

**U.S. Department of the Interior
Bureau of Land Management**

**Kremmling Field Office
P O Box 68
Kremmling, CO 80459**

ENVIRONMENTAL ASSESSMENT

NUMBER: DOI-BLM-CON02000-2013-0028-EA

CASEFILE/PROJECT NUMBER: COC-76069

PROJECT NAME: Sunset Associates, LLC-Water Facility Fish Habitat System

LEGAL DESCRIPTION: T. 1 N., R. 79 W., 6th P.M., Section 11: SWSW

APPLICANT: Sunset Associates, LLC Colorado

PURPOSE & NEED FOR THE ACTION: The purpose of the project is to provide the opportunity to provide access across BLM administered lands for a water facility, and fish habitat system. The need for the project is established by BLM's responsibility under FLPMA to respond to a request for a right-of-way grant.

The applicant has proposed to develop an area conducive to raising, protecting and nurturing small, whirling disease resistant trout to strengthen and increase the quantity of fish in the public areas of the Colorado River adjacent to the Sunset Associates property.

The goal of this project is to stop the yearly kills of fish, bugs, plants and other aquatic life, due to the Colorado River flowing too low to feed two adjacent side channels. The fish, and other fauna/flora which utilize these smaller, shallower, more protected areas, become trapped in the un-oxygenated water and die.

The project is located below the Sunset public fishing access on BLM administered lands.

Decision to be Made: The decision to be made is whether to allow Sunset Associates to develop an area to raise and protect small trout.

SCOPING, PUBLIC INVOLVEMENT, AND ISSUES:

Scoping: Internal scoping was initiated when the project was presented to the Kremmling Field Office interdisciplinary team on 05/29/2013. External scoping was conducted by posting this project on the KFO's on-line National Environmental Policy Act (NEPA) register on 8/23/13.

Issues: No issues were identified during public scoping.

DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES:

Background/Introduction: The applicant proposes to create a "hatchery area" with the help and suggestions of a Colorado Parks and Wildlife (CPW) fish biologist. CPW is committed to stocking the area with 1.5 inch whirling disease resistant rainbow trout to grow, spawn and increase the fish populations in the public fishing areas adjacent to the Sunset Associates' property.

Proposed Action: Sunset Associates, LLC has applied for a right-of-way to install a water facility fish habitat system. The system would include 2"irrigation size" ditches, which simply lower the elevation of the existing depressions in the present streambed, to allow year round flow into the two small channels on the private property adjacent to the BLM administered land. Related structures include a small shallow (1-2 feet deep), short rock berm to deliver water to the collecting area before entering the ditches. Both ditches would be three feet wide on the bottom with banks at a 45 degree angle to the horizon to prevent any erosion. This entire area is made up of river rock of various sizes. The south side ditch (a) is 279' long, from the opening of the weir to the current level of the stagnant water in the small channel. South side ditch (b) is 255' long, from the opening of the weir to the current level of the stagnant water in that channel. North side ditch is 185' from the opening of the weir to the area where flow would be natural.

Construction time would be 3-4 days in total, time dependent on ability to work with as little disturbance to the area. Sunset Associates, LLC would be able to do the project with a minimum amount of discoloration of the water in the main channel. They would begin construction from the existing water in the small channels and work towards the river. Then they can quickly construct the weir and allow flow into the small creeks, reducing the transportation of sediment into the main channel as much as possible. Spoil material would be spread evenly on both sides of ditches to create a natural look without manmade fingerprints.

The volume of water would be approximately 3.3cfs in each ditch at low water. Construction would be done with a Cat 697 track hoe. The track hoe would be on the Sunset private property and not on BLM administered lands.

The land surface would remain the same as the entire area is river rock of different sizes with very little soil between the rocks. This is because this area is actually the bottom of the river from the earliest high water in the spring to the lowest level of the winter flows. Vegetation would not be removed except in the actual ditches and soil would not be disturbed. All disturbed areas would be seeded with a BLM approved certified seed mix.

Access to the water system would come off of the Sunset Associates, LLC private land.

Design Features:

1. Applicant is responsible for obtaining a 404 permit for the project prior to construction and complying with state and local water quality requirements.

