

Determination of NEPA Adequacy (DNA)

U.S. Department of the Interior

Bureau of Land Management

Royal Gorge Field Office

3028 E. Main

Cañon City, CO 81212

OFFICE: RGFO

PROJECT NUMBER: DOI-BLM-CO-200-2013-0007 DN

CASEFILE: COC-75957

PROPOSED ACTION TITLE/TYPE: Realty – County Road 302 reroute

LOCATION/LEGAL DESCRIPTION: Chaffee County, Sixth Principal Meridian,
T. 14 S., R. 78 W.

APPLICANT:

Chaffee County Commissioners

A. Description of the Proposed Action and any applicable mitigation measures

Chaffee County Road #302 intersects US Highway 24/285 (Trout Creek Pass Road) and provides legal access for approximately 15 landowners/residents along Trout Creek. Four are located near the west end of the county road and 11 at the easterly end where the road terminates as it crosses onto BLM land. From the west end of the County Road where it intersects the highway, the first 855 feet cross BLM land, before crossing onto private land owned by Mr. Paul Moltz. Mr. Moltz resides along the county road and has constructed a dam and reservoir that reaches the county road. He intends to raise the dam allowing the reservoir to contain more water for his irrigation and provide for increased storage, which would inundate a portion of the county road. There is a need to move the county road in a way to avoid the reservoir.

During the initial stages of construction, it was determined that continuation of the road in the proposed route would cause irreparable resource damage. It was recommended that Chaffee County withdraw the reroute for County Road 302 (COC-31866), and the residents continued to use the more westerly route past the reservoir. On November 9, 2012, the County reapplied for a route in another location. The County and Mr. Moltz were advised that resource damage was still possible in the new route. In order to partially avoid this damage, a right-of-way fence was constructed along the eastern edge of the corridor.

This action was originally analyzed and authorized under the serial number COC-31866, which expired October 30, 2011, due to time constraints for construction of this project and the time consuming nature of analyzing the whole authorization considered under COC-31866, the area for the reroute of CR-302 is the only action being analyzed under this analysis at this time, under the new serial number COC – 75957, The entire authorization for COC-31866 will be analyzed subsequent to this analysis.

The County is aware that the road comes close to a drainage area and Chaffee County Planning and Zoning stated that the interest is insuring they will not run into further resource conflict. Subsequently they have submitted a plan of development which addresses construction issues.

B. Land Use Plan (LUP) Conformance

LUP Name	Royal Gorge Resource Management Plan	Date Approved	05/13/96
Other Document	DOI-BLM-CO-200-2010-084-EA	Date Approved	10/6/10
Other Document		Date Approved	

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decisions:

1-58 All other areas are non-excluded for rights of way.

C-116 Authorize minor ROWs on a case by case basis utilizing criteria for ROW objectives in each specific subregion.

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions):

C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

List by name and date all applicable NEPA documents that cover the proposed action:
 County Road 302 Reroute DOI-BLM-CO-200-2010-084-EA; Date Approved: 10/6/10

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

The Proposed Action is substantially the same action and at the site specifically analyzed in the existing NEPA documents(s). Access is previously granted on the westerly route for residents and in the immediate vicinity for mineral extraction just south of the feature. There will be no changes in use, dates or times used, other than the temporary presence of the exploratory trench equipment, and subsequent construction equipment.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with

respect to the new proposed action, given current environmental concerns, interests, and resource values?

Yes. The RMP/EIS and EA considered a range of alternatives. The existing EAs for both routes continues to be appropriate for current conditions. The EA included a proposed action alternative and a no action alternative that were analyzed in the document. No new environmental conditions or change in resource values have arisen that would invalidate those alternatives analyzed. The proposed action alternative involved the vacating of 5,348.06 feet of county road #302 from US Highway 24 and the construction of the re-routed road on BLM and private land. Alternative B described a 3,000 foot long reroute, north of the reservoir, between the current road and the BLM Land. This alternative would have avoided BLM Federal land. The no action alternative would reject the county’s request to vacate the existing county road and not issue a right-of-way to allow the construction of a reroute.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

Yes. The previous information and circumstances and analysis are still valid. The original analysis is sufficient and covered the area of the new proposed re-route.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Yes. The impacts remain unchanged. Those impacts, including cumulative impacts, normally associated with roads are mitigated through standard stipulations, special stipulations and road standards, monitoring for compliance with terms and stipulations are in place.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Yes. Extensive scoping and public involvement occurred in the RMP/EIS. Also, scoping occurred during the counties decision for the relocation, and this document itself is open for public comment.

