

In accordance with the NEPA and CEQ regulations, which require that a No Action Alternative be presented in all environmental analyses in order to serve as a “baseline” or “benchmark” from which to compare all proposed “action” alternatives, a No Action Alternative is analyzed in this EA. Under this Alternative, BLM would deny Mesa Life’s application for a ROW on BLM-administered land. Mesa Life’s access road would not be built on BLM-administered land.

## **2.3 PLAN CONFORMANCE REVIEW**

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**PLAN CONFORMANCE REVIEW:** The Proposed Action is subject to and has been reviewed for conformance with the following plan (43 CFR 1610.5, BLM 1617.3):

Name of Plan: GRAND JUNCTION Resource Management Plan

Date Approved: JANUARY, 1987

Decision Number/Page: 2-29

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

In January 1997, the Colorado State Office of the BLM approved the Standards for Public Land Health and amended all RMPs in the State. Standards describe the conditions needed to sustain public land health and apply to all uses of public lands.

Standard 1: Upland soils exhibit infiltration and permeability rates that are appropriate to soil type, climate, land form, and geologic processes.

Standard 2: Riparian systems associated with both running and standing water function properly and have the ability to recover from major disturbance such as fire, severe grazing, or 100-year floods.

Standard 3: Healthy, productive plant and animal communities of native and other desirable species are maintained at viable population levels commensurate with the species and habitat’s potential.

Standard 4: Special status, threatened and endangered species (federal and state), and other plants and animals officially designated by the BLM, and their habitats are maintained or enhanced by sustaining healthy, native plant and animal communities.

Standard 5: The water quality of all water bodies, including ground water where applicable, located on or influenced by BLM lands will achieve or exceed the Water Quality Standards established by the State of Colorado.

No standards exist for this isolated 40 acre tract. These standards are not addressed further.

## CHAPTER 3 – Affected Environment and Environmental Consequences

### 3.1 INTRODUCTION

This section provides a description of the human and natural environmental resources that could be affected by the Proposed Action and presents comparative analyses of the direct, indirect and cumulative effects on the affected environment stemming from the implementation of the actions under the Proposed Action and other alternatives analyzed.

This EA draws upon information compiled in the Grand Junction Resource Area RMP (BLM 1987) and the draft Grand Junction Resource Area RMP (BLM 1985). In addition, two resource surveys were completed (Rocky Mountain Ecological Services, Inc. 2013 and Flattops Archaeological Consultants 2013).

#### 3.1.1 Resource Evaluation Approach

Table 3 lists the resources identified as not being present, not affected, or potentially affected. Those elements identified as not present and not affected are not brought forward for additional analysis.

**Table 3. Resource Presence and Anticipated Effects from the Proposed Action.**

Resources	Not Present On Location	No Impact	Potentially Impacted	Mitigation Necessary?
<b>PHYSICAL RESOURCES</b>				
Air and Climate	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Water (surface & subsurface, floodplains)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Soils	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Geological/Mineral Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>BIOLOGICAL RESOURCES</b>				
Special Status Plants	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Special Status Wildlife	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Migratory Birds	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other Important Wildlife Habitat	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vegetation, Forestry	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Invasive, Non-native Species	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wetlands/Riparian Zones	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>HERITAGE RESOURCES AND HUMAN ENV.</b>				
Cultural or Historical	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Paleontological	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tribal& American Indian Religious Concerns	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Visual Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Social/Economic	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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Resources	Not Present On Location	No Impact	Potentially Impacted	Mitigation Necessary?
Transportation and Access	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wastes, Hazardous or Solid	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>LAND RESOURCES</b>				
Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Special Designations (ACEC, SMAs, WSR)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wilderness & Wilderness Characteristics	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Range Management	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wild Horse and Burros	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Land Tenure, ROW, Other Uses	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fire/Fuels	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**3.1.2 Past, Present, Reasonably Foreseeable Actions**

NEPA requires federal agencies to consider the cumulative effects of proposals under their review. Cumulative effects are defined in the Council on Environmental Quality (CEQ) regulations 40 CFR §1508.7 as “...the impact on the environment that results from the incremental impact of the action when added to other past, present, and reasonably foreseeable actions regardless of what agency...or person undertakes such other actions.” The CEQ states that the “cumulative effects analyses should be conducted on the scale of human communities, landscapes, watersheds, or airsheds” using the concept of “project impact zone” or more simply put, the area that might be affected by the proposed action. The area that may be affected by this project includes the 5<sup>th</sup> code watershed that contains the project area. To assess past, present and reasonably foreseeable actions that may occur within the affected area a review of GJFO NEPA log and our field office GIS data was completed. The following list includes all past, present and reasonably foreseeable actions known to the BLM that may occur within the affected area:

Past Actions:

Action – livestock grazing, farming/cultivation, oil and gas development, residential development.

Present Actions:

Ongoing Action – livestock grazing, farming/cultivation, residential development.

