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

IN REPLY REFER TO:
COC 36809/281001
COC 38481/281001
COC 38526/281001

CATEGORICAL EXCLUSION
DOI-BLM-CO-N040-2014-0018-CX

A. Background

BLM Office: Colorado River Valley Field Office (CRVFO) Lease/Serial/Case File No:
COC 36809/281001
COC 38481/281001
COC 38526/281001

Proposed Action Title/Type: Road rights-of-way (ROW) renewals.

Location of Proposed Action:

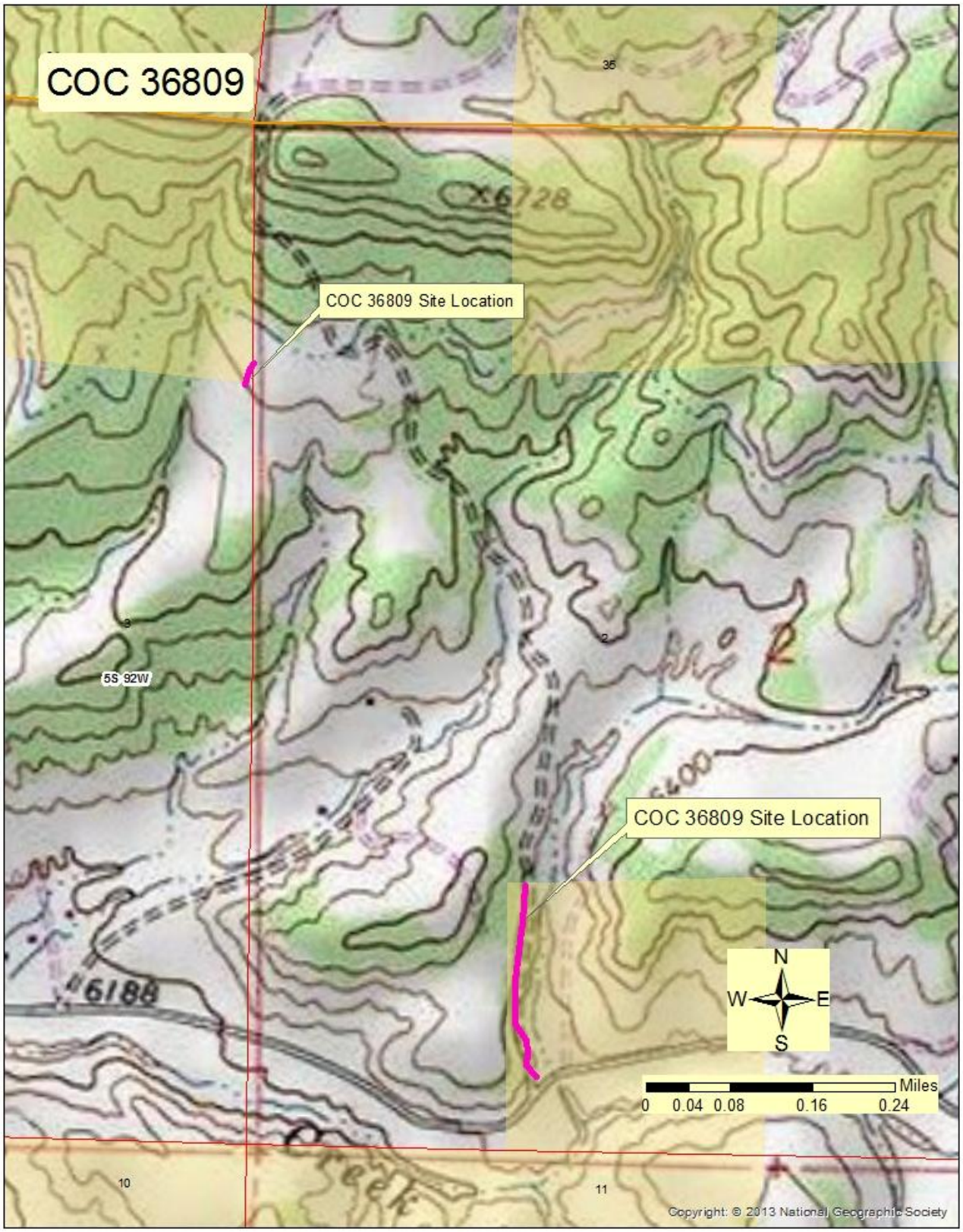
COC 36809
Sixth Principal Meridian, Colorado
T. 5 S., R. 92 W.,
sec. 2, lot 8;
sec. 3, lot 1.