2. Construction should be performed between August 1 and October 1 to avoid fall spawning periods.

No Action Alternative: The No Action Alternative would be to deny Sunset Associates, LLC a right-of-way for a water facility fish habitat. All work would have to occur on private land.

ALTERNATIVES CONSIDERED BUT NOT CARRIED FORWARD:

The only other alternative considered would be on the Sunset Associates property and would require a major excavation for an even longer distance than is currently proposed, along with the removal of a large number of live trees in the path of the ditch. Since this would be a new disturbance of the area, a large amount of soil would have to be removed. A liner of some sort might be required. Cost would be probably 1 million, not counting operational and maintenance costs, while they try to duplicate what nature has already created. This alternative is not being carried forward due to the large amount of river disturbance needed and the cost of the project.

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: Record of Decision for the Kremmling Resource Management Plan

Date Approved: 1984 and updated in 1999

Decision Number/Page: Page 14

Decision Language: Provide the opportunity to utilize public lands for development of facilities which benefit the public, while considering environmental and agency concerns.

AFFECTED ENVIRONMENT & ENVIRONMENTAL CONSEQUENCES

Standards for Public Land Health: In January 1997, the Colorado BLM approved the Standards for Public Land Health. These standards cover upland soils, riparian systems, plant and animal communities, special status species, and water quality. Standards describe conditions needed to sustain public land health and relate to all uses of the public lands. Because a standard exists for these five categories, a finding must be made for each of them in an environmental analysis (EA). These findings are located in specific elements listed below.

Cumulative Effects Analysis Assumptions: 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 (Federal or non-Federal) or person undertakes such other actions." Table 1 lists the past, present, and reasonably foreseeable future actions within the area that might be affected by the Proposed Action; For the purpose of this EA, the general geographic area for the cumulative impact analysis is located on the Colorado

River segment from the state fishing area upstream of Sunset Ranch to the downstream limit of the public’s Power’s fishing access. The water system would start on BLM administered lands, and end on the Sunset private property. The time line for the cumulative impact analysis is 30 years based on the term of the ROW grant. The geographic scope used for analysis may vary for each cumulative effects issue and is described in the Affected Environment section for each resource.

Table 1. Past, Present, and Reasonably Foreseeable Actions

Action Description	STATUS		
	Past	Present	Future
Livestock Grazing	X	X	X
Recreation	X	X	X
Invasive Weed Inventory and Treatments	X	X	X
Spring or Water Developments	X	X	X
Wildfire and Emergency Stabilization and Rehabilitation	X	X	X
Wind Energy Met Towers			X
Oil and Gas Development: Well Pads Access Roads Pipelines Gas Plants Facilities			
Power Lines	X	X	X
Oil Shale			
Seismic	X	X	X
Vegetation Treatments	X	X	X

Affected Resources:

The CEQ Regulations state that NEPA documents “must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail” (40 CFR 1500.1(b)). While many issues may arise during scoping, not all of the issues raised warrant analysis in an environmental assessment (EA). Issues will be analyzed if: 1) an analysis of the issue is necessary to make a reasoned choice between alternatives, or 2) if the issue is associated with a significant direct, indirect, or cumulative impact, or where analysis is necessary to determine the significance of the impacts. Table 2 lists the resources considered and the determination as to whether they require additional analysis.

Table 2. Resources and Determination of Need for Further Analysis

Determination ¹	Resource	Rationale for Determination
Physical Resources		
NI	Air Quality	The proposed action would not alter or affect overall air quality. During construction, equipment emissions would occur, but the amount is insignificant and of short duration.