Reasonably Foreseeable Actions:

Action – livestock grazing, farming/cultivation, residential development. Identified on the GJFO NEPA log as a potential future action about 1 to 2 miles from the project area is a proposed action for oil and gas development is currently under consideration by BLM (Genesis O&G, “The Breaks” Natural Gas Exploration Plan; CO-130-2012-0005-EA). No other approved or pending projects were found on the NEPA log or elsewhere as potentially impacting the project area.

## 3.2 PHYSICAL RESOURCES

### 3.2.1 Water (surface and groundwater, floodplains)

#### **Current conditions:**

The project area crosses East Spring Creek, a perennial tributary to Spring Creek, which is tributary to Plateau Creek and then to the Colorado River and is considered waters of the United States. Where the existing road crosses East Spring Creek, there is an existing 24-inch steel culvert in place which is in good condition. There are no floodplains identified by FEMA in the project area. Based on the soils types found in the project area, the depth to water table (ground water) is at least 80 inches.

#### **No Action:**

*Direct and Indirect Effects:* Under the No Action Alternative, there would be no impacts to water (surface, floodplains, or groundwater).

*Cumulative Effects:* There would be no cumulative effects from the No Action Alternative.

#### **Proposed Action:**

*Direct and Indirect Effects:* The proposed action is not anticipated to have direct or indirect impacts to any waters on BLM or private land. There would be no impacts to groundwater from the proposed road ROW. There would be no change to the existing 24-inch steel culvert crossing of East Spring Creek in the project area. Also see Environmental Protection Measure W-1 (Table 2).

*Cumulative Effects:* No cumulative effects are anticipated.

*Protective/Mitigation Measures:* The existing 24-inch steel culvert would be maintained in good condition to avoid any new sedimentation of downgradient stream segments (see Table 2).

### 3.2.2 Soils

#### **Current Conditions:**

The surveyed area is relatively flat and unvaried in soil type. Elevation varies from about 5,860 to 6,000 ft. No irrigated fields occur in the vicinity of the road. Prior oil and gas disturbance has been reclaimed and stabilized. The area at the southeast end of the road is disturbed and appears to be developed. The soil types in the surveyed area are primarily as follows:

**Table 4. Primary Soils Types in the Project Area**

Map Unit Symbol	Map Unit Name	Ecological Site	Topographic Position	Wind Erodability/Erosion Hazard	Slope (Percent)	Percent of Soil in Project Area
41	Golime cobbly loam	Deep Loam	Till Plains	Unk	5 to 15	90
58	Peninsula loam	Deep Loam	Benches	Unk	3 to 9	10

Source: NRCS 2014

- Golime cobbly loam is found on 5 to 15 percent slopes and is typically very bouldery. The parent material is outwash derived from shale and/or outwash derived from basalt and sandstone. The soil is not prone to flooding or ponding and is well drained.
- Peninsula loam is found on 3 to 9 percent slopes and is derived from mixed, transported road spread deposits derived from volcanic and sedimentary rock. The soil is not prone to flooding or ponding and is well drained.

**No Action:**

*Direct and Indirect Effects:* There would be no direct or indirect effects to soils as a result of the No Action Alternative.

*Cumulative Effects:* There would be no cumulative effects to soils as a result of the No Action Alternative.

**Proposed Action:**

*Direct and Indirect Effects:* Under the Proposed Action, construction activities have the potential for erosion and soil compaction as a result of vegetation removal, excavation, vehicle travel, and other construction disturbances.

BLM

Ground disturbance on BLM lands would be limited primarily to areas within the existing road footprint. New road base/gravel would be placed on about 0.61 acres of road surface on BLM lands.

Private

New surface disturbance from the project on private lands would be very limited (about 0.5 to 1.0 acre in total). Soil impacts and erosion from the road improvement activities associated with the road would have a short-term minor impact on soil resources, with minimal potential for impacting soil stability and long-term productivity.

*Cumulative Effects:* There would be no cumulative effects to soils as a result of the Proposed Action.

*Protective/Mitigation Measures:* Best management practices for erosion control and dust suppression, as well as revegetation measures would minimize soil impacts under the proposed projects. Revegetation success for disturbed areas would depend on site specific soil conditions, slope, and aspect (see Table 2).

### **3.3 BIOLOGICAL RESOURCES**

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#### **3.3.1 Vegetation (grasslands, forest management)**

**Current conditions:**

The project area is dominated by Pinyon-juniper woodlands and Sagebrush shrublands. Pinyon-juniper woodlands in the project area consist of pinyon pine (*Pinus edulis*) and Utah juniper (*Sabina osteosperma*). The understory is very sparsely vegetated in most areas. Pinyon-juniper woodland was observed throughout the project areas, but is interspersed with Sagebrush Shrublands in some areas. The Sagebrush Shrublands are dominated by Wyoming sagebrush

(*Artemesia wyomingensis*). Brittle prickly pear (*Opuntia fragilis*) and prickly pear (*Opuntia polycantha*) are common in the Sagebrush Shrublands (Rocky Mountain Ecological Services, Inc. 2013).

**No Action:**

*Direct and Indirect Effects:* There would be no direct or indirect effects to vegetation as a result of the No Action Alternative.