COC 38481
Sixth Principal Meridian, Colorado
T. 5 S., R. 83 W.,
sec. 2, SW1/4SW1/4;
sec. 3, lot 3.

COC 38526
Sixth Principal Meridian, Colorado
T. 5 S., R. 92 W.,
sec. 3, lots 7, 9, and 10.

Description of Proposed Action:

The CRVFO proposes renewing the ROW's COC 36809, COC 38481, and COC 38526 for a 30 year term, subject to the stipulations contained in the original grant, in addition to the attached stipulations. If there is a conflict, the attached stipulations will supersede the original stipulations.


COC 36809
COC 36809 Site Location
COC 36809 Site Location
35
5S 92W
6188
10
11
N
W
E
S
Miles
0 0.04 0.08 0.16 0.24
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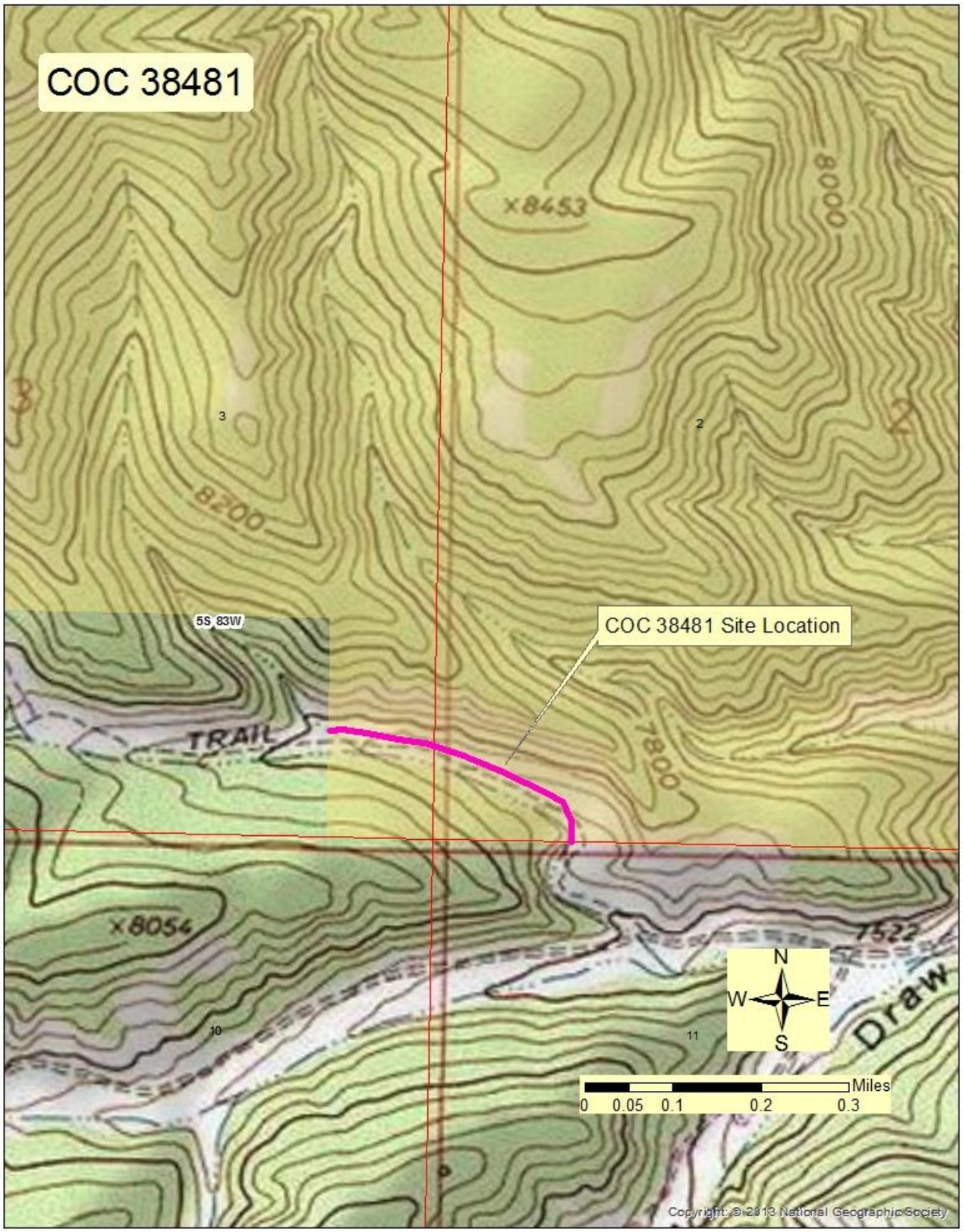
COC 38481
