



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-N040-2012-0109-CX

A. Background

BLM Office: Colorado River Valley Field Office

Lease/Serial/Case File No:
COC 30163/281001

Proposed Action Title/Type: Renewal of a road right-of-way

Location of Proposed Action: Section 7 of T. 7 S., R. 87 W., S2SE
Sixth Principal Meridian, Garfield County, Colorado.

Description of Proposed Action:

The proposed action is to renew a right-of-way grant (COC-30163) for Turnberry Ranch LLC for 30 years. The road right-of-way is used for access to land-locked adjoining contiguous private property owned by Turnberry Ranch. Renewal requested for an additional thirty (30) years; intended for year-round access to private property. The Right-of-Way was originally constructed in 1980 and was accepted as complete in 1981. The right-of-way crosses 2,745 feet of BLM with the width being 60 feet, occupying approximately 3.78 acres.

No new changes are being granted with this authorization.

A. **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.

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:

(9) Renewals and assignments of leases, permits, or right-of-way where no additional rights are conveyed beyond those granted by the original authorizations.

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>
Erin Leifeld	Archaeologist	Cultural and Native American Concerns
Kimberly Miller	Outdoor Recreation Planner	Recreation, Wild and Scenic Rivers, Wilderness
Greg Wolfgang	Outdoor Recreation Planner	Travel Management, VRM
Carla DeYoung	Ecologist	Areas of Critical Environmental Concern, T/E/S Plants, Vegetation
Julie McGrew	Wildlife Biologist	Wildlife, T/E/S Wildlife, Migratory Birds
Pauline Adams	Hydrologist	Soil, Air, Water
Monte Senior	Rangeland Mgt Spec.	NEPA Lead, Invasive Species/Noxious Weeds
Rusty Stark	Fuels Specialist	Fuels
Everett Bartz	Rangeland Mgt. Spec.	Riparian

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

Cultural Resources

A records search of the general project area, and a Class III inventory of the Area of Potential Effect (APE), as defined in the National Historic Preservation Act (NHPA), was completed by a Colorado BLM permitted cultural resource contracting firm (CRVFO CRIR# 549). One cultural resource is located within the Right of Way (ROW) of the road. Site 5GF4631.1 is a historic road segment that is not eligible to the National Register of Historic Places (NRHP). Within the direct vicinity of the road ROW there are three additional cultural resources of which two are eligible segments of ditches (5GF4623.1 and 5GF4623.2) for the NRHP. Along with the historic ditch segments there is a historic trash scatter (5GF494) located near the road that is not eligible for the NRHP. The eligible sites will not be impacted through issuing the ROW because they are located outside of the project disturbances (continued use of the road). Since the historic road, which is the road being issued a ROW, is not eligible for the NRHP the project has a determination of *no historic properties affected*. 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.

Cultural Resource Stipulations:

- a. Pursuant to 43 CFR 10.4(g) the holder of this authorization or its contractor must notify the AO, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR

10.4(c) and (d), the holder must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.

- b. The operator or its contractor is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are uncovered during any project or construction activity, the operator must stop work in the area of the discovery that might further disturb such materials, and immediately contact the AO. Within five working days the AO will inform the operator as to the mitigation measures the operator will likely have to undertake before the site can be used (assuming in place preservation is not necessary).
- c. The holder shall notify the AO at least 180 days prior to non-emergency activities that would cause surface disturbance in the ROW or TUP. The BLM will determine if a cultural resource inventory, treatment, or mitigation is required.
- d. A "Notice to Proceed" stipulation shall be required for any non-emergency activities as defined above that would cause surface disturbance on the ROW or TUP. Any request for a "Notice to Proceed" should be made to the AO, who shall review the proposed action for consistency with resource management concerns such as wildlife, big game winter range, paleontology, threatened and endangered species, and cultural resource protection. Additional measures may be required to protect these resources.

Native American Religious Concerns

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. The project would not alter or limit any access if there were traditional uses that are not known to the agency. The Ute have a generalized concept of spiritual significance that is not easily transferred to Euro American models or definitions. As such the BLM recognizes that the Ute have identified sites that are of concern because of their association with Ute occupation of the area as part of their traditional lands. No traditional cultural properties, unique natural resources, or properties of a type previously identified as being of interest to local tribes were identified in the vicinity of the project area. No additional Native American Indian consultation was conducted for the proposed project.