*Cumulative Effects:* There would be no cumulative effects as a result of the No Action Alternative.

**Proposed Action:**

*Direct and Indirect Effects:*

***BLM***

No impacts are anticipated on BLM land as no additional surface disturbance is planned.

***Private***

While the proposed action would disturb limited areas of Pinyon-juniper woodlands and Sagebrush shrublands vegetation communities (about 0.5 to 1 acre) and increase the potential for weed invasion resulting from the construction activities, the implementation of mitigation measures and successful reclamation would reduce vegetation deterioration.

*Cumulative Effects:* There would be no cumulative effects from implementation of the Proposed Action.

*Protective/Mitigation Measures:* Vegetation would be preserved and protected from damage from construction equipment to the maximum extent practicable. Construction equipment would only travel in designated travel and work areas.

On completion of work, all work areas not intended for permanent use, would be regraded so that surfaces drain naturally, blend with the natural terrain, and are left in a condition that would facilitate natural revegetation (seeding may be required in some areas to prevent noxious weed infestation), provide proper drainage, and prevent erosion.

**3.3.2 Wildlife (includes migratory birds)**

**Current conditions:**

*Migratory Birds:* No migratory birds were observed during the site visit to the project area (RMES 2013). Bird species expected to occur in the project area are species typical of semidesert grasslands on the West Slope in Colorado. Birds of conservation concern as listed by the USFWS that could potentially occur in the semidesert grassland habitat in the project area include ferruginous hawk, western burrowing owl (*Athene cunicularia*), and gray vireo (*Vireo vicinior*) (USFWS 2008). In general, the project area is not high-quality habitat for nesting birds. The habitat in the project area is not optimal for these species, especially the western burrowing owl, which prefer active prairie dog towns. The ferruginous hawk may forage in the area in winter. The gray vireo prefers sparse juniper woodlands (Dexter *in* Kingery 1998), and is unlikely to occur near in the project area due to lack of suitable habitat.

*Raptors:* Raptor and nesting surveys were conducted at the end of April 2013 by Rocky Mountain Ecological in accordance with the BLM White River Field Office protocols. Pedestrian ground searches using call playback methodology (“Kennedy-Stahlecker-Rinker” method) as modified by R. Reynolds and others were conducted using a FoxPro digital game caller. Per BLM guidance (RMES 2013), great-horned owl calls were broadcast.

Despite the area being thoroughly traversed, and a number of calling stations used, no nests were detected, and no historic nests were detected either. This may be due to the dominance of the area by smaller trees, which generally do not have the spreading branches and structure suitable for holding a nest. While some larger trees were observed, their presence in the survey area was somewhat limited (RMES 2013).

**No Action:**

*Direct and Indirect Effects:* There would be no direct or indirect effects to wildlife under the No Action Alternative.

*Cumulative Effects:* There would be no cumulative effects to wildlife under the No Action Alternative.

**Proposed Action:**

*Direct and Indirect Effects:*

***BLM***

No new disturbance would occur on BLM land. However, wildlife may avoid the entire project area during project implementation on private land.

***Private***

The Proposed Action could temporarily impact wildlife in the project area. New road construction on private land would impact about 0.5 to 1 acre of wildlife habitat. Wildlife may avoid the project area during construction, but likely will return to normal patterns when construction is completed. There are residences in the vicinity of the project area, so most wildlife likely are accustomed to human presence.

*Cumulative Effects:* The Proposed Action considered in conjunction with other proposed and potential activities would have minor measurable cumulative effects to wildlife in the region.

*Protective/Mitigation Measures:* No vegetation clearing is anticipated for BLM land. However, if vegetation clearing is required, the May 15 to July 15 restriction would be followed to protect migratory birds. Additionally, any trees 6 feet or taller, would not be allowed to be removed between February 1 and August 15 to avoid impacts to nesting raptors. Raptor surveys would be required if any trees are removed.

## **3.4 HERITAGE RESOURCES AND HUMAN ENVIRONMENT**

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### **3.4.1 Cultural Resources**

**Current Conditions:**

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

Flattops Archaeological Consultants, a Colorado BLM permitted cultural resource contracting firm (GJFO CRIR 15413-02 (Flattops 2013)). Conditions of the existing cultural environment are incorporated by this reference but the following briefly summarizes cultural resources in the APE. Approximately 6.4 acres were surveyed and six isolated finds were found during the inventory (5ME19636-5ME19641). Three of the isolated finds were historic (5ME19636-5ME19638) and consisted of historic ceramics. The remaining three prehistoric isolated finds (5ME19639-5ME19641) were a Desert Side-notched point tip fragment, two flakes, and one chert flake, respectively. The isolated finds were determined at the field level to be not eligible to the National Register of Historic Places (NRHP\_ under Criteria A-D. 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.

**No Action:**

*Direct and Indirect Effects:* Under the No Action alternative, no project would be undertaken and there would be no effects to historic or cultural sites.

*Cumulative Effects:* There would be no cumulative effects as a result of the No Action Alternative.

