



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Colorado River Valley Field Office
2300 River Frontage Road
Silt, Colorado 81652
www.co.blm.gov



CATEGORICAL EXCLUSION

DOI-BLM-CO-N040-2010-0075-CX

A. Background

BLM Office: Colorado River Valley Field Office Lease/Serial/Case File No:
COC-069054-T/ 281001

Proposed Action Title/Type: Eagle County Trails Department: Staging for paving of the Gypsum to Dotsero Trail.

Location of Proposed Action: T. 5 S., R. 86 W., Section 1,
Sixth Principal Meridian, Eagle County, Colorado.

Description of Proposed Action:

Issue a Temporary Use Permit (TUP) for staging equipment to pave a portion of an existing bike/pedestrian trail for eight weeks.

Eagle County Government Trails was approved a right-of-way, Grant No. COC-069054 in 2005. The trail was constructed but not yet paved. As part of the Special Stipulations of that grant, an new authorization would be needed to approved the future staging sites for the paving operation.

The two sites; Horse Pasture and Community have been requested by the applicant. At Horse Pasture, a dump truck, paver and road base would be stored and staged, and equipment at Community for the eight week project to be completed in 2010.

B. 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.

C. Compliance with NEPA:

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

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

(13) Amendments to existing rights-of-way, such as the upgrading of existing facilities, which entail no additional disturbances outside of the right-of-way boundary, and

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		X

for the protection of the environment.		
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:

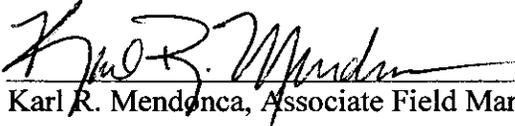
<u>Name</u>	<u>Title</u>	<u>Area of Responsibility</u>
Cheryl Harrison	Archaeologist	Cultural and Native American Concerns
Greg Wolfgang	Outdoor Rec. Planner	VRM, Travel Management
Kimberly Miller	Outdoor Rec. Planner	Recreation, Wilderness, WSR
Carla DeYoung	Ecologist	T/E/S Plants, Vegetation, ACEC
Brian Hopkins	Wildlife Biologist	Wildlife, T/E/S Wildlife, Migratory Birds
Nathan Dieterich	Hydrologist	Soil, Air, Water
Mike Kinser	Rangeland Mgt Spec.	Range, Wetlands & Riparian
Isaac Pittman	Rangeland Mgt Spec.	Range
Monte Senor	Rangeland Mgt Spec.	Range, Noxious & Invasive Weeds

REMARKS/MITIGATION (the following mitigations will be carried forward within the permit under Special Conditions:

1. The location of the storage of all equipment and supplies shall be determined by the BLM prior to staging.

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.

D. Signature

Authorizing Official:  Date: 7/27/2010
 Karl R. Mendonca, Associate Field Manager

Contact Person

For additional information concerning this CX review, contact Carole Huey, Realty Specialist, Colorado River Valley Field Office, 2300 River Frontage Road, Silt, CO 81652, 970.876.9023.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

RIGHT-OF-WAY GRANT/ TEMPORARY USE PERMIT

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:

**Eagle County, ECO Trails Department
PO Box 1070
Gypsum, CO 81637**

receives a right to construct, operate, maintain, and terminate an access road as shown on public lands (or federal land for MLA Rights-of-Way) described as follows:

**T. 5 S., R. 86 W.,
section 1, Eagle County, Colorado, 6th Principal Meridian.**

b. The right-of-way area granted here contains **2.00 acres, more or less**, within BLM's recreation sites, **Horse Pasture** and **Community**.

c. This instrument shall terminate on **December 31, 2011**, approximately **1 year** from its effective date 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 or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800 and 2880.
- 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 stipulations, plans, maps, or designs set forth in Exhibits A, dated 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.

Additional Stipulations:

The location of the storage of all equipment and supplies shall be determined by the BLM prior to staging and use.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant.

Signature of Holder

Signature of Authorized Officer

Title

Karl R. Mendonca, Associate Field Manager

(Date)

(Effective date of Grant)