Determination ¹	Resource	Rationale for Determination
NI	Geology and Minerals	There would be no impact to geological or mineral resources from implementing either the Proposed Action or No Action Alternative.
NI	Soil Resources*	The applicant would access the river from existing roads located on private lands. There would be no disturbance to upland soils from the Proposed Action.
NI	Surface and Ground Water Quality*	The proposed action primarily would occur in side channels during stagnant flow periods. The channels would be deepened prior to increasing the flows from the river. Constructing the weirs to help direct flow into the side channel would result in increased sediment loads in the Colorado River during the construction period. The amount of sediment is small and would not continue post construction. The applicant would construct the project during low flows and is implementing best management practices to minimize any sediment loads.
Biological Resources		
NI	Wetlands and Riparian Zones*	The proposed action would primarily occur within the side channels and their inlets at the main Colorado River channel. There would be little to no disturbance of the riparian vegetation. The ditches are located within the historic floodplain, routinely experiencing material deposition and erosion. All material from the ditches would be placed in an upland location unless approved by the Army Corps of Engineers. Under the No Action Alternative, the current river's flows no longer reach these side channels except during the higher flow periods, but it appears that the existing water table and the adjacent irrigation ditch seepage maintains the existing riparian vegetation.
NI	Vegetation*	This area is within the high water mark of the river, so no vegetation would be disturbed.
NI	Invasive, Non-native Species	The proposed action would have no significant effect on noxious or invasive species within the proposed project area. This is due to the little to no soil, vegetation, and riparian vegetation disturbance which is anticipated from the proposed action.
NP	Special Status Plant and Animal Species*	There are no special status plants or animal species within the proposed project area.
NI	Migratory Birds	There would be no impact to migratory birds from implementing either the Proposed Action or No Action Alternative.
NI	Aquatic Wildlife*	The proposed action primarily would occur in side channels during stagnant flow periods and outside spawning timeframes for native trout. Thus, no impact is expected to occur to aquatic wildlife from implementing either the Proposed Action or No Action Alternative.
NI	Terrestrial Wildlife*	There would be no impact to terrestrial wildlife from implementing either the Proposed Action or No Action Alternative.
Heritage Resources and the Human Environment		
NP	Cultural Resources	The project undertaking is a no effect , there are no historic properties that would be affected.
NI	Paleontological Resources	Geologic formations sensitive for fossil resources are present, but would not be impacted by the proposed project. BLM standard "discovery" stipulation is part of the environmental assessment and is to be attached to any authorization allowing project to proceed.
NI	Native American Religious Concerns	Tribal consultation was initiated on March 26, 2013, and to date no tribe has identified any area of traditional cultural concern.

Determination¹	Resource	Rationale for Determination
NI	Visual Resources	Class II VRI. There would be very little change to VRI Classification based on the Proposed Action or No Action Alternative. River channels change naturally each year with water levels. Very short term change while construction is completed.
NP	Hazardous or Solid Wastes	There are no quantities of wastes, hazardous or solid, located on BLM-administered lands in the proposed project area, and there would be no wastes generated as a result of the Proposed Action or No Action alternative.
NI	Fire Management	There would be no impact to the fire management program.
NI	Social and Economic Conditions	There would not be any substantial changes to local social or economic conditions.
NP	Environmental Justice	According to the most recent Economic Census Bureau statistics (2009), there are minority and low income communities within the Kremmling Planning Area. There would be no direct impacts to these populations.
Resource Uses		
NI	Forest Management	This project would have no impact on forest management or forest resources.
NP	Rangeland Management	This area is not within the boundaries of a livestock grazing allotment.
NI	Floodplains, Hydrology, and Water Rights	The proposed action does not alter the flows in the Colorado River below the private property and would not affect any water right holder. The BLM had the applicant verify this with the Division 5 Water Commissioner. The hydrology would mimic the historic hydrology prior to deposition blocking the side channels. The floodplain's functionality and the flood hazard would not be impacted. Under the No Action Alternative, there would be no impacts to the floodplain, hydrology, or water rights.
NI	Realty Authorizations	There is one irrigation ditch ROW for Sunset Assoc (COC-25225). No impacts would occur in the proposed project area.
NI	Recreation	The Proposed Action could have short term impacts to fishing, hiking, wildlife viewing, etc. along this section of river while construction is completed. Once construction is completed, there could be benefits to fishermen by improving fish habitat. The No Action Alternative would have no impact to recreation.
PI	Access and Transportation	See analysis.
NI	Noise	The proposed action is short term in duration and would be similar to noise created from equipment used in the area for ditch maintenance. The only residences in the area that would hear equipment are the proponents. No impacts from the proposed action or the no action alternative.
NI	Prime and Unique Farmlands	The Proposed Action does not occur on or indirectly affect prime or unique farmlands. The adjacent private lands are farmlands of state or local importance, and the action does not alter that use. The No Action Alternative does not impact the adjacent agricultural land uses.
Special Designations		
NP	Areas of Critical Environmental Concern	There are no areas of critical environmental concern within the proposed project area.