**Proposed Action:**

*Direct and Indirect Effects:* Under the Proposed Action, construction would occur within the vicinity of six cultural resources isolated finds. Effects to historic properties (NRHP eligible cultural resources) are not expected on BLM or private land, because the six isolated finds found within the project area do not meet the criteria for eligibility for the NRHP .

*Cumulative Effects:* There would be no cumulative effect as a result of the Proposed Action. No eligible finds were reported in the proposed project area.

All persons in the area who are associated with this project shall be informed that any person who, without a permit, injures, destroys, excavates, appropriates, or removes any historic or prehistoric ruin, artifact, object of antiquity, Native American remains, Native American cultural item, or archaeological resources on public lands is subject to arrest and penalty of law (16 USC 433, 16 USC 470, 18 USC 641, 18 USC 1170, and 18 USC 1361). Strict adherence to the confidentiality of information concerning the nature and location of archeological resources would be required of the proponent and all of their subcontractors (Archaeological Resource Protection Act, 16 U.S.C. 470hh)

*Inadvertent Discovery:* The National Historic Preservation Act (NHPA) [16 USC 470s., 36 CFR 800.13], as amended, requires that if newly discovered historic or archaeological materials or other cultural resources are identified during the Proposed Action implementation, work in that area must stop and the BLM Authorized Officer (AO) must be notified immediately. Within five working days the AO will determine the actions that will likely have to be completed before the site can be used (assuming in place preservation is not necessary).

The Native American Graves Protection and Repatriation Act (NAGPRA) [25 USC 3001 et seq., 43 CFR 10.4] requires that if inadvertent discovery of Native American Human Remains or Objects of Cultural Patrimony occurs, any activity must cease in the area of discovery, a reasonable effort made to protect the item(s) discovered, and immediate notice be made to the

BLM Authorized Officer, as well as the appropriate Native American group(s) (IV.C.2). Notice may be followed by a 30-day delay (NAGPRA Section 3(d)).

The operator may relocate activities to avoid the expense of mitigation and delays associated with this process, as long as the new area has been appropriately inventoried and has no resource concerns, and the exposed materials are recorded and stabilized. Otherwise, the operator shall be responsible for mitigation costs. The BLM authorized officer will provide technical and procedural guidelines for relocation and/or to conduct mitigation. Upon verification from the BLM authorized officer that the required mitigation has been completed, the operator will be allowed to resume construction.

Antiquities, historic ruins, prehistoric ruins, and other cultural or paleontological objects of scientific interest that are outside the authorization boundaries but potentially affected, either directly or indirectly, by the proposed action shall also be included in this evaluation or mitigation. Impacts that occur to such resources as a result of the authorized activities shall be mitigated at the operator's cost, including the cost of consultation with Native American groups

### **3.4.2 Tribal and American Indian Religious Concerns**

American Indian religious concerns are legislatively considered under several acts and Executive Orders, namely the American Indian Religious Freedom Act of 1978 (PL 95-341), the Native American Graves Environmental Assessment Protection and Repatriation Act of 1990 (PL 101-601), and Executive Order 13007 (1996; Indian Sacred Sites). In summary, these require, in concert with other provisions such as those found in the NHPA and ARPA, that the federal government carefully and proactively take into consideration traditional and religious Native American culture and life and ensure, to the degree possible, that access to sacred sites, the treatment of human remains, the possession of sacred items, the conduct of traditional religious practices, and the preservation of important cultural properties are considered and not unduly infringed upon. In some cases, these concerns are directly related to “historic properties” and “archaeological resources”. In some cases elements of the landscape without archaeological or other human material remains may be involved. Identification of these concerns is normally completed during the land use planning efforts, reference to existing studies, or via direct consultation. There is no known evidence that suggests the project area holds special significance for Native Americans, or is actively used to maintain any traditional practices.

Tribal consultation on this project was conducted with the Ute Indian Tribe of the Uintah and Ouray Reservation (UIT), Ute Mountain Ute Tribe and the Southern Ute Indian Tribe (SUIT) via certified letter on July 25, 2013. The SUIT responded on August 21, 2013 saying that they believe that the project would have no adverse effect on properties of cultural or religious significance within the project area. No response was received by this time from the UMUT or the UIT tribes.

#### **No Action:**

*Direct and Indirect Effects:* Under the No Action alternative, no project would be undertaken and there would be no effects to American Indian religious concerns.

*Cumulative Effects:* There would be no cumulative effects as a result of the No Action Alternative.

**Proposed Action:**

*Direct and Indirect Effects:* No information has been received from the tribes to indicate that there are American Indian religious concerns in the project area.

*Cumulative Effects:* There would be no cumulative effect as a result of the Proposed Action. No American Indian religious concerns have currently been brought to the BLM in the proposed project area.

