

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

**Categorical Exclusion
Mica White Quarry Road Re-Alignment**

PREPARING OFFICE

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Categorical Exclusion

Mica White Quarry Road Re-Alignment

DOI-BLM-CO-F020-2015-0068 CX

Prepared by
U.S. Department of the Interior
Bureau of Land Management
Royal Gorge Field Office
Canon City, CO

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A. Background

Mica White is a quartzite quarry that produces crushed and broken stone for use mostly as aquarium rock. Currently, the site's access road is located mostly on BLM, but some of the southern portion crosses private land in two places. See Figures 1 and 2. In the past, the operator has had an access agreement with the adjacent private landowner that was renewed annually; however, the private land was recently sold to a new owner, and the operator is concerned that the new landowner will not sign the access agreement to allow quarry operations to continue to travel across this historically used portion of private property. As a result, Colorado Quarries, the operator of Mica White, is requesting permission to re-locate their quarry access road to be located entirely on BLM.

BLM Office: LLCOF02000, Royal Gorge Field Office

Lease/Serial/Case File No.:COC-76412

Proposed Action Title/Type:Mica White Quarry Road Re-Alignment

Location of Proposed Action:

Colorado, Fremont County,

New Mexico PM

T. 48 N., R. 10 E., sec. 12

Applicant:Colorado Quarries

Description of Proposed Action:

BLM proposes to realign the quarry access road to eliminate it crossing private property, situating it entirely on BLM public land. In order to relocate the road, the operator will have to realign two sections of road totalling approximately 750-feet in length, as shown on Figure 2. Instead of traveling north and northwest across private land in these two locations, the proposed road will be re-aligned to the east and northeast, further onto BLM land, before turning northwest and reconnecting to the existing access road on BLM, which is located north of the private land. Cadastral has posted the BLM boundary from County Road 45 north to the E 1/16 section corner of sections 1 and 12, a BLM brass cap monument. Cadastral verified that the BLM boundary crosses the quarry road three times in this area. The private survey monument set by Bear Surveying just north of County Road 45 is a 1 inch aluminum cap in the fenceline and is on line.

The proposed re-aligned portions of the access road will be approximately the same gradient as the existing road, and follow the same industry and engineering standards for construction and maintenance. The re-aligned road segments will have water dips installed and drainage crossings constructed, as applicable. The new portion of the road will be maintained in accordance with BLM standards, along with the existing road.

It is anticipated that this work would begin as soon as possible, because the annual agreement currently in effect expires in September 2015.

