

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

CATEGORICAL EXCLUSION

NUMBER: DOI-BLM-LLCON02000-2014-006-CX

CASEFILE/PROJECT NUMBER: N/A

PROJECT NAME: Temporary placement of an Above Ground Livestock Water Pipeline
LEGAL DESCRIPTION: T. 9 N., R. 80 W., Sections 26 and 35, 6th P.M. (see Map)

APPLICANT: Tointon Ranches LLC

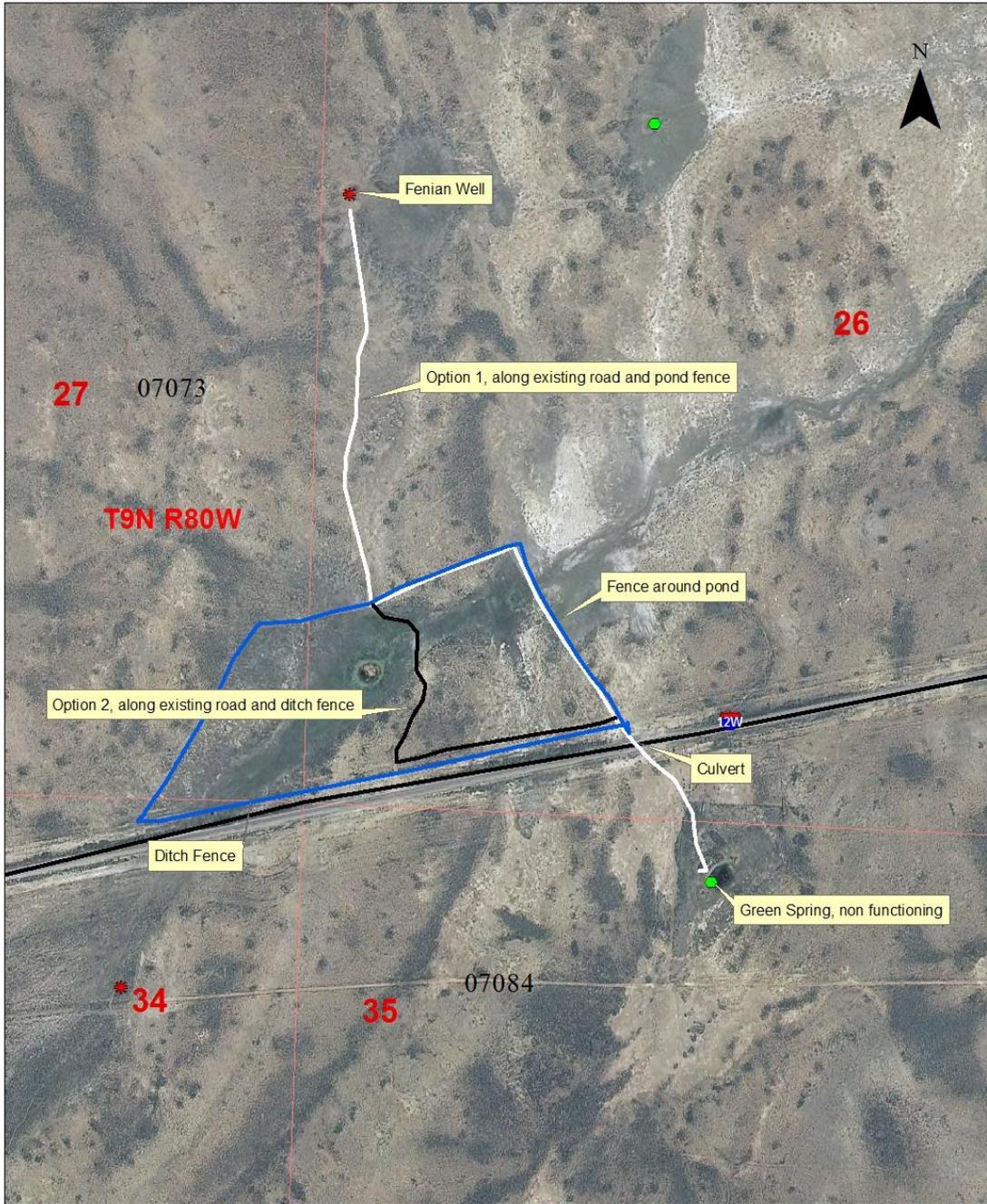
DESCRIPTION OF PROPOSED ACTION:

Mike Elze, manager of Tointon Ranches LLC, has asked that he be allowed to place a temporary above ground pipeline from the Fenian Well in allotment #07073 to the Green Spring's stock tank in allotment #07084. The Green Spring's water development is not functioning and Mike has had to haul water to the site over the past few years. He would like to try this pipeline in an effort to keep from hauling water and to provide for even distribution in allotment #07084, and facilitate his grazing system on the Tointon Ranch.

The pipeline would be constructed of 2 inch schedule 40 white pvc material in 20 foot lengths held together by 0-rings and pipe ties. It would be placed above ground on the day the water is needed in the allotment #07084 and taken down the day after the cows are off the allotment #07084.

The above ground pipeline would be in place for no longer than 17 days watering a total of 400 cow/calf pairs. If rainstorms occur while the pipeline is in place, the pipeline would be walked prior to its removal to look for any pipeline segments that channelized overland flow and resulted in surface rills. This would help determine if the pipeline can be used in future years.

Temporary Above Ground Pipeline Tointon Ranches LLC



BLM, Kremmling FO 2010
Red box shows map location.

- Legend**
- Highway Labels
 - State Highways Legend**
 - U.S./State
 - ROUTE SIGN**
 - Interstate



0.08 Miles

1:3,679

No Warranty is made by the Bureau of Land Management as to the Accuracy, Reliability, or Completeness of this Data for Individual Use or Aggregate Use with Other Data. Last edited by cll.

