



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Glenwood Springs Field Office
50629 Highway 6 and 24
Glenwood Springs, Colorado 81601
www.co.blm.gov

CATEGORICAL EXCLUSION DOI-BLM-CO-N040-2009-0100-CX

A. Background

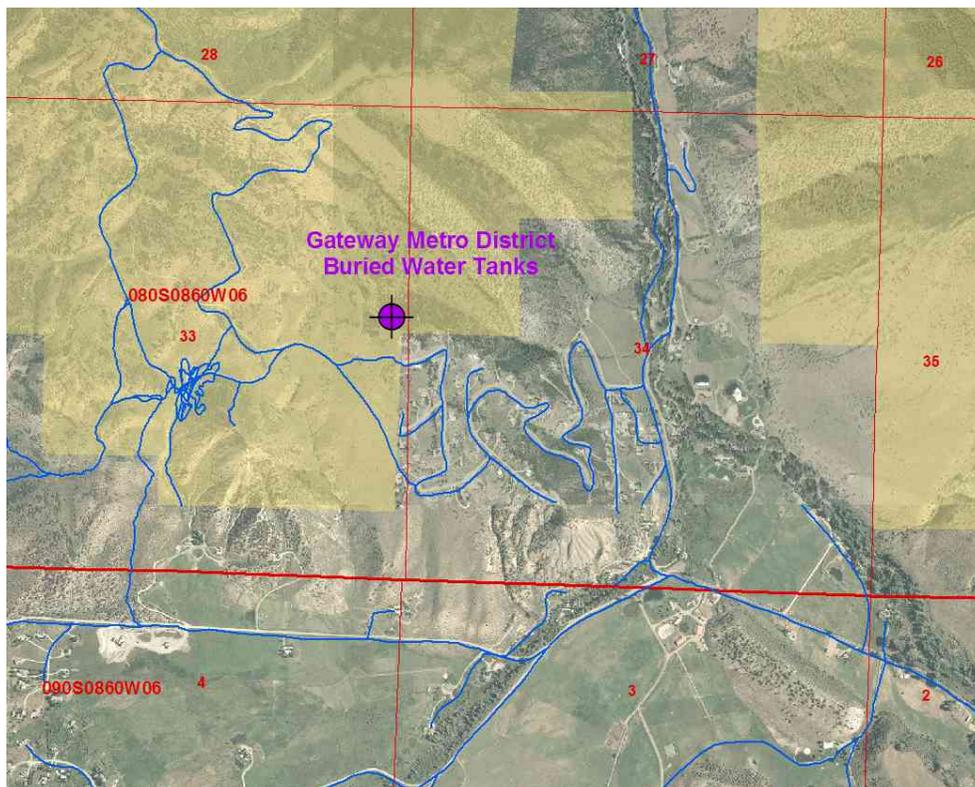
BLM Office: Glenwood Springs Field Office

Lease/Serial/Case File No:
COC-073950 / 287001

Proposed Action Title/Type: Amendment / Underground Water Tank Replacement

Location of Proposed Action: Lot 5, Section 33, T. 8 S., R. 86 W.,
Sixth Principal Meridian, Pitkin County, Colorado.

Description of Proposed Action: The applicant, Gateway Metropolitan District currently holds a grant for three underground water storage tanks which services the 102 customers of Gateway Metro District near Old Snowmass, Colorado. The applicant has requested to amend their grant to replace the existing steel water tanks that are at an advance state of deterioration.



The applicant would replace the existing (underground) three tanks with two 35,000 gallon fiberglass underground storage tanks. This would provide the Metro District with an additional 10,000 gallons of water storage. The additional storage capacity would increase their ability to combat fires as recommended by the Basalt and Rural Fire District.

Gateway Metro District's current grant authorizes a footprint of 100 ft x 120 ft for the facilities, and a 10 ft x 250 ft pipeline length on public lands. All activities related to the removal of the existing storage tanks, and replacement for the two new tanks would occur within the existing footprint of the grant. There would be no new ground disturbance outside of the authorized grant area.

If approved, construction would begin in September 2009 and take approximately six weeks. Access for the equipment would be on the pipeline route on both public lands under its current grant and the private property easement which the applicant owns.

In addition, this pre-FLPMA grant would be converted to a Title V FLPMA authorization with a 20 year term, and renewal option.