Determination ¹	Resource	Rationale for Determination
NP	Wilderness and Lands with Wilderness Characteristics	There is no designated Wilderness or Wilderness Study Areas in the proximity of the proposed project area. The areas do not possess Wilderness Characteristics due to its size being less than 5000 acres nor is it of sufficient size as to make practicable its preservation and use in an unimpaired condition.
NI	Wild and Scenic Rivers	The Proposed Action would not impact the ORVs, free flowing character, or preliminary classification (i.e., Recreational) of the eligible section of the Colorado River since the construction activities are minor and would occur in ditches. The fishery improvement could positively impact the preliminary classification by improving fishery habitat. The No Action Alternative would have no impact to Wild and Scenic Rivers.
NI	Scenic Byways	Colorado River Headwaters National Scenic Byway runs along this section of the Colorado River. The Proposed Action would not be seen from the byway and therefore not impacted. The no action alternative would not impact the Scenic Byway.

¹ NP = Not present in the area impacted by the Proposed Action or Alternatives. NI = Present, but not affected to a degree that detailed analysis is required. PI = Present with potential for impact analyzed in detail in the EA.

* Public Land Health Standard

ACCESS AND TRANSPORTATION

Affected Environment: The affected environment includes the proposed project area along the Colorado River that is used by recreationists for various activities including but not limited to fishing, hiking and hunting.

Environmental Consequences of the Proposed Action:

Direct and Indirect Effects: Direct effects of the proposal would be the displacement of visitors to BLM-administered lands during the construction of the water facility fish habitat system. Indirectly visitors to the area could be potentially impacted if restrictions were implemented that would not allow public access along or across the proposed improvements once they are completed.

Cumulative Effects: Cumulatively, the effects of directly being displaced during the construction of the water facility fish habitat system and indirectly not being able to access along or across the improvements would have both short-term and long-term impacts to the public's access to the area.

Environmental Consequences of the No Action Alternative:

Direct and Indirect Effects: None.

Cumulative Effects: None.

Mitigation: ROW Stipulations should include language that the project area including all improvements on BLM-administered lands will be open to public access and use in perpetuity and cannot be restricted by barriers or signage. Stipulation shall state: "Public access is permitted on or adjacent to all improvements on BLM-administered lands and may not be obstructed or signed restricting access or use in perpetuity." The ROW Stipulations will also include language

that it will not restrict future improvements that may enhance and/or benefit public access such as but not limited to a trail or bridge. Stipulation shall state: “Future improvements (ie. Trail or bridge or other access improvement) that may enhance and/or benefit public access and use will not be restricted. Any future improvement if implemented would ensure proper mitigation measures to prevent impacts to the authorized ROW.”

REFERENCES CITED: None

TRIBES, INDIVIDUALS, ORGANIZATIONS, OR AGENCIES CONSULTED: No comments were received from the tribes (see attachment for Native American tribe list). The proposed project was listed on the Kremmling Field Office internet NEPA register and NEPA public room board. No comments were received from the public.

INTERDISCIPLINARY REVIEW:

Name	Title	Area of Responsibility	Date Signed
Paula Belcher	Hydrologist	Air Quality; Surface and Ground Water Quality; Floodplains, Hydrology, and Water Rights; Soils; Wetland and Riparian Zones	07/17/2013
Bill B.Wyatt	Archaeologist	Cultural Resources; Native American Religious Concerns; Paleontological Resources	8/21/2013
Cynthia Landing	Rangeland Management Specialist	Rangeland Management	6/5/2013
Zach Hughes	Natural Resource Specialist	Invasive, Non-Native Species; Vegetation	6/20/2013
Megan McGuire	Wildlife Biologist	Migratory Birds; Special Status Plant and Animal Species; Terrestrial and Aquatic Wildlife; Areas of Critical Environmental Concern	07/29/2013
Kelly Elliott	Natural Resource Specialist	Hazardous or Solid Wastes; Geology and Minerals	5/31/2013
Hannah Schechter	Outdoor Recreation Planner	Visual Resources; Recreation, Scenic Byways	07/23/2013
John Monkouski	Outdoor Recreation Planner	Access and Transportation, Recreation, Noise, Wilderness and Wilderness Study Areas, Lands with Wilderness Characteristics	8/12/2013
Tom Adamson	Forester	Forest Management	08/13/2013
Annie Sperandio	Realty Specialist	Realty	6/13/2013
Susan Cassel	Planning & Environmental Coordinator	NEPA Compliance	8/21/13
Tom Adamson	Fire Management	Fuels Forestry	08/13/2013