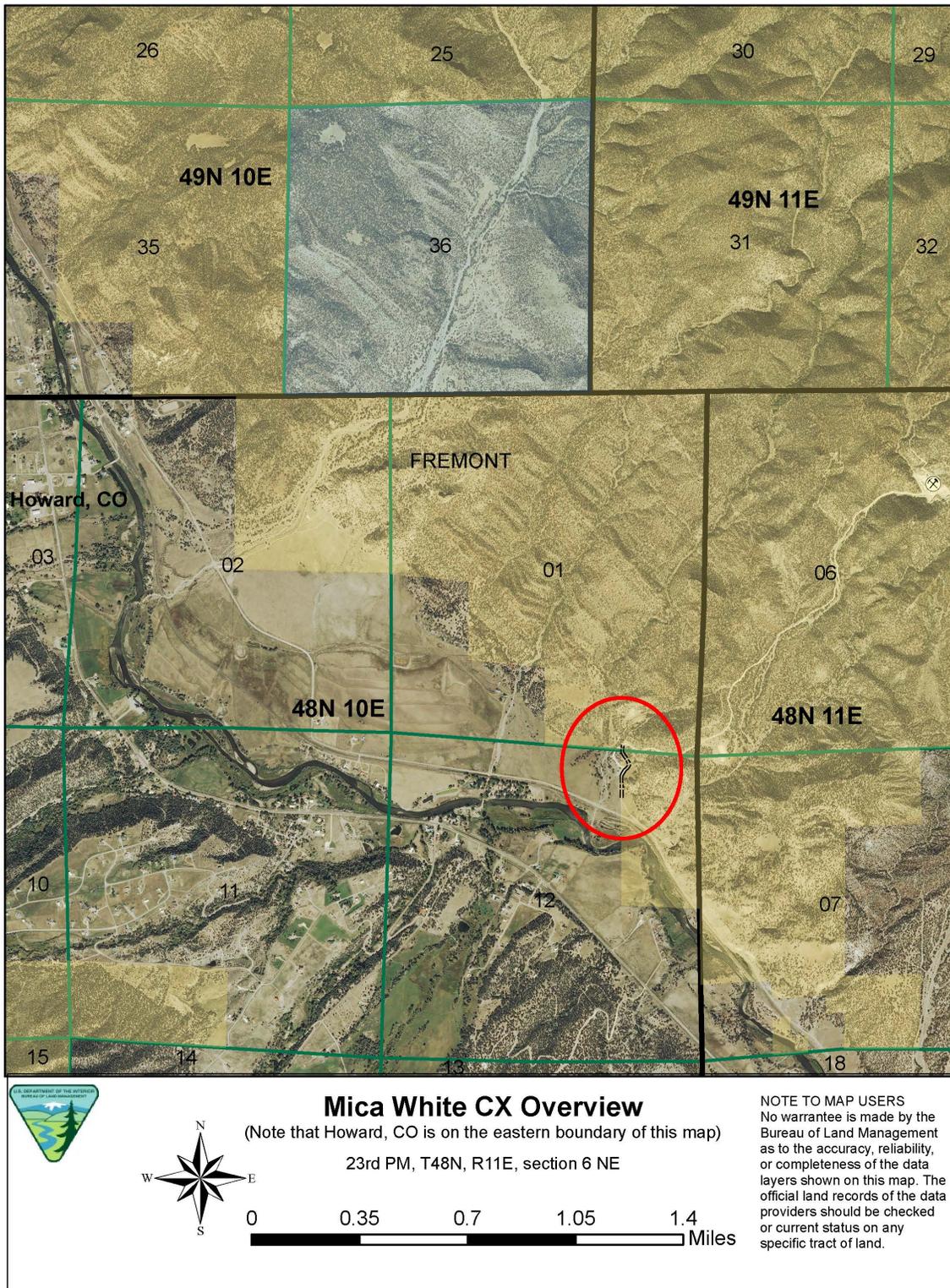


Figure 1.1. Mica White Overview Map

*Chapter 1 Mica White Quarry Road Re-Alignment
A. Background*

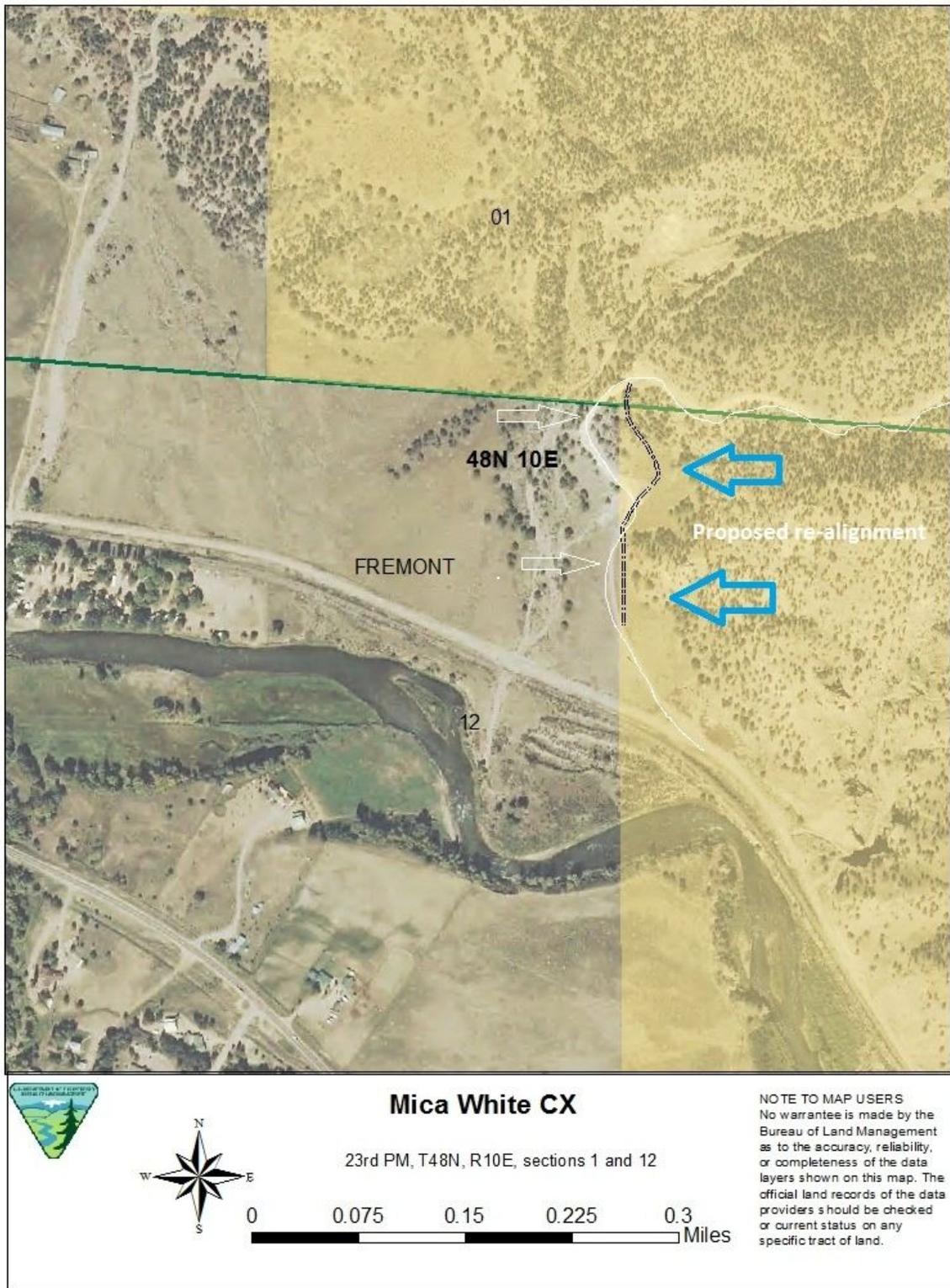


Figure 1.2. Existing and proposed access routes at Mica White



Figure 1.3. Overview of terrain at the northern portion of the proposed re-alignments, looking south (Mica White access)

B. Land Use Plan Conformance

Land Use Plan Name:

Name of Plan: Royal Gorge Resource Management Plan

Date Approved: 05/13/1996

Decision Number: 1–40

Decision Language: Areas will be open to mineral entry and available for mineral materials development administered under existing regulations, limited by closure if necessary and special mitigation will be developed to protect values on a case-by-case basis.

C. Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 2, Appendix 1, or 516 DM 11.9.

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I considered:

CATEGORICAL EXCLUSION REVIEW: This proposed action is listed as a Categorical Exclusion in DOI Departmental Manual Part 516 Chapter 11 F(7). None of the following exceptions in 516 DM 2, Appendix 2, apply.

Table 1.1. Exclusion Criteria

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

Table 1.2. Interdisciplinary Team Review

INTERDISCIPLINARY TEAM REVIEW			
NAME	TITLE	AREA OF RESPONSIBILITY	Initials/date
Lara Duran	Wildlife Biologist	Terrestrial Wildlife, T&E, Migratory Birds	LD, 8/11/15
Jeff Williams	Range Management Spec.	Range, Vegetation, Farmland	JW, 7/29/15