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

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

Date Approved: January, 1984; revised in 1988; amended in November 1991 - Oil and Gas Leasing and Development - Final Supplemental Environmental Impact Statement; amended Nov. 1996 - Colorado Standards and Guidelines; amended in August 1997 - Castle Peak Travel Management Plan; amended in March 1999 - Oil and Gas Leasing & Development Final Supplemental Environmental Impact Statement; amended in November 1999 - Red Hill Plan Amendment; and amended in September 2002 – Fire Management Plan for Wildland Fire Management and Prescriptive Vegetation Treatment Guidance; amended in August 2006 - Roan Plateau Planning Area Including Naval Oil Shale Reserves Numbers 1 & 3 Resource Management Plan Amendment & Environmental Impact Statement.

Decision Number/Page: Page 41, Utility and Communication Facility Management.

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

B. Compliance with NEPA:

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

(11) Conversion of existing right-of-way grants to Title V grants or existing leases to FLPMA section 302(b) leases where no new facilities or other changes are needed, and

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

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

EXCLUSIONS	YES	NO
1. Have significant impacts on public health or safety.		X
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.		X
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].		X
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.		X
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.		X
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		X
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		X
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).		X
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).		X

INTERDISCIPLINARY REVIEW:

<u>Name</u>	<u>Title</u>	<u>Area of Responsibility</u>
Cheryl Harrison	Archaeologist	Cultural and Native American Concerns
Kay Hopkins	Outdoor Recreation Planner	VRM, WSR, Wilderness
Carla DeYoung	Ecologist	ACEC, T/E/S Plants, Vegetation
Brian Hopkins	Wildlife Biologist	Wildlife, T/E/S Wildlife, Migratory Birds
Jeff O'Connell	Hydrologist	Soil, Air, Water
Dereck Wilson	Rangeland Mgt Spec.	Range; Non-native, Invasive species

REMARKS/MITIGATION (the following mitigations will be carried forward within the permit as well as those under Exhibit B, Special Conditions:

Cultural/Native American Stipulation: The National Historic Preservation Act (NHPA) requires that if newly discovered cultural resources are identified during project implementation, work in that area must stop and the agency Authorized Officer notified immediately (36 CFR 800.13). The Native American Graves Protection and Repatriation Act (NAGPRA), requires that if inadvertent discovery of Native American Remains or Objects occurs, activity must cease in the area of discovery, a reasonable effort made to protect the item(s) discovered, and immediate notice 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)). Further actions also require compliance under the provisions of NHPA and the Archaeological Resource Protection Act.

Big Game Winter Habitat Stipulation: No disturbance activities from December 1 to April 30 to protect winter habitat which includes severe big game winter range and other high value winter habitat as mapped by the CDOW. Exception: Under mild winter conditions, the last 60 days of the seasonal limitation period may be suspended after consultation with the CDOW. Severity of the winter will be determined on the basis of snow depth, snow crusting, daily mean temperatures, and whether animals were concentrated on the winter range during the winter months. This limitation may apply to work requiring a Sundry Notice pending environmental analysis of any operational or production aspects.

Vegetation/Reclamation Stipulations:

The disturbed areas shall be revegetated promptly to help prevent erosion and invasion by noxious weeds and to provide food for wildlife. Seeding should be conducted between September 15th and April 1st to ensure adequate soil moisture for germination and establishment.

- a. Seedbed Preparation. All slopes shall be reshaped prior to seedbed preparation. Initial seedbed preparation shall consist of backfilling, leveling, and ripping all areas to be seeded to a minimum depth of 18 inches with a furrow spacing of 2 feet, followed by recontouring the surface and then spreading the stockpiled topsoil evenly. Prior to seeding, the seedbed shall be scarified and left with a rough surface. No depressions shall be left that would trap water and form ponds. Final seedbed preparation shall consist of contour cultivating to a depth of 4 to 6 inches within 24 hours prior to seeding.
- b. Weed-Free Seed. The seed shall be certified free of noxious weeds. Seed may contain up to 2.0 percent of "other crop" seed by weight which includes the seed of other agronomic crops and native plants; however, a lower percent of other crop seed is recommended. Seed tags or other official documentation shall be supplied to the BLM Glenwood Springs Office Ecologist at least 14 days prior to the date of proposed seeding for acceptance. Seed which does not meet the above criteria shall not be applied to public lands.

- c. Seed Installation. Seeding shall be conducted no more than 24 hours following completion of final seedbed preparation. The following seed mix shall be used. Any substitutions must have adequate justification and must be pre-approved by the Authorized Officer.