ATTACHMENTS:

Figure 1: Map of the Project

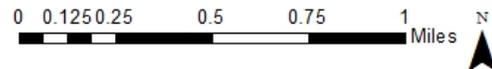
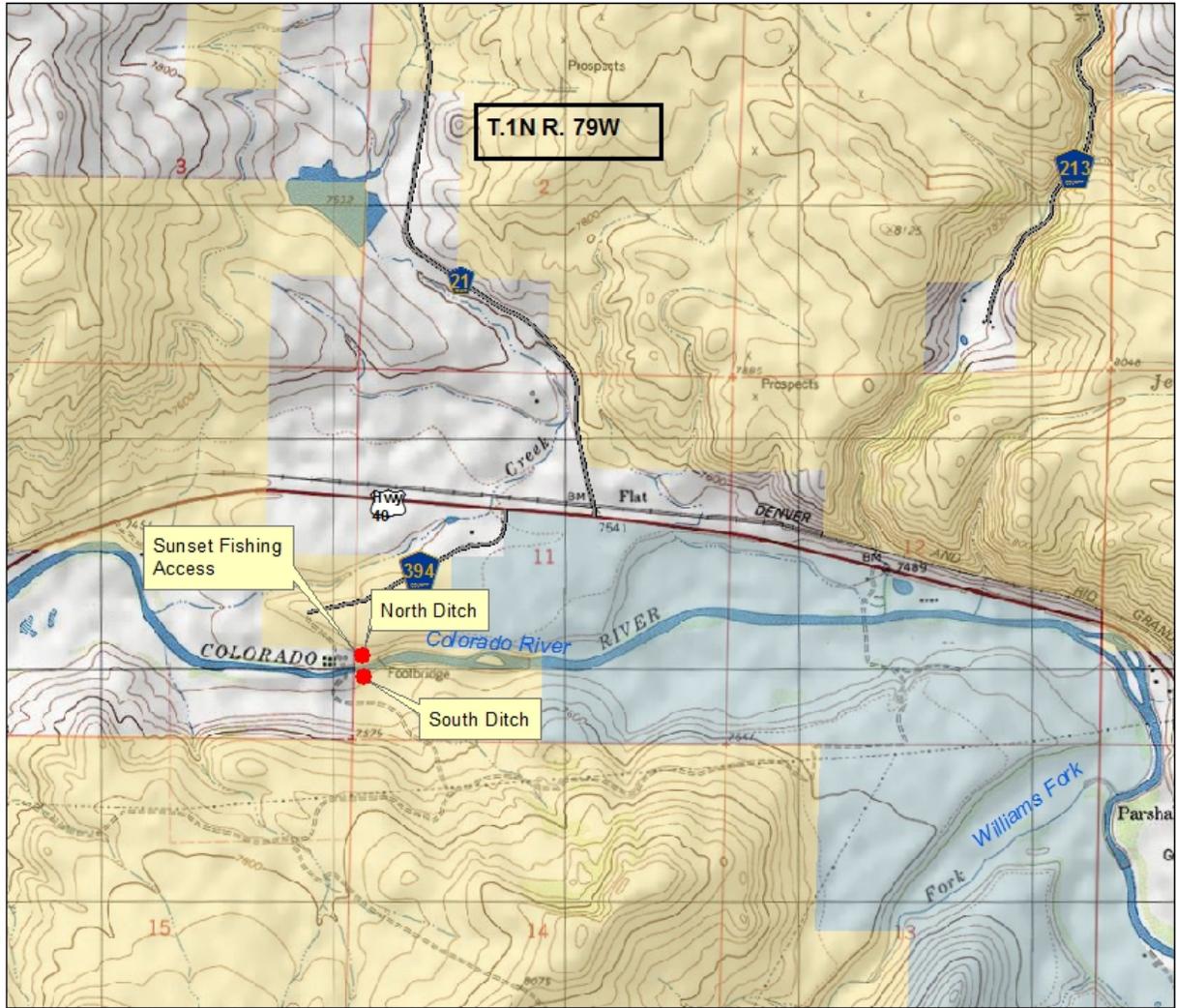
Stipulations