## CHAPTER 4 - CONSULTATION AND COORDINATION

### 4.1 LIST OF PREPARERS AND PARTICIPANTS

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#### INTERDISCIPLINARY REVIEW

NAME	TITLE	AREA OF RESPONSIBILITY
Janet Doll	Realty Specialist	Realty, Project Lead
Alissa Leavitt-Reynolds	Archaeologist	Cultural Resources, Native American Religious Concerns
Andy Windsor	Outdoor Recreation Planner	Access, Transportation, Recreation, VRM, Wilderness, ACECs
Scott Clarke	Range Management Specialist	Vegetation, Forestry
David Scott Gerwe	Geologist	Geology, Paleontology
Alan Kraus	Hazardous Materials Specialist	Hazardous Materials
Heidi Plank	Wildlife Biologist	T&E Species, Migratory Bird Treaty Act, Terrestrial & Aquatic Wildlife
Anna Lincoln	Ecologist	Land Health Assessment, Range Ecology, Special Status Plant Species
Christina Stark	Planning & Environmental Coordinator	Environmental Justice, Prime & Unique Farmlands, Environmental Coordinator, Riparian and Wetland
Paula Belcher	Hydrologist	Soils, Air Quality, Water Quality, Hydrology, Water Rights
Mark Taber	Range Management Specialist	Weed Coordinator, Invasive, Non-Native Species
Lathan Johnson	Fire Ecologist Natural Resource Specialist	Fire Ecology, Fuels Management
Aleta Powers, ERO Resources	Natural Resource Specialist	Project Management and NEPA document

## CHAPTER 5 - REFERENCES

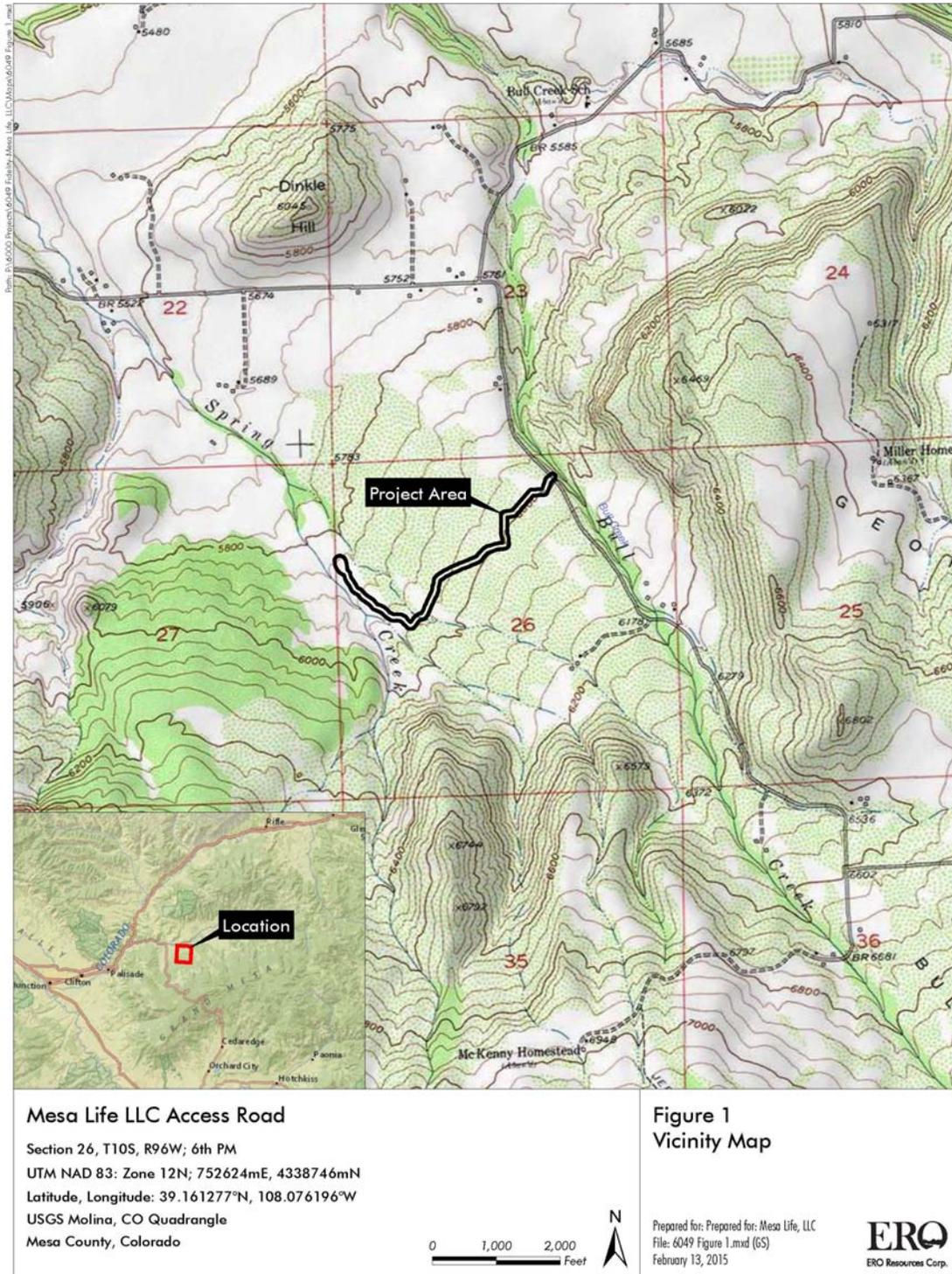
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**Figures 1 and 2**