E. Persons/Agencies /BLM Staff Consulted

INTERDISCIPLINARY TEAM REVIEW			
NAME	TITLE	AREA OF RESPONSIBILITY	Initials/date
Matt Rustand	Wildlife Biologist	Terrestrial Wildlife, T&E, Migratory Birds	MR, 11/13/2012
Jeff Williams	Range Management Spec.	Range, Vegetation, Farmland	JW, 2/11/2013
Chris Cloninger	Range Management Spec.	Range, Vegetation, Farmland	-----
John Lamman	Range Management Spec.	Weeds	JL, 11/12/2012
Dave Gilbert	Fisheries Biologist	Aquatic Wildlife,	DG, 12/05/2012

		Riparian/Wetlands	
Stephanie Carter	Geologist	Minerals, Paleontology, Waste Hazardous or Solid	SSC, 12/5/2012
Melissa Smeins	Geologist	Minerals, Paleontology	-----
John Smeins	Hydrologist	Hydrology, Water Quality/Rights, Soils	JS, 12/6/12
Ty Webb	Prescribed Fire Specialist	Air Quality	TW, 12/20/12
Tony Mule'/Jeff Covingotn	Cadastral Surveyor	Cadastral Survey	JC, 11/16/12
Kalem Lenard	Outdoor Recreation Planner	Recreation, Wilderness, LWCs, Visual, ACEC, W&S Rivers	KL, 11/14/2012
John Nahomenuk	River Manager	Recreation, Wilderness, LWCs, Visual, ACEC, W&S Rivers	-----
Ken Reed	Forester	Forestry	KR, 11/26/2012
Martin Weimer	NEPA Coordinator	Environmental Justice, Noise, SocioEconomics	
Monica Weimer	Archaeologist	Cultural, Native American	MMW, 7/17/14
Vera Matthews	Realty Specialist	Realty	VM, 11/10/2012
Steven Craddock	Realty Specialist	Realty	-----
Bob Hurley	Fire Management Officer	Fire Management	BH, 12/5/2012
Steve Cunningham	Law Enforcement Ranger	Law Enforcement	SC 12/17/12

REMARKS:

Cultural Resources: A site in the vicinity of the proposed ROW (Site 5CF555), which is eligible for the National Register of Historic Places, will not be adversely affected by the construction [see Reports CR-RG-13-116 TR, CR-RG-13-90 TSP, and CR-RG-14-61 UUV]. A right-of-way fence on the eastern edge of the corridor has already been constructed to protect sensitive resources. Maintenance of the fence will occur from the west side of the fence; vehicles and/or maintenance equipment are not permitted east of the fence. A gate in the fenceline in the area of an existing culvert will need to be constructed for accessing/maintaining the culvert. Routine cleaning and clearing within 10 feet of the culvert are permitted without an archaeological monitor. However, if the maintenance activities require ground-breaking or any other subsurface disturbance, an archaeological monitor must be present. If at any point during the maintenance the archaeologist observes that a subsurface feature or intact, subsurface cultural deposits have been uncovered, the work will stop immediately. The archaeologist has full authority to stop the work. Maintenance work may not continue until the BLM has assessed the situation and completed any necessary analysis and consultation including but not limited to inventory, testing, treatment, excavation, preparation of all associated documentation, and any additional archaeological and scientific analyses.

In addition, BLM, SHPO and CDOT have executed a Memorandum of Agreement, pursuant to NHPA. The agreement stipulates that an archaeological monitor, supplied by CDOT, must be present during the final work through the highway right-of-way.

Native American Religious Concerns: No change since previous analyses.

Threatened and Endangered Species: There are no records of any federally listed or BLM sensitive species within or near the project area. The Proposed Action will not result in impacts to TES species.

Migratory Birds: To be in compliance with the Migratory Bird Treaty Act (MBTA) and the Memorandum of Understanding between BLM and USFWS required by Executive Order 13186, BLM must avoid actions, where possible, that result in a “take” of migratory birds. Generally this is a seasonal restriction that requires new vegetation disturbance be avoided from May 15 thru July 15. This is the breeding and brood rearing season for most Colorado migratory birds. Any action that may result in a “take” of individual migratory birds or nests that are protected by MBTA will not be allowed.

Forestry: The reroute project site shall reduce the number of trees needing to be cleared. All trees to be cut and removed on BLM lands by the project shall be chipped and scattered on site. No fuelwood shall be removed without the required BLM permit.

Realty: A notice to proceed will be issued after the target resource has signed off on the exploratory measure, and prior to construction commencement.

Wastes, Hazardous or Solid: It is assumed that conditions associated with the proposed project site are currently clean and that no contamination is evident. No hazardous material, as defined by 42 U.S.C. 9601 (which includes materials regulated under CERCLA, RCRA and the Atomic Energy Act, but does not include petroleum or natural gas), will be used, produced, transported or stored during project implementation. Since this project involves some type of oil or fuel use, transfer and/or storage, an adequate spill kit is required to be onsite. The project proponent will be responsible for adhering to all applicable local, State and Federal regulations in the event of a spill, which includes following the proper notification procedures in BLM’s Spill Contingency Plan. Nothing in the analysis or approval of this action by BLM authorizes or in any way permits a release or threat of a release of hazardous materials (as defined under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9601 et seq., and its regulations) into the environment that will require a response action or result in the incurrence of response costs.

MITIGATION: BLM, SHPO and CDOT have executed a Memorandum of Agreement , pursuant to NHPA. The agreement stipulates that an archaeological monitor, supplied by CDOT, must be present during the final work through the highway right-of-way.

CONCLUSION

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Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of the NEPA.

SIGNATURE OF PROJECT LEAD: Greg Valladares

SIGNATURE OF NEPA COORDINATOR: /s/ Martin Weimer

SIGNATURE OF NEPA SUPERVISOR: /s/ Jay M. Raiford

SIGNATURE OF THE RESPONSIBLE OFFICIAL: /s/ Keith E. Berger
Keith E. Berger, Field Manager

DATE: 7/22/14

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.