Seed list

Native American Tribes Consulted



Sunset Associates Water Facility COC-76069



Legend
 B_State Highways Simple 1:24,000
ROUTE SIGN

- Interstate
- U.S.
- A_Towns
- C_Kremmling FO Boundary
- Z_County Boundary

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources. This information may not meet National Map Accuracy Standards. This product was developed through digital means and may be updated without notification.
 Annie Sperandio, 3-25-2013
 andrea.sperandio@blm.gov

April 9, 2013

Exhibit "B"

STIPULATIONS
FOR
Sunset Associates, LLC
COC-75711
Water System

Mitigation Measures:

1. Public access is permitted on or adjacent to all improvements on BLM-administered lands and may not be obstructed or signed restricting access or use in perpetuity
2. Future improvements (ie. Trail or bridge or other access improvement) that may enhance and/or benefit public access and use will not be restricted. Any future improvement if implemented would ensure proper mitigation measures to prevent impacts to the authorized ROW

Design Features

3. Applicant is responsible for obtaining a 404 permit for the project prior to construction and complying with state and local water quality requirements.
4. Construction should be performed between August 1 and October 1 to avoid fall spawning periods.

Standard Stipulations

5. The holder shall contact the authorized officer at least 5(five) days prior to the anticipated start of construction and/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 and/or surface disturbing activities on the right-of-way. The holder and/or his representative shall attend this conference. The holder's contractor, or agents involved with construction and/or any surface disturbing activities associated with the right-of-way, shall also attend this conference to review the stipulations of the grant including the plans(s) of development.
6. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment

creates ruts in excess of 4 (four) inches deep, the soil shall be deemed too wet to adequately support construction equipment.

7. All equipment shall be washed for all plant material prior to any activities on BLM lands. If invasive, non-native species do become established or spread, it would be the responsibility of Hester's Holdings to eradicate those species.
8. The holder shall seed all disturbed areas, using an agreed-upon method suitable for the location. Seeding shall be repeated if a satisfactory stand is not obtained as determined by the authorizing officer upon evaluation after the second growing season. Seed mix should include salt tolerant plants.
9. The holder is responsible for informing all persons in the area who are associated with this project that they shall be subject to prosecution for disturbing historic or archaeological sites, or for collecting artifacts.

The holder shall immediately bring to the attention of the Authorized Officer any and all antiquities, or other objects of historic, paleontological, or scientific interest including but not limited to, historic or prehistoric ruins or artifacts DISCOVERED as a result of operations under this authorization (16 U.S.C. 470.-3, 36 CFR 800.112). The holder shall immediately suspend all activities in the area of the object and shall leave such discoveries intact until written approval to proceed is obtained from the Authorized Officer. Approval to proceed shall be based upon evaluation of the object(s). Evaluation shall be by a qualified professional selected by the Authorized Officer from a Federal agency insofar as practicable (BLM Manual 8142.06E). When not practicable, the holder shall bear the cost of the services of a non-Federal professional.

Within five working days the Authorized Officer shall inform the holder as to:

- whether the materials appear eligible for the National Register of Historic Places;
- the mitigation measures the holder shall likely have to undertake before the site can be used (assuming in situ preservation is not necessary); and,
- a timeframe for the Authorized Officer to complete an expedited review under 36 CFR 800.11 to confirm, through the State Historic Preservation Officer, that the findings of the Authorized Officer are correct and that mitigation is appropriate.

If the holder wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the Authorized Officer shall assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the holder shall be responsible for mitigation costs. The Authorized Officer shall provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the Authorized Officer that the required mitigation has been completed, the holder shall then be allowed to resume construction.

Antiquities, historic, prehistoric ruins, paleontological or objects of scientific interest that are outside of the authorization boundaries but directly associated with the impacted resource shall also be included in this evaluation and/or mitigation.

Antiquities, historic, prehistoric ruins, paleontological or objects of scientific interest, identified or unidentified, that are outside of the authorization and not associated with the resource within the authorization shall also be protected. Impacts that occur to such resources that are related to the authorizations activities, shall be mitigated at the holder's cost.