Noxious and Invasive Plant Species Stipulation: The applicant will monitor the project area for the presence of any noxious weeds and will be responsible for promptly controlling any noxious weeds on the Colorado State List A or B within the right-of-way. If the applicant 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: 10/30/2017
Karl R. Mendonca, Associate Field Manager

Contact Person

For additional information concerning this CX review, contact Monte Senor, Colorado River Valley Field Office, 2300 River Frontage Road, Silt, CO 81652, (970)876-9067.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

RIGHT-OF-WAY GRANT RENEWAL

SERIAL NUMBER COC -30163 Renewal
Road to access private property

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:

Turnberry Ranch, LLC
c/o Turnberry Assoc.
19501 Biscayne Blvd.
Advenura, FL 33580

receives a non-exclusive right to operate, maintain, and terminate an access road (765' x 60') in accordance with the terms, conditions and stipulations of this document and applicable regulations, in:

Section 35 of T. 7 S., R. 87 W., S2SE
Sixth Principal Meridian, Garfield County, Colorado

b. The right-of-way area granted here is 60 feet wide, 2745 feet long and contains 3.78 acres, more or less.

c. The right of ingress and egress is granted on existing public roads.

d. This instrument shall terminate on December 31, 2041, unless, prior thereto, it is renewed, relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.

e. This instrument may be renewed. If renewed, the right-of-way 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.

- f. 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, or designs set forth in the Application, and Special Stipulations and Conditions (Exhibits A and 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: PLANS / DRAWINGS

None

Exhibit B: SPECIAL STIPULATIONS AND CONDITIONS

1. The holder shall notify the Colorado River Valley Field Manager (Authorized Officer) at least three days prior to the start of construction or any surface disturbing activities. The authorized officer may require and schedule a preconstruction conference with the holder prior to the holder's commencing construction or surface disturbing activities.
2. The plans, maps, and designs set forth in the application 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.
3. All design, material, and construction, operation, maintenance, and termination practices shall be in accordance with safe and proven engineering practices. 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.
4. No construction or maintenance activities shall be allowed during periods when the soil is too wet to adequately support construction equipment or motorized vehicles. If such use creates ruts in excess of three inches deep, the soil shall be deemed too wet to adequately support construction vehicles or equipment.
5. The holder shall comply with all county, state, and federal regulations and permit requirements.
6. This Grant shall not be assignable without written permission of the authorized officer.
7. This Grant may be renewed. If renewed, the Grant 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.
8. Cultural Resources, Education/Discovery Stipulation:

Cultural Resources

If subsurface cultural values are uncovered during operations, all work in the vicinity of the resource will cease and the authorized officer with the BLM notified immediately. The operator shall take any additional measures requested by the BLM to protect discoveries until they can be adequately evaluated by the permitted archaeologist. Within 48 hours of the discovery, the State Historic Preservation Officer (SHPO) and consulting parties will be notified of the discovery and consultation will begin to determine an appropriate mitigation measure. BLM in cooperation with the operator will ensure that the discovery is protected from further disturbance until mitigation is completed. Operations may resume at the discovery site upon receipt of written instructions and authorization by the authorized officer.

Native American human remains

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 on federal land. Further, pursuant to 43 CFR 10.4 (c) and (d), the holder must stop activities in the vicinity of the discovery that could adversely affect the discovery. The holder shall make a reasonable effort to protect the human remains, funerary items, sacred objects, or objects of cultural patrimony for a period of thirty days after written notice is provided to the authorized officer, or until the authorized officer has issued a written notice to proceed, whichever occurs first.

9. 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.

10. The operator shall regularly monitor and promptly control noxious weeds or other undesirable plant species as set forth in the State of Colorado Noxious Weed List. A Pesticide Use Proposal (PUP) must be approved by the BLM prior to the use of herbicides.

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

Signature of Holder

Title

(Date)

Signature of Authorized Officer

Karl R. Mendonca

Associate Field Manager

(Effective Date of Grant)