John Lamman	Range Management Spec.	Weeds	JL, 09/03/15
Dave Gilbert	Fisheries Biologist	Aquatic Wildlife, Riparian/Wetlands	DG, 8/6/2015
Stephanie Carter	Geologist	Minerals, Paleontology, Waste Hazardous or Solid	SSC, 07/27/15

INTERDISCIPLINARY TEAM REVIEW			
NAME	TITLE	AREA OF RESPONSIBILITY	Initials/date
John Smeins	Hydrologist	Hydrology, Water Quality/Rights, Soils	JS, 8/7/15
Ty Webb	Fire Management Officer	Air Quality	TSW, 8/3/15
Jeff Covington	Cadastral Surveyor	Cadastral Survey	
Kalem Lenard	Outdoor Recreation Planner	Recreation, Wilderness, LWCs, Visual, ACEC, W&S Rivers,	KL, 11/23/2015
John Nahomenuk	River Manager	Recreation, Wilderness, LWCs, Visual, ACEC, W&S Rivers	N/A
Ken Reed	Forester	Forestry	KR, 7/29/15
Monica Weimer	Archaeologist	Cultural, Native American	MMW, 8/31/15
Richard Rotte	Realty Specialist	Realty	RAR, 8/6/15
Steve Cunningham	Law Enforcement Ranger	Law Enforcement	N/A
Ty Webb	Fire Management Officer	Fire	TSW, 8/3/15

REMARKS:

Cultural Resources: No historic properties were found in the area of potential effect [see report CR-RG-16-001 (N)]. Therefore, the proposed undertaking 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, Endangered and Proposed Species: Suitable habitat for Canada lynx, black-footed ferret and Mexican spotted owl does not occur within a 1/4 mile of the proposed action area. Thus, there would NO EFFECT to Canada lynx, black-footed ferret and Mexican spotted owl or their habitats. There is no need to consult with the US Fish and Wildlife Service. No mitigation measures would be necessary.