10. Pursuant to 43 CFR 10.4(g), the holder of this authorization 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. Further, pursuant to 43 CFR 10.4 (c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.
11. If paleontological materials (fossils) are discovered during construction activities, the operator is to immediately stop activities that might further disturb such materials and contact the authorized officer. The operator and the authorized officer shall consult and determine the best option for avoiding or mitigating the paleontological site.
12. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides 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, the holder shall obtain from the authorized officer written approval of a 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. Emergency use of pesticides shall be approved in writing by the authorized officer prior to such use.
13. The holder(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) 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 or 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 or State government.

14. One month 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 shall 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, 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.

SUGGESTED SEED MIX* FOR RECLAMATION

Western Wheatgrass	<i>Pascopyrum smithii</i>	6.0 lbs PLS**/acre
Bluebunch Wheatgrass	<i>Pseudoroegneria spicata</i>	6.0 lbs PLS/acre
Slender Wheatgrass	<i>Elymus trachycaulus</i> ssp: <i>trachycaulus</i>	6.0 lbs PLS/acre
Canby bluegrass	<i>Poa canbyii</i>	2.0lbs PLS/acre
Indian ricegrass	<i>Achnatherum hymenoides</i>	<u>4.0 lbs PLS/acre</u>
	TOTAL	24.0 lbs PLS/acre

Seeding rates are for broadcast seeding. If drilled, seeding rates may be halved.

*All seed must be certified weed free

**PLS = pure live seed

Native American Tribes Consulted

Ernest House Jr., Executive Secretary	Coloradod Commisson of Indian Affairs	130 State Capitol	Denver	Colorado
Darryll O'Neal, Sr., Chairman	Northern Arapaho Business Council	P O Box 396	Fort Washakie	Wyoming
Darlene Conrad, NAGPRA Rep.	Northern Arapaho Business Council	P O Box 396	Fort Washakie	Wyoming
Wilford Ferris III, Tribal Historic Preservation Officer	Shoshone Tribe, Cultural Center	P O Box 538	Fort Washakie	Wyoming
Darwin St. Clair Jr., Chairman	Shoshone Tribe	P O Box 538	Fort Washakie	Wyoming
Jimmy Newton, Jr., Chairman	Southern Ute Indian Tribe	P O Box 737	Ignacio	Colorado
Alden Naranjo, NAGPRA Coordinator	Southern Ute Indian Tribe	P O Box 737, Mail Stop 73	Ignacio	CO
Gordon Howell, Chairman	Uintah & Ouray Tribal Business Committee	P O Box 190	Fort Duchesne	Utah
Betsy Chapoose, NAGPRA Representative	Uintah & Ouray Tribe	P O Box 190	Fort Duchesne	Utah
Gary Hayes, Chairman	Ute Mountain Ute Tribe	P O Box 248	Towaoc	Colorado
Terry Knight, Sr., Tribal Cultural Rep.	Ute Mountain Ute Tribe	P O Box 53	Towaoc	Colorado
Lynn Hartman, Contract Administrator	Ute Mountain Ute Tribe	P O Box 248	Towaoc	Colorado

**U.S. Department of the Interior
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Kremmling Field Office,
P O Box 68
Kremmling, CO 80459**

**Finding of No Significant Impact (FONSI)
DOI-BLM-CON02000-2013-0028-EA**

BACKGROUND

Sunset Associates, LLC has proposed to develop an area conducive to raising, protecting and nurturing small, whirling disease resistant trout to strengthen and increase the quantity of fish in the public areas of the Colorado River adjacent to the Sunset Associates property.

FINDING OF NO SIGNIFICANT IMPACT

Based upon a review of the EA and the supporting documents, I have determined that the Proposed Action is not a major federal action and will not have a significant effect on the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity, as defined at 40 CFR 1508.27 and do not exceed those effects as described in the 1999 Record of Decision and Approved Resource Management Plan (1984). Therefore, an environmental impact statement is not required. This finding is based on the context and intensity of the project as described below.

Context

The project is a site-specific action directly involving BLM administered public lands that do not in and of itself have international, national, regional, or state-wide importance. The water system will benefit the public by increasing the quantity of fish in the public areas of the Colorado River adjacent to the Sunset Associates property.

