

**U.S. Department of the Interior
Bureau of Land Management
Royal Gorge Field Office
3028 E. Main Street
Canon City, CO 81212**

CATEGORICAL EXCLUSION

NUMBER: DOI-BLM-CO-200-2013-00016 CX

CASEFILE/PROJECT NUMBER: COC-035467

PROJECT NAME: Tomahawk West #5 Access Road Renewal

PLANNING UNIT: Arkansas River Sub-region #1

LEGAL DESCRIPTION: Park County: 6th PM, T.11S., R.76W., sec. 26, NW¼NE¼.

APPLICANT: Norman Wilmot, Joseph Lutes, et. al.

DESCRIPTION OF PROPOSED ACTION

The applicant has held since 1983 a grant authorizing an access road (trail) measuring eight (8) feet wide and 1,300 feet long in Park County (see Map 1, Site Location). The ROW is due to expire on June 13, 2013. The two-track unimproved road connects two irregularly shaped parcels of private land owned by the ROW holders. (See Map 2, Site Detail)

The road is not accessible to the public due to the fact that it connects and is entirely bordered by the private parcels on the engaged sides. Holder states the annual use of the road is limited to approximately 10 to 12 vehicular trips per year, and is traveled upon only in summer months.

Special ROW grant stipulations consist of the following:

- a) #1 pertains to antiquities; #2 with pesticide/herbicide usage; #4 with public health and safety standards; Holder states that no excavations have or will be performed, no harmful substances are ever used in the area, and that no public health or safety issues have arisen over the term of the grant.
- b) #5 requires soil and resource conservation measures as requested by BLM, and prohibits use of the road when it is in a saturated condition (Holder states the road is not used when the ground is wet or covered by snow).
- c) #3 prohibits burning of any vegetation or other materials cleared from the ROW, and #6 restricts maintenance work to what can be accomplished with hand tools (Holder states that they have not performed any clearing, that they enjoy the fact that seasonal grass and other vegetation grows so thickly along the road in the summer months that the road tracks are virtually unrecognizable, and that they desire and intend to retain the “wild” character of the road/trail as much as possible).
- d) #7 requires Holder to maintain all range improvements (chiefly fences) on the property that predated the issuance of the ROW grant, and to contact the BLM authorized officer if there is a need to mitigate any problems (Holder states that there have been no problems with range improvements and that the fences are in good condition).

No additional rights are being sought through renewal of the grant. Rent has been paid on time throughout the term of the current grant, and the Holder has remained in good standing at all times.

PLAN CONFORMANCE REVIEW:

Name of Plan: Royal Gorge Resource Management Plan

Date Approved: May 13, 1996

Decision Number: 1-54

Decision Language: The Western Utility Group’s study for corridor designation will be adopted for major rights-of-way with addition of the existing transportation corridors. Minor rights-of-way will be authorized on a case-by-case basis on proposals outside of exclusion areas. Minor rights-of-ways could be authorized in avoidance areas only when stipulations will protect values.

CATEGORICAL EXCLUSION REVIEW: This proposed action is listed as a Categorical Exclusion in DOI Departmental manual Part 516 Chapter 11.9 E (9): *Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations.* None of the following exceptions in 516 DM 2, Appendix 2, apply.

Exclusion Criteria	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; lands with wilderness characteristics; 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
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.		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.		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.		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.		X

INTERDISCIPLINARY TEAM REVIEW			
NAME	TITLE	AREA OF RESPONSIBILITY	Initials/date
Matt Rustand	Wildlife Biologist	Terrestrial Wildlife, T&E, Migratory Birds	MR, 10/23/2014
Chris Cloninger	Range Management Spec.	Range, Vegetation, Farmland	CC, 10/21/14
John Lamman	Range Management Spec.	Weeds	JL, 10/22/2014
Dave Gilbert	Fisheries Biologist	Aquatic Wildlife, Riparian/Wetlands	DG, 10/21/14
Stephanie Carter	Geologist	Minerals, Paleontology, Waste Hazardous or Solid	
Melissa Smeins	Geologist	Minerals, Paleontology	MJS, 11/04/2014
John Smeins	Hydrologist	Hydrology, Water Quality/Rights, Soils	JS, 10/21/14
Ty Webb	Fire Management Officer	Air Quality	TW, 10/27/14
Jeff Covington	Cadastral Surveyor	Cadastral Survey	JC, 12/9/14
Linda Skinner	Outdoor Recreation Planner	Recreation, Wilderness, LWCs, Visual, ACEC, W&S Rivers,	LS, 5/19/2015
John Nahomenuk	River Manager	Recreation, Wilderness, LWCs, Visual, ACEC, W&S Rivers	N/A
Ken Reed	Forester	Forestry	KR, 10/21/14
Monica Weimer	Archaeologist	Cultural, Native American	MMW, 6/16/15
Rich Rotte	Realty Specialist	Realty	RAR, 10/20/14
Steve Cunningham	Law Enforcement Ranger	Law Enforcement	N/A-----
Ty Webb	Fire Management Officer	Fire	TW, 10/27/14

REMARKS:

Cultural Resources: Although cultural resources were found near the area of potential effect (5PA5181-5184; see report CR-RG-15-92 P), no sites determined to be eligible for the National Register of Historic Places (NRHP) were found. Therefore, the proposed project will have no effect on any historic properties (those eligible for the NRHP).

Native American Religious Concerns: No possible traditional cultural properties were located during the cultural resources inventory (see above). There is no other known evidence that suggests the project area holds special significance for Native Americans.

Threatened and Endangered Species: 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.

Forestry: No cutting or removing any tree over 5 inches in diameter without BLM authorization and the appropriate permit. Light pruning of limbs and removing small trees less than 5 inches diameter for road clearing is authorized.

Paleontological Resources: In order to prevent potential impacts to paleontologic resources, a stipulation will be attached to the ROW grant that directs the holder to notify the BLM RGFO immediately if any vertebrate fossils or their traces are discovered during operations within this ROW. Operations may continue as long as the fossil specimen would not be damaged or destroyed by the activity. Within 5 working days of notification, the BLM RGFO shall evaluate or have evaluated such discoveries and shall notify the operator what action shall be taken with respect to such discoveries.

Wastes, Hazardous or Solid: If the project involves oil or fuel usage, transfer or storage, an adequate spill kit and shovels are required to be onsite during project implementation. 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.

COMPLIANCE PLAN (optional):

NAME OF PREPARER: Rich Rotte, Realty Specialist, RGFO

SUPERVISORY REVIEW: Jay M. Raiford

NAME OF ENVIRONMENTAL COORDINATOR: /s/ Martin Weimer

DATE: 7/23/15

DECISION AND RATIONALE: I have reviewed this Categorical Exclusion and have decided to implement the Proposed Action.

This action is listed in the Department Manual as an action that may be categorically excluded. I have evaluated the action relative to the 10 criteria listed above and have determined that it does not represent an exception and is, therefore, categorically excluded from further environmental analysis.

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

DATE SIGNED: 7/23/15