Sensitive Species: Suitable habitat for the rare endemic plants *Mentzelia densa*, *Penstemon degeneri* and *Neoparrya lithophila* may exist along the proposed road corridor. Known occurrences surround the proposed road in immediately adjacent areas. Half of the proposed road alignment was surveyed for rare plants in late August 2015 by Sarah McClernan and Justin Abeles. The other half of the proposed road alignment still needs to be surveyed.

Table 1.3.

Species Name	Environmental conditions need for habitat
Royal Gorge blazingstar, Royal Gorge Stickleaf (<i>Mentzelia densa</i> , aka <i>Nuttallia densa</i>)	Endemic to drainages and main canyon of the Arkansas River in Fremont and Chaffee counties in dry open washes, roadsides, disturbed sites, steep rocky slopes, gravel, scree, grandiorite and gneiss cliffs, in piñon pine and juniper woodlands, or montane shrublands with depauperate understory and open canopy, from 5,400 to 7,700 feet elevation, flowers July to early August, fruits September, approximately 15 to 273 populations in planning area with fewer than 4770 individuals

Rock-loving Neoparrya (<i>Aletes lithophilus</i> , aka <i>Neoparrya lithophila</i>)	Endemic to Chaffee, Conejos, Fremont, Huerfano, Rio Grande and Saguache counties on north aspects of igneous or sedimentary rock cliffs and ledges are present in piñon pine and juniper woodlands, from 7,000 to 10,000 foot elevation, flowers May to early July, fruits late June to September, up to approximately 37 occurrences with unknown population size in the planning area
Degener's beardtongue (<i>Penstemon degeneri</i>)	Endemic in rocky igneous soils of piñon pine juniper woodlands, ponderosa pine woodlands with Gambel oak and bunchgrass, montane meadows and shrublands in the Arkansas River area from Cotoapaxi to Canon City, mainly Royal Gorge, Phantom Canyon to Wet Mountains, and south central Colorado in Fremont, Custer, and Chaffee counties from 5,900 to 9,500 feet elevation, in rock crevices, rocky canyon rims, meadows, needles, trail edges and ecotones, in full sun or shade, flowers June to mid July, fruits late July, up to approximately 34 occurrences with unknown population size in the planning area

At the time of the survey, *Mentzelia densa* plants were still in flower, seed and vegetative form, making plants detectable. The presence of *Penstemon degeneri* and *Neoparrya lithophila* could not be confirmed due to the lack of flowers at the time of the survey. Surveys for *Penstemon degeneri* and *Neoparrya lithophila* are best accomplished during flower, in June and early July since identification is dependent upon certain floral parts. No *Mentzelia densa* plants were detected in the portion of the proposed road that was surveyed.

The proposed road realignment would cause a loss of approximately 2 acres of potential habitat for these plant species. It is possible that some plants from these species would be lost due to road construction on those portions of the road that were not surveyed. It is possible that a measurable portion of *Penstemon degeneri* and *Neoparrya lithophila* populations would be affected since the number of occurrences and plants in the planning area remains unknown. The effects to *Mentzelia densa* populations would probably be less felt since the known population size is larger. Cumulative effects to these species include roadside related activities such as mowing, plowing, maintenance, soil contaminants, parking, noxious weed invasion and herbicide applications.

Migratory Birds: The following migratory birds are listed as priority BLM species, bird species of conservation concern by Colorado Partners in Flight or are on the US Fish and Wildlife Service Birds of Conservation Concern (BCC) – 2008 List for BCR 16-Southern Rockies/Colorado Plateau. These species are believed to winter and/or breed in or near the project area, have declining populations and should be protected from habitat alterations. The effects to these species are described below.

Table 1.4.

BLM Priority Migratory Birds	Life History Traits
Cassin's sparrow (<i>Aimophila cassinii</i>)	Ground nester, insect eater, ground forager, prefers open grasslands with scattered small trees and shrubs, migratory in CO, in CO breeds from May 21 to August 5
horned lark (<i>Eremophila alpestris</i>) 5	Seed eater, ground forager, ground nester on bare ground, resident in CO, prefers bare ground, short vegetation, crop fields, feedlots, heavily grazed pasture, breeds in CO from March 1 to August 20
loggerhead shrike (<i>Lanius ludovicianus</i>)	Insect eater, aerial dive hunting, tree nesting, migratory in CO, prefers mountain grasslands, in CO breeds from April 10 to August 20
Swainson's hawk (<i>Buteo swainsoni</i>)	Mammalian prey, aerial hunting, tree nesting, resident in CO, prefers mountain grasslands, requires open hunting grounds; requires a 0.25 mile nest buffer, in CO breeds from April 14 to August 20