Mesa Life LLC Access Road ROW  
Environmental Assessment

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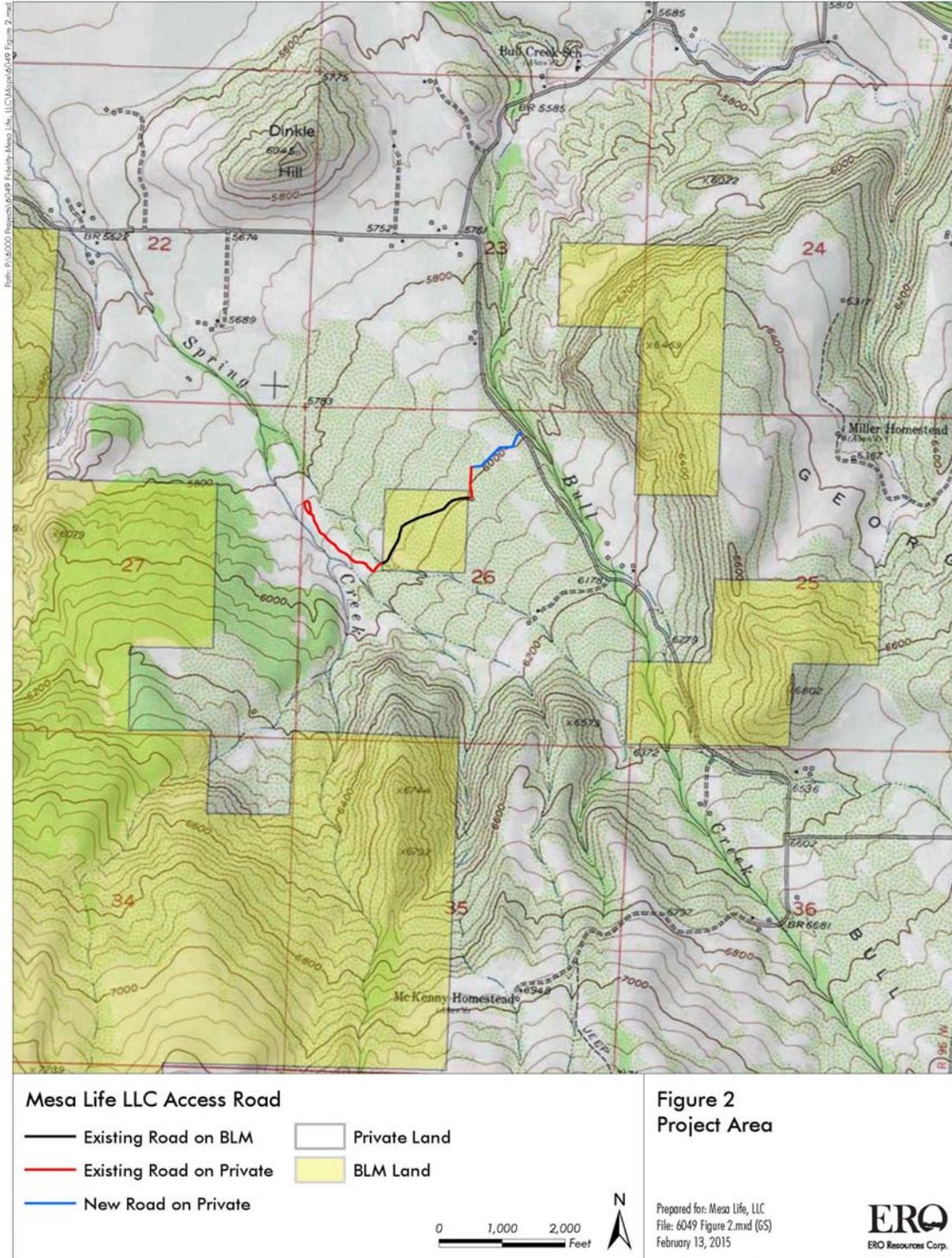
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Environmental Assessment



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Figure 1. Vicinity Map

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Figure 2. Project Area

**UNITED STATES**  
**DEPARTMENT OF THE INTERIOR**  
**BUREAU OF LAND MANAGEMENT**  
**GRAND JUNCTION FIELD OFFICE**  
**FINDING OF NO SIGNIFICANT IMPACT**

**Mesa Life LLC Access Road ROW**  
**DOI-BLM-CO-130-2012-0052-EA**

Based on the analysis of potential environmental impacts contained in the attached environmental assessment, and considering the significance criteria in 40 CFR §1508.27, I have determined that the Proposed Action will not have a significant effect on the human environment. An environmental impact statement is therefore not required.