Intensity

The following discussion is organized around the 10 Significance Criteria described at 40 CFR 1508.27. The following have been considered in evaluating intensity for this Proposed Action:

1. Impacts that may be both beneficial and adverse.

The authorization of the water system would benefit the public for fishing opportunities. There would be no cost to the public for the development and maintenance of the water facility.

2. The degree to which the Proposed Action affects public health or safety.

The proposed action does not affect the public health or safety.

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

There are no unique characteristics in this area.

4. Degree to which the possible effects on the quality of the human environment are likely to be highly controversial.

There should be no effect on the quality of the human environment which would be highly controversial.

5. Degree to which the possible effects on the quality of the human environment are highly uncertain or involve unique or unknown risk.

No highly uncertain or unknown risks to the human environment were identified during analysis of the Proposed Action.

6. 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.

This action will not establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

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

This action is not related to other actions with individually insignificant but cumulatively significant impacts.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed on the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

The proposed action will not adversely affect any 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 historical resources.

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 (ESA) of 1973.

There are no threatened or endangered species or habitats for such species that has been determined to be critical under the Endangered Species Act of 1973 within the proposed project area.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

The proposed action does not threaten a violation of Federal, State or local law or requirements imposed for the protection of the environment.

SIGNATURE OF AUTHORIZED OFFICIAL: /s/ Susan Cassel
Acting Field Manager

DATE SIGNED: 8/21/13

**U.S. Department of the Interior
Bureau of Land Management
Kremmling Field Office,
P O Box 68
Kremmling, CO 80459**

DECISION RECORD

PROJECT NAME: Sunset Associates, LLC Water Facility Fish Habitat System

ENVIRONMENTAL ASSESSMENT NUMBER: DOI-BLM-LLCON02000-2013-0028-EA

DECISION

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-2013-0028-EA, authorizing the construction, operation, and maintenance of a Water Facility Fish Habitat System.

Mitigation Measures:

Public access is permitted on or adjacent to all improvements on BLM-administered lands and may not be obstructed or signed restricting access or use in perpetuity.

Future improvements, ie. trail or bridge or other access improvements, that may enhance and/or benefit public access and use will not be restricted. Any future improvement if implemented will ensure proper mitigation measures to prevent impacts to the authorized ROW.

COMPLIANCE WITH LAWS & CONFORMANCE WITH THE LAND USE PLAN

This decision is in compliance with the Federal Land Management and Policy Act, the Endangered Species Act, and the National Historic Preservation Act. It is also in conformance with the December 19, 1984; Updated February 1999 Kremmling Resource Management Plan (RMP).

ENVIRONMENTAL ANALYSIS AND FINDING OF NO SIGNIFICANT IMPACT

The Proposed Action was analyzed in DOI-BLM-CO-2013-0028-EA and it was found to have no significant impacts, thus an EIS is not required.

PUBLIC INVOLVEMENT

The EA will be available for a formal 30-day public comment period when posted on the Kremmling Field Office's internet website.

RATIONALE

Analysis of the Proposed Action has concluded that there are no significant negative impacts and that it meets Colorado Standards for Public Land Health.

ADMINISTRATIVE REMEDIES

Administrative remedies may be available to those who believe they will be adversely affected by this decision. Appeals may be made to the Office of Hearings and Appeals, Office of the Secretary, U.S. Department of Interior, Board of Land Appeals (Board) in strict compliance with the regulations in 43 CFR Part 4. Notices of appeal must be filed in this office within 30 days after publication of this decision. If a notice of appeal does not include a statement of reasons, such statement must be filed with this office and the Board within 30 days after the notice of appeal is filed. The notice of appeal and any statement of reasons, written arguments, or briefs must also be served upon the Regional Solicitor, Rocky Mountain Region, U.S. Department of Interior, 755 Parfet Street, Suite 151, Lakewood, CO 80215.

The effective date of this decision (and the date initiating the appeal period) will be the date this notice of decision is posted on BLM’s Kremmling Field Office internet website.

SIGNATURE OF AUTHORIZED OFFICIAL: /s/ Susan Cassel_____
Acting Field Manager

DATE SIGNED: 8/21/13