Virginia's warbler (<i>Oreothlypis virginiae</i>)	Eats insects, gleaner, ground nester in dense shrubs, migratory in CO, prefers mountain riparian, mountain shrubs, in CO breeds from May 25 to August 15
Colorado Partners In Flight & Landbird Conservation Priority Birds	Life History Traits
band-tailed pigeon (<i>Patagioenas fasciata</i>)	Seed eater, foliage gleaner, tree nester, migratory in CO, prefers ponderosa pine forest, occurs in large flocks, in CO breeds from April 21 to September 30
broad-tailed hummingbird (<i>Selasphorus platycercus</i>)	Consumes nectar from flowers, willows and currants, hovering, tree nester, prefers open woodlands, brushy hillsides, thickets, subalpine meadows near willow and conifers, is temperature sensitive during breeding to inversions and freezing migratory in CO, in CO breeds from May 1 to August 20
flamulated owl (<i>Psiloscops flammeolus</i>)	Eats insects, aerial forager cavity nester, open forest structure, prefers open ponderosa pine forest, requires a 0.25 mile buffer; in CO breeds from May 11 to August 10
green-tailed towhee (<i>Pipilo chlorurus</i>)	Seed eater, ground forager, shrub nester, migratory in CO, prefers mountain shrub, in CO breeds from May 1 to August 20
Hammond's flycatcher (<i>Empidonax hammondii</i>)	Insect eater, aerial capture, tree nester, perches on dead branches, prefers cool forested environments and riparian corridors, migratory in CO, in CO breeds from May 30 to August 5
lazuli bunting (<i>Passerina amoena</i>)	Insect, seed, and fruit eater, ground forager, shrub nester, migratory in CO, prefers mountain lowland riparian, mountain shrubs, open woodland, in CO breeds from May 1 to August 20
prairie falcon (<i>Falco mexicanus</i>)	Aerial forager birds, especially starlings, prefers shortgrass prairie, crop fields, feedlots, nests in cliffs, trees, and power lines, is sensitive to nest failure caused by disturbance during breeding season; requires a 0.5 mile nest buffer; in CO breeds from March 10 to July 25; one nest territory previously documented less than 1 mile from utility corridor
short-eared owl (<i>Asio flammeus</i>) 5	Small mammal & bird eater, aerial hunter, ground nester in scrapes, prefers open environments, meadows, prairies, tundra, marshes, and open woodlands, may be able to utilize reclaimed mined areas, winters in CO, in CO breeds from March 15 to August 10

The proposed road realignment could cause a loss of about 2 acres of habitat for the ground, shrub and tree nesting migratory birds described above. If the area is occupied by nesting birds at the time of construction (between March and September), then nests, chicks and reproduction could be affected. conservation measures are recommended to avoid effects to nests, chicks and reproduction.

Conservation Measures: 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. Pursuant to BLM Instruction Memorandum 2013-119, to reduce impacts to BLM Priority Migratory Birds and Colorado Partners in Flight and US Fish and Wildlife Service Birds of Conservation Concern (BCC), conservation measures are recommended, as follows: 1) Construct the road between October 1 and March 1. 2) If road construction during that timeframe is not feasible, then a pre-construction breeding bird survey is recommended to determine if the site is occupied by breeding birds, and to determine best management practices to avoid effects to nests, chicks and

reproduction. 3) Surveys shall be conducted by a qualified breeding bird surveyor between sunrise and 10:00 a.m. under favorable conditions, following interior line transects (Hanni 2002) or Monitoring Colorado Bird's (MCB) point transects (Leukering 2000), or other pre-approved protocol.

Forestry: Any trees needing to be cut and removed shall require the mining operator purchase a special forest product permit. The RGFO forester shall be notified 2 weeks before any ground clearing activities to designate and measure the volume of timber being removed.

Realty: On Aug 6, 2015 the adjacent right-of-way holders, CenturyTel, Fremont County, and Sangre de Cristo, were provided notice of the proposed action and given 30 days to comment.

Lands with Wilderness Characteristics: Inventory COF-020-056; North Coaldale/Cotopaxi, updated in 2015, found the project area to have wilderness characteristics. It is anticipated that the project would impact approximately 2 acres of this unit. The new road would become the unit boundary reducing the total acreage from 17,374 acres to 17,372 acres. The project would not impact wilderness characteristics on the remaining 17,372 acres.

D. Approval and Contact Information

COMPLIANCE PLAN (optional):

NAME OF PREPARER: Stephanie Carter

SUPERVISORY REVIEW: /s/ Jay M. Raiford

NAME OF ENVIRONMENTAL COORDINATOR: /s/ Martin Weimer

DATE: 2/8/16

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: 2/9/16