Where practicable, seed shall be installed by drill-seeding to a depth 0.25 to 0.5 inch. Where drill-seeding is impracticable, seed may be installed by broadcast-seeding at twice the seeding rate shown below, followed by raking or harrowing to provide 0.25 to 0.5 inch of soil cover.

- d. Seed Mix.

Species of Seed	Variety	Application Rate (PLS lbs/ac)
Thickspike wheatgrass	Critana	5.0
Slender wheatgrass	San Luis	3.0
<u>Mountain brome</u>	Garnet	<u>6.0</u>
Total		14.0 PLS lbs/ac

Invasive, Non-native Species Stipulations:

- The lessee is to ensure equipment involved in land disturbing actions be clean of noxious weed seeds or propagative parts prior to entry on site. When working in areas with noxious weeds, equipment should be cleaned prior to moving off site.
- The lessee will monitor the project site for the life of the project (includes maintenance & construction activities) to detect the presence of any noxious weeds and will be responsible for promptly controlling any noxious weeds on the Colorado State List A or B (except redstem filaree) within the project area. If the lessee chooses to use herbicides as the control method on public lands, a Pesticide Use Proposal shall be submitted to the BLM and approved prior to initiating any herbicide spraying.

I considered this action and determined that it may be categorically excluded. I have evaluated the action relative to the 12 criteria listed above and have determined that it does not represent an exception and is, therefore, categorically excluded from further environmental analysis.

C. Signature

Authorizing Official:  Date: 9/17/09
Steve G. Bennett, Field Manager

Contact Person

For additional information concerning this CX review, contact Carole Huey, Realty Specialist, Glenwood Springs Field Office, 50629 Highway 6 and 24, Glenwood Springs, CO 81601, 970-947-2804.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY GRANT

SERIAL NUMBER COC-073950

1. A right-of-way is hereby granted pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).
2. Nature of Interest:
 - a. By this instrument, the holder:

Gateway Metropolitan District, Bob Walker – District Manager
PO Box 645
Basalt, CO 81621

receives a right to construct, operate, maintain, and terminate a municipal water tank and related access road and pipeline on public lands described as follows:

6th Principal Meridian, Pitkin County, Colorado

T. 8 S., R. 86 W.
Section 33; Lot 5

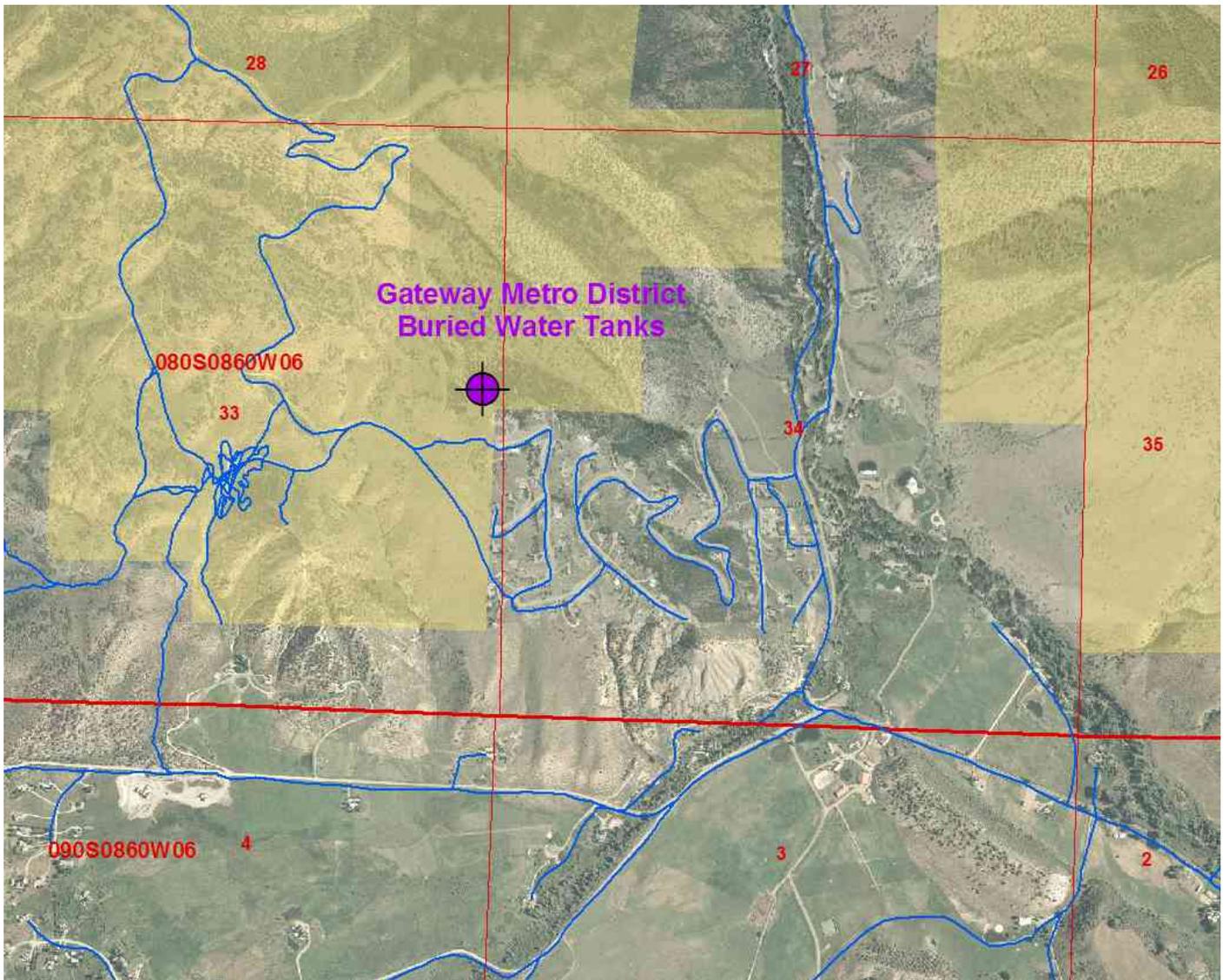
And as shown on the attached map in Exhibit A.