**BACKGROUND**

Mesa Life, LLC (Mesa) submitted an application for Right-of-Way (ROW) for transportation and utility systems on federal lands (SF299) to the Bureau of Land Management (BLM) Grand Junction Field Office (GJFO). The ROW requested is for access to private property located in Mesa County, Colorado. Mesa requests a ROW on an existing road across a 40 acre BLM parcel bordering Mesa's 80 acre parcel on the east. The ROW requested is 1,900 feet long, by 30 feet wide for 1.309 acres more or less. The legal location for the proposed access road is as follows:

Sixth Principal Meridian, Mesa County, Colorado  
T. 10 S., R. 96 W., Section 26, SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>.

Mesa submitted a Plan of Development (POD) for the access road to the BLM GJFO, which describes construction, reclamation, operation, maintenance, and abandonment of the Proposed Action.

The B L M GJFO prepared an Environmental Assessment (EA). The EA considered the Proposed Action and the No Action Alternative. The Project was reviewed by resource specialists in September 2012, and posted to the GJFO website under internal scoping. No comments have been received.

**INTENSITY**

I have considered the potential intensity/severity of the impacts anticipated from the Mesa Life, LLC Project decision relative to each of the ten areas suggested for consideration by the CEQ. The following findings have been made with regard to each of the ten CEQ considerations:

***1. Impacts that may be both beneficial and adverse.***

This project may have minor short term impacts (5 years or less) to soils, vegetation, and wildlife; however these impacts are not significant and would reduce following successful reclamation.

***2. The degree to which the proposed action affects public health and safety.***

The proposed action is not expected to impact public health and safety.

***3. Unique characteristics of the geographic area such as proximity of historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.***

Inventories were completed for historic and cultural resources in the project area (see Item 8 below). The following elements are not affected because they are not present in or near the Project Area: park lands, prime farmlands, and wild and scenic rivers. No ecologically critical areas are noted. There is no municipal water supply in the project area.

***4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.***

Decisions regarding utilization of public lands for access roads have been and continue to be made in this region, by this Field Office. There is no scientific controversy over the nature of the potential impacts. Effects upon the quality of the human environment are anticipated to be low in intensity.

***5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.***

The Project is not unique or unusual in the area. There are other access roads with BLM rights-of-way in the region and BLM has rendered similar decisions on similar areas. Possible effects to the human environment are not predicted to be highly uncertain nor expected to involve unique or unknown risks.

***6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.***

The Project was considered in the context of past, present and reasonably foreseeable actions. This decision is not unusual; no significant cumulative effects are predicted. The decision is within the scope of the Resource Management Plan and is not expected to establish a precedent for future rights-of-way. The decision does not represent a decision in principle about a future consideration. No documentation by an EIS is required.

***7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.***

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Environmental Assessment

There are no significant cumulative effects on the environment, either when combined with the effects created by past and concurrent projects, or when combined with the effects from natural changes taking place in the environment or from reasonably foreseeable future projects.

**8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources.**

Class III cultural resources inventories did not identify any NRHP-eligible sites. The degree to which the Project may adversely affect or cause loss or destruction of significant scientific, cultural, or historic resources is minimal.

**9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.**

There are no federally listed species located in the project area. Therefore, no impacts to endangered or threatened species or their designated critical habitats would occur as a result of this action.

**10. Whether the action threatens a violation of Federal, State, or local law or requirements 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.

**FINDING OF NO SIGNIFICANT IMPACT**

On the basis of the information contained in the EA, and all other information available to me, it is my determination that: 1) the implementation of the Proposed Action will not have significant environmental impacts beyond those already addressed in the "Record of Decision and Resource Management Plan," (January, 1987); (2) the Proposed Action is in conformance with the Resource Management Plan; and (3) the Proposed Action does not constitute a major federal action having a significant effect on the human environment. Therefore, an environmental impact statement or a supplement to the existing environmental impact statement is not necessary and will not be prepared.

This finding is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR §1508.27), both with regard to the context and to the intensity of the impacts described in the EA.

  
Wayne Werkmeister  
Acting Field Manager  
Grand Junction Field Office

4-10-15  
Date

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**UNITED STATES**  
**DEPARTMENT OF THE INTERIOR**  
**BUREAU OF LAND MANAGEMENT**  
**GRAND JUNCTION FIELD OFFICE**  
**2815 H Road, Grand Junction, CO 81506**

**DECISION RECORD**

**Mesa Life, LLC Access Road**  
**DOI-BLM-CO-130-2012-0052-EA**

DECISION:

It is my decision to authorize the Proposed Action as described in DOI-BLM-CO-130-2012-0052-EA. This decision authorizes the construction, operation, and maintenance of a road right-of-way (ROW) that is 1,900 feet long and 30 feet wide located in 6<sup>th</sup> PM, T. 1 S., R. 96 W., sec. 26, SE¼NW¼ for a term of 30 years.

ALTERNATIVES CONSIDERED BUT NOT SELECTED:

The only alternative considered in addition to the Proposed Action is the No Action Alternative.

MITIGATION MEASURES:

The Project-Specific Conditions of Approval are included as Exhibit 1.

PUBLIC INVOLVEMENT:

The Project was reviewed by resource specialists in September 2012, and posted to the GJFO website under internal scoping. No public comments were received.