PLAN CONFORMANCE REVIEW: The Proposed Action is subject to and has been reviewed for conformance with (43 CFR 1610.5-3, BLM 1601.08) the following plan:

Name of Plan: Kremmling Resource Management Plan (RMP), Record of Decision (ROD)

Date Approved: December 19, 1984; Updated February 1999

Decision Number/Page: Livestock Grazing: 6 and 8, as revised

Decision Language: Objectives of the RMP/ROD include allocation of a base level of livestock forage and maintaining forage production and condition in areas where livestock grazing is a priority or is compatible with the land use priority. The RMP designated the project areas with livestock grazing and wildlife priority. The proposed action is compatible with these designations.

CATEGORICAL EXCLUSION REVIEW: The Proposed Action qualifies as a categorical exclusion under 516 DM 11.9, D2: “Placement and use of temporary (not to exceed one month) portable corrals and water troughs, providing no new road construction is needed.”

The Proposed Action has been reviewed with the list of extraordinary circumstances (43 CFR 46.215) described in the table below.

Extraordinary Circumstance	YES	NO
a) Have significant adverse effects on public health and safety.		X
b) 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; floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.		X
c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.		X
d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
g) Have significant impacts on properties listed, or eligible for listing, in the National Register of Historic Places as determined by either the bureau of office.		X

Extraordinary Circumstance	YES	NO
h) Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species.		X
i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		X
j) Have a disproportionately high and adverse effect on low income or minority populations		X
k) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly affect the physical integrity of such sacred sites.		X
l) 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.		X

INTERDISCIPLINARY REVIEW:

The Proposed Action was presented to, and reviewed by, the Kremmling Field Office interdisciplinary team on 12/04/2013. A complete list of resource specialists who participated in this review is available upon request from the Kremmling Field Office. The table below lists resource specialists who provided additional remarks concerning cultural resources and special status species.

Name	Title	Resource	Date
Bill B. Wyatt	Archaeologist	Cultural Resources/Tribal Consultation/Paleontology	12/5/2013
Zach Hughes	Natural Resource Specialist	Invasive species;Vegetation	12/06/2013
Paula Belcher	Hydrologist	Soil, Air, Water, and Riparian	1/14/2014
Hannah Schechter	Outdoor Recreation Planner	Visual Resources	1/17/2014
Megan McGuire	Wildlife Biologist	Wildlife, T/E, and Sensitive Species	12/13/13
Susan Cassel	Asst. Field Manager	NEPA Compliance	2/1/0/14

REMARKS:

Cultural Resources: The placement of an above ground water line less than 12 inches in diameter is considered an exempt undertaking for the identification of cultural resources under

the State Protocol Agreement between the Colorado BLM, Colorado SHPO regarding the National Programmatic Agreement to meet the NHPA.

Native American Religious Concerns: Because this is not considered an exempt undertaking under the State Protocol Agreement between the Colorado BLM, Colorado SHPO regarding the National Programmatic Agreement to meet the NHPA no consultation was initiated.

Paleontology: The action does not have the potential to affect unknown fossil resources.

Special Status Plant and Wildlife Species: The Proposed Action is located within the North Platte River Basin. Since 1978, the US Fish and Wildlife Service (USFWS) has determined that the continued operation of existing and certain new water-related activities may adversely affect but would not likely jeopardize the continued existence of the endangered whooping crane, interior least tern and pallid sturgeon, or the threatened northern Great Plains population of the piping plover. Further, the USFWS has found that these water activities may adversely affect but would not likely jeopardize the threatened bald eagle and western prairie fringed orchid associated with the central and lower reaches of the Platte River in Nebraska, and was not likely to destroy or adversely modify designated critical habitat for the whooping crane.

Since 2006, the BLM has participated in the Platte River Recovery Implementation Program (PRRIP) to address water depletions associated with BLM actions in the North Platte River Basin. The PRRIP implements actions designed to assist in the conservation and recovery of the target species and their habitats. Prior to the establishment of the PRRIP, the BLM pursued reasonable and prudent conservation measures to offset minor projects' impacts to the Platte River fish and wildlife resources as agreed upon in the "Intra-Service Section 7 Consultation for Federal Agency Actions Resulting in Minor Water Depletions to the Platte River System", which served as the biological and conference opinion. In 2005, the BLM consulted with the USFWS for a new project- Fenian Well, using BLM deposited funds in a National Fish and Wildlife Foundation account to offset the project-related impacts. The BLM consulted on 61 days of water diversion and an average annual depletion of 0.198 acre-ft. of water for the well. The USFWS concurred with the offset.

The Proposed Action would result in allotment #7073 using the well for 11 days and allotment #7084 for 17 days for 400 cow/calf pairs. This would represent an annual depletion of 0.1 acre-ft. of water, an amount covered by the original consultation. Due to the proposed pipeline being a temporary action and the resulting depletion being less than the original depletion, no new consultation was pursued. If making the proposed pipeline permanent is pursued, then the USFWS's concurrence could be sought.

MITIGATION: None

COMPLIANCE PLAN: On-going compliance inspections and monitoring would be conducted by the BLM Kremmling Field Office staff during and after construction.

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DECISION RECORD

PROJECT NAME: Temporary placement of an Above Ground Livestock Water Pipeline

CATEGORICAL EXCLUSION NUMBER: DOI-BLM-LLCON02000-2014-006-CX

DECISION

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-LLCON02000-2014-006-CX, authorizing Temporary placement of an above ground water pipeline from the Fenian Well in allotment #07073 to the Green Spring's stock tank in allotment #07084.

Mitigation Measures: None

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).

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

RATIONALE

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, D2. 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 43 CFR 46.215 apply.

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