- b. **The right-of-way area granted herein is 100' X 120' footprint for two 35,000 gallon buried fiberglass water tanks, and a 10' by 250' for the access road and buried pipeline, containing 0.33 acres, more or less.**
- c. This instrument shall terminate on December 31, 2038, unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.
- d. This instrument may be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.
- e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its

successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

3. Rental: For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.
4. Terms and Conditions:
 - a. This grant is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800, and all other applicable federal, state, and local laws, regulations, and standards.
 - b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
 - c. Each grant issued for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
 - d. The plans, maps, and designs set forth in the Application, the map and designs in Exhibit A, and Special Stipulations and Condition in Exhibit B, attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
 - e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
 - f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

EXHIBIT A, MAPS AND DESIGNS:



**EXHIBIT B, SPECIAL STIPULATIONS, COC-073950
Two Buried Water Tanks, and Access Road with Pipeline**

1. The holder shall notify the Glenwood Springs Field Office, Realty Specialist ten (10) days prior to construction.
2. All activities directly or indirectly associated with construction or maintenance of the right-of-way granted herein shall be conducted within the limits of the right-of-way.
3. Surveying and clearly marking the exterior limits of the right-of-way prior to the commencement of construction or other surface or vegetation disturbance. Said marking shall be done utilizing staking or flagging, and shall be placed at frequent enough intervals to readily identify the exterior limits on the ground.
4. The holder shall promptly remove and dispose in an authorized sanitary landfill, all waste generated by its activities. Waste includes, but is not limited to, human waste, trash, garbage, petroleum products, ashes and equipment. No burning of trash, brush, or any other material shall be allowed.
5. It is the holder's responsibility to coordinate with all other rights-of-way holders and adjacent landowners to make sure any conflicts are resolved both with road and site improvement and future use and maintenance.
6. The Glenwood Springs Field Manager will be notified at least 90 days prior to relinquishment or expiration of the ROW grant. The holder shall contact the authorized officer to arrange a joint inspection of the ROW. This inspection shall be held to determine if the ROW is in acceptable condition. If it is not, then the holder shall be responsible for returning the ROW to a condition acceptable to the authorized officer. This must be accomplished before relinquishment or expiration of the ROW.
7. The road width shall be maintained at approximately 10' in width by 250' in length.
8. This grant shall not be assignable without written permission of the authorized officer. This Grant may be renewed. If renewed, the Grant shall be subject to the regulation existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.
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IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.

Signature of Holder

Signature of Authorized Officer

Title _____

Title Field Manager

(Date)

(Effective date of Grant)