FINDING OF NO SIGNIFICANT IMPACT:

A Finding of No Significant Impact (FONSI) was prepared, based on the information contained in the EA and on my consideration of criteria for significance (40 CFR 1508.27). Based on the EA, it is my determination that: 1) the implementation of the Proposed Action Alternative will not have significant environmental impacts; 2) the Proposed Action Alternative is in conformance with the Grand Junction Resource Management Plan; and 3) the Proposed Action Alternative does not constitute a major federal action having significant effect on the human environment. No EIS is necessary.

Mesa Life LLC Access Road ROW  
Environmental Assessment

RATIONALE:

The EA has concluded that there will be no significant negative impacts. No National Register of Historic Places eligible sites would be impacted by the Proposed Action. Approval of this action will be consistent with BLM management goals and prescriptions for the area. Any approvals will include the Site-Specific Conditions of Approval developed during this EA. All Conditions of Approval are consistent with the BLM land use plan.

PROTEST/APPEALS:

This decision shall take effect immediately upon the date it is signed by the Authorized Officer, and shall remain in effect while any appeal is pending unless the Interior Board of Land Appeals issues a stay (43 CFR §2801.10(b)). Any appeal of this decision must follow the procedures set forth in 43 CFR Part 4. Within 30 days of the decision, a notice of appeal must be filed in the office of the Authorized Officer at Grand Junction Field Office, 2815 H Road, Grand Junction, Colorado, 81506. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the Authorized Officer.

NAME OF PREPARER: Janet Doll

NAME OF ENVIRONMENTAL COORDINATOR: Christina Stark

DATE: 4/16/15

SIGNATURE OF AUTHORIZED OFFICIAL:

  
\_\_\_\_\_  
Wayne Werkmeister  
Acting Grand Junction Field Manager

DATE SIGNED: 4-16-15

## **Exhibit 1**

### **Site-Specific Conditions of Approval**

1. The existing 24-inch steel culvert would be maintained in good condition to avoid any new sedimentation of down gradient stream segments.
2. Best management practices for erosion control and dust suppression, as well as revegetation measures would minimize soil impacts under the proposed projects. Revegetation success for disturbed areas would depend on site specific soil conditions, slope, and aspect (see Table 2).
3. No vegetation clearing is anticipated for BLM land. However, if clearing is required, the May 15 to July 15 restriction will be followed to protect migratory birds. Additionally, any trees 6 feet or taller, would not be allowed to be removed between February 1 and August 15 to avoid impacts to nesting raptors. Raptor surveys would be required if any trees are removed.
4. All persons in the area who are associated with this project shall be informed that any person who, without a permit, injures, destroys, excavates, appropriates or removes any historic or prehistoric ruin, artifact, object of antiquity, Native American remains, Native American cultural item, or archaeological resources on public lands is subject to arrest and penalty of law (16 USC 433, 16 USC 470, 18 USC 641, 18 USC 1170, and 18 USC 1361). Strict adherence to the confidentiality of information concerning the nature and location of archeological resources would be required of the proponent and all of their subcontractors (Archaeological Resource Protection Act, 16 U.S.C. 470hh).
5. Inadvertent Discovery: The National Historic Preservation Act (NHPA) [16 USC 470s., 36 CFR 800.13], as amended, requires that if newly discovered historic or archaeological materials or other cultural resources are identified during the Proposed Action implementation, work in that area must stop and the BLM Authorized Officer (AO) must be notified immediately. Within five working days the AO will determine the actions that will likely have to be completed before the site can be used (assuming in place preservation is not necessary).
6. The Native American Graves Protection and Repatriation Act (NAGPRA) [25 USC 3001 et seq., 43 CFR 10.4] requires that if inadvertent discovery of Native American Human Remains or Objects of Cultural Patrimony occurs, any activity must cease in the area of discovery, a reasonable effort made to protect the item(s) discovered, and immediate notice be made to the BLM Authorized Officer, as well as the appropriate Native American group(s) (IV.C.2). Notice may be followed by a 30-day delay (NAGPRA Section 3(d)).
7. The holder may relocate activities to avoid the expense of mitigation and delays associated with this process, as long as the new area has been appropriately inventoried and has no resource concerns, and the exposed materials are recorded and stabilized. Otherwise, the operator shall be responsible for mitigation costs. The BLM authorized officer will provide technical and procedural guidelines for relocation and/or to conduct mitigation. Upon verification from the BLM authorized officer that the required mitigation has been completed, the operator will be allowed to resume construction.
8. Antiquities, historic ruins, prehistoric ruins, and other cultural or paleontological objects of scientific interest that are outside the authorization boundaries but potentially affected, either

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Environmental Assessment

directly or indirectly, by the proposed action shall also be included in this evaluation or mitigation. Impacts that occur to such resources as a result of the authorized activities shall be mitigated at the operator's cost, including the cost of consultation with Native American groups.

9. At least 90 days prior to termination of the ROW, 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. This plan shall include, but is not limited to, removal of facilities, drainage structures, removal of surface material; re-contouring, top-soiling, or seeding. The Authorized Officer must approve the plan in writing prior to the holder's commencement of any termination activities.

10. The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the ROW.