COC 38481 Site Location
8453
8000
8200
7800
8054
7522
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5S 83W
Draw
N
W
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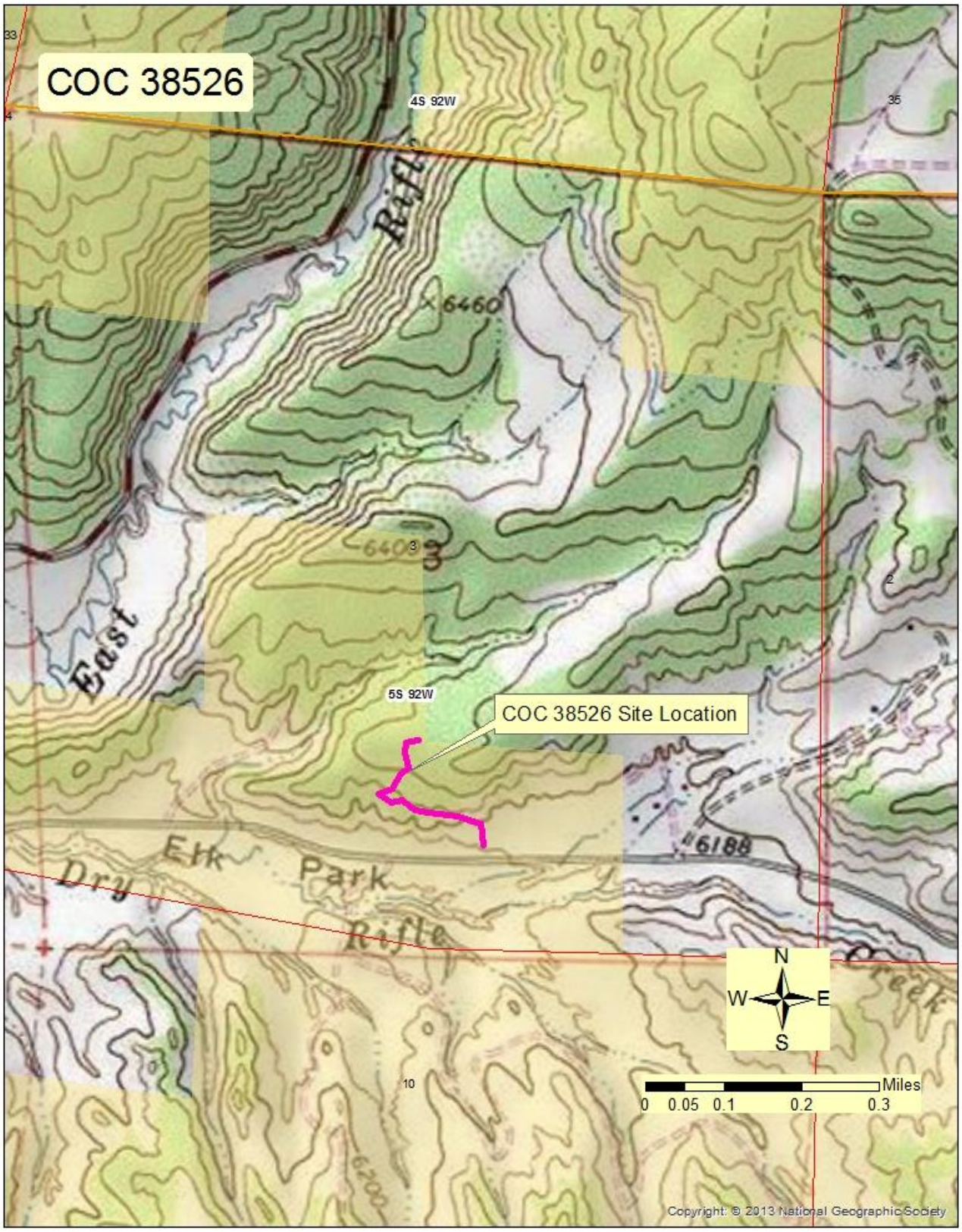
COC 38526
4S 92W
5S 92W
Raft
East
Dry
Elk
Park
Rifle
Creek
6460
6403
6188
COC 38526 Site Location
N
W
E
S
Miles
0 0.05 0.1 0.2 0.3
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A. Land Use Plan Conformance:
The Proposed Action is subject to and has been reviewed for and is in conformance with (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 lease, permits, or rights-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		X

102(2)(E)].		
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:

Name	**Title**	**Area of Responsibility**
Monte Senor	Realty Specialist	IDT Lead
Kimberly Miller	Outdoor Recreation Planner	Wilderness, Wild and Scenic Rivers, Recreation
Pauline Adams	Hydrologist	Soil, Water, Air, Geology
Carla DeYoung	Ecologist	Areas of Critical Environmental Concern, Threatened, Endangered, and Sensitive Plants, Vegetation
Kristy Wallner	Rangeland Management Specialist	Invasive, Non- Native Species
Erin Leifeld	Archeologist	Cultural Resources

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

Cultural Resources and Native American Religious Concerns

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 certified Colorado BLM

archaeologist. Routes that are designated within the Colorado River Valley Field Office (CRVFO) Travel Management Plan will be inventoried as part of implementation of that plan in accordance with BLM IM CO-2007-023.

COC36809 was inventoried (CRVFO CRIR# 1014-27) and two cultural resource isolated finds were identified. These resources are not eligible for the NRHP and therefore renewal of the ROW will have no effect. COC38481 was inventoried (CRVFO CRIR# 862 & 1034) and one cultural resource was documented (5EA.520) which is the historic Redcliff to Dotsero Stage Road and it is potentially (needs data) eligible for the NRHP. This site will not be impacted by the ROW renewal because the historic road is the current road in the same location and it is well maintained. COC38526 was inventoried (CRVFO CRIR# 1014-27) and two cultural resource isolated finds were identified. These resources are not eligible for the NRHP and therefore renewal of the ROW will have no effect. The three ROWs have 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.

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 during the cultural resources inventory of the project area. No additional Native American Indian consultation was conducted for the proposed project.

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.

Threatened, Endangered, and BLM Sensitive Plants

One or more threatened, endangered or BLM sensitive plant species may occur within or immediately adjacent to these ROWs. The holder shall notify the AO at least 180 days prior to non-emergency activities that would cause surface disturbance in the ROW. At that time, the BLM will determine if a threatened, endangered, or BLM sensitive species inventory and/or mitigation is required.

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: 9/4/2014
Karl R. Mendonca, Associate Field Manager

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

RIGHT-OF-WAY RENEWAL STIPULATIONS

1. The holder shall contact the Authorized Officer (AO) at least 180 days prior to the non-emergency anticipated start of any surface disturbing activities. It is the holder's responsibility to comply with all applicable Federal, State, and local laws and regulations existing or hereafter enacted or promulgated. The BLM will determine if any surveys or inventories are required. As necessary, the holder shall demonstrate compliance in writing, i.e., with surveys and inventories completed by qualified individuals, with the following laws including, but not limited to, the Endangered Species Act (if potential habitat is determined to be present), the National Historic Preservation Act, and the Native American Graves Protection and Repatriation Act. Evaluations and inventories can be completed by BLM, or by the holder in order to meet the holder's schedule and subject to approval by the AO. Inventories may be time sensitive and may require US Fish and Wildlife Service concurrence, therefore this process could take longer than 60 days to complete. The holder shall not initiate any surface disturbing activities on the right-of-way without a "Notice to Proceed", as determined necessary by the AO.

2. 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, or it contractor 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. Any relocation, additional construction, or use that is not in accord with the approved conditions shall not be initiated without the prior written approval of the authorized officer. A copy of the complete right-of-way grant, including all plans and stipulations shall be made available at the right-of-way site during construction. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health or the environment.

3. The holder shall comply with applicable State standards for public health and safety, environmental protection and siting, construction, operation and maintenance, if these State standards are more stringent than Federal standards for similar projects.

4. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated regarding toxic substances or hazardous materials. In any event, the holder shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, section 102b. A copy of any report required or requested by any federal agency of state government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency of State government.

5. All construction, operation and maintenance shall be within the authorized limits of the right-of-way granted herein.

6. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support such equipment. If the equipment creates ruts in excess of four (4) inches deep, the soil shall be deemed too wet to adequately support the construction equipment.

7. The holder is subject to the stipulations contained in the original grant, in addition to the attached stipulations. If there is a conflict, the attached stipulations will supersede the original stipulations. BLM roads should not be maintained without first consulting with the authorized officer.

8. Prior to termination of the right-of-way, 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 as necessary. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.

9. The holder shall be responsible for weed control within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations) including pesticides/herbicides approved for use on BLM land. Use of pesticides/herbicides shall comply with the applicable Federal and state laws. Pesticides/herbicides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides/herbicides, the holder shall obtain from the authorized officer written approval of the applicant’s plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. The plan should be submitted no later than March 1 of any calendar year to cover the proposed activities for the next growing season. Emergency use of pesticides/herbicides shall be approved in writing by the authorized officer prior to such use.