BLM

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

# Categorical Exclusion

## Assignment of Ross Access Right-of-Way

**PREPARING OFFICE**

U.S. Department of the Interior
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## Assignment of Ross Access Right-of-Way

## DOI-BLM-CO-F020-2015–0055 CX

**Prepared by**
**U.S. Department of the Interior**
**Bureau of Land Management**
**Cañon City, CO**

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# A. Background

**BLM Office:**

Royal Gorge Field Office, LLCOF02

**Lease/Serial/Case File No.:** COC-63621

**Proposed Action Title/Type:** Application for assignment of a right-of-way for a road accessing private property across public land.

**Location of Proposed Action:**

Fremont County, CO

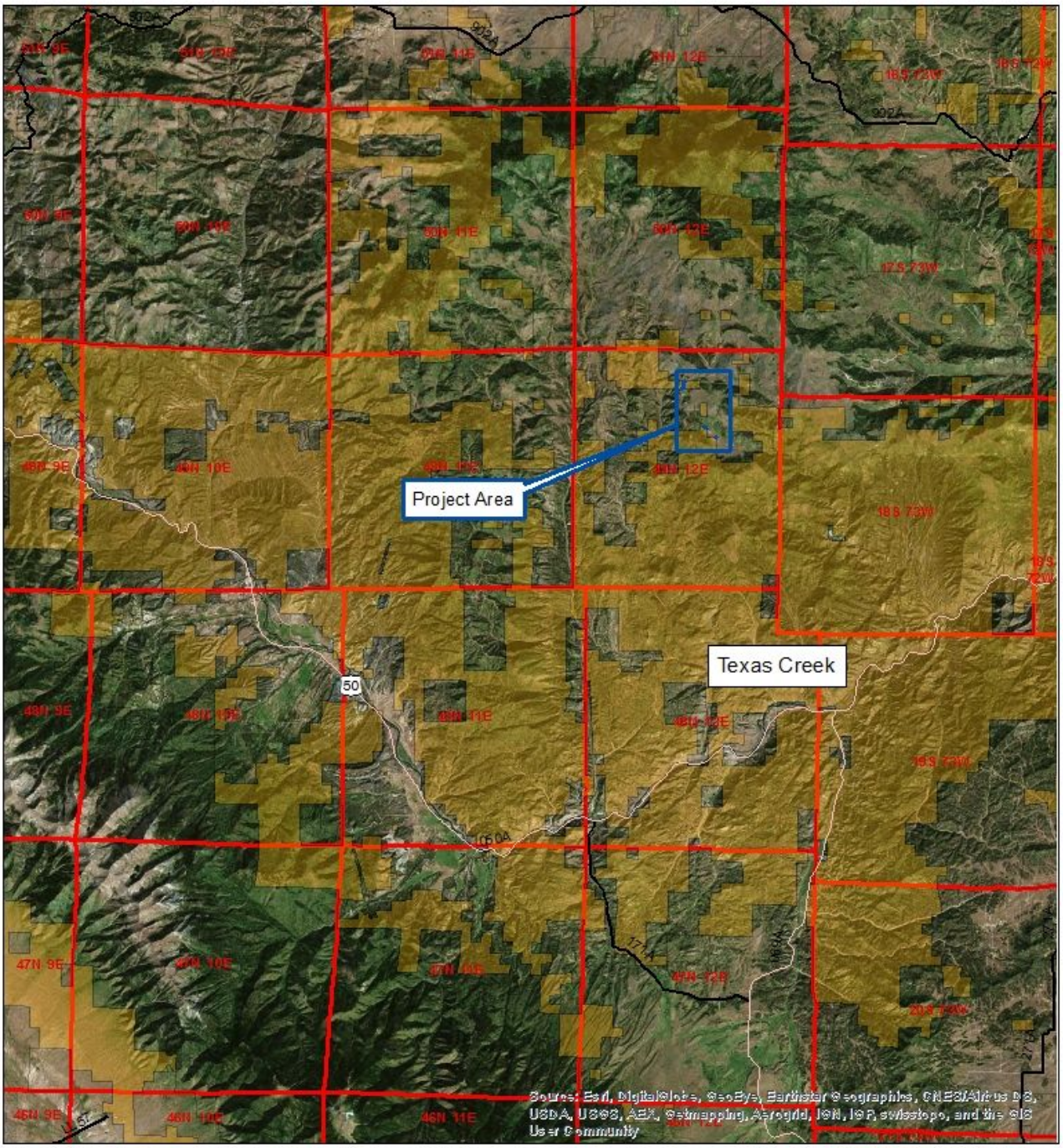
New Mexico PM, T.49 N., R. 12 E., Section 9; Lot 2,

New Mexico PM, T.49 N., R. 12 E., Section 15; Lot 1, S1/2SE1/4NW1/4.

**Applicant:** Michael and Gaynell Ross

**Description of Proposed Action:**The BLM action is to respond to an application received from Michael and Gaynell Ross. The Ross's have requested that a right-of-way grant to operate and maintain an existing road with a buried telephone line to their private property be assigned from Jane Reed. The road is currently a bladed road and will be maintained at current grade and slope to include upkeep and repair of graded natural surface, upkeep and repair of existing drainage facilities, filling potholes with material from off public land, and clearing snow with a plow. No additional improvements have been proposed. The road is proposed as is, 30 feet wide and crossing 1,600 feet of public land. The Ross's have a deeded easement for access across the intervening private parcels.

This ROW was originally granted on April 27, 2000, prior to the Arkansas River Travel Management Plan. Currently, the Arkansas River TMP shows the road designated as 'Closed.' The proposed action would update the Arkansas River TMP to reflect the pre-existing authorization on this road and would be designated as 'Administrative Use.' No public use of the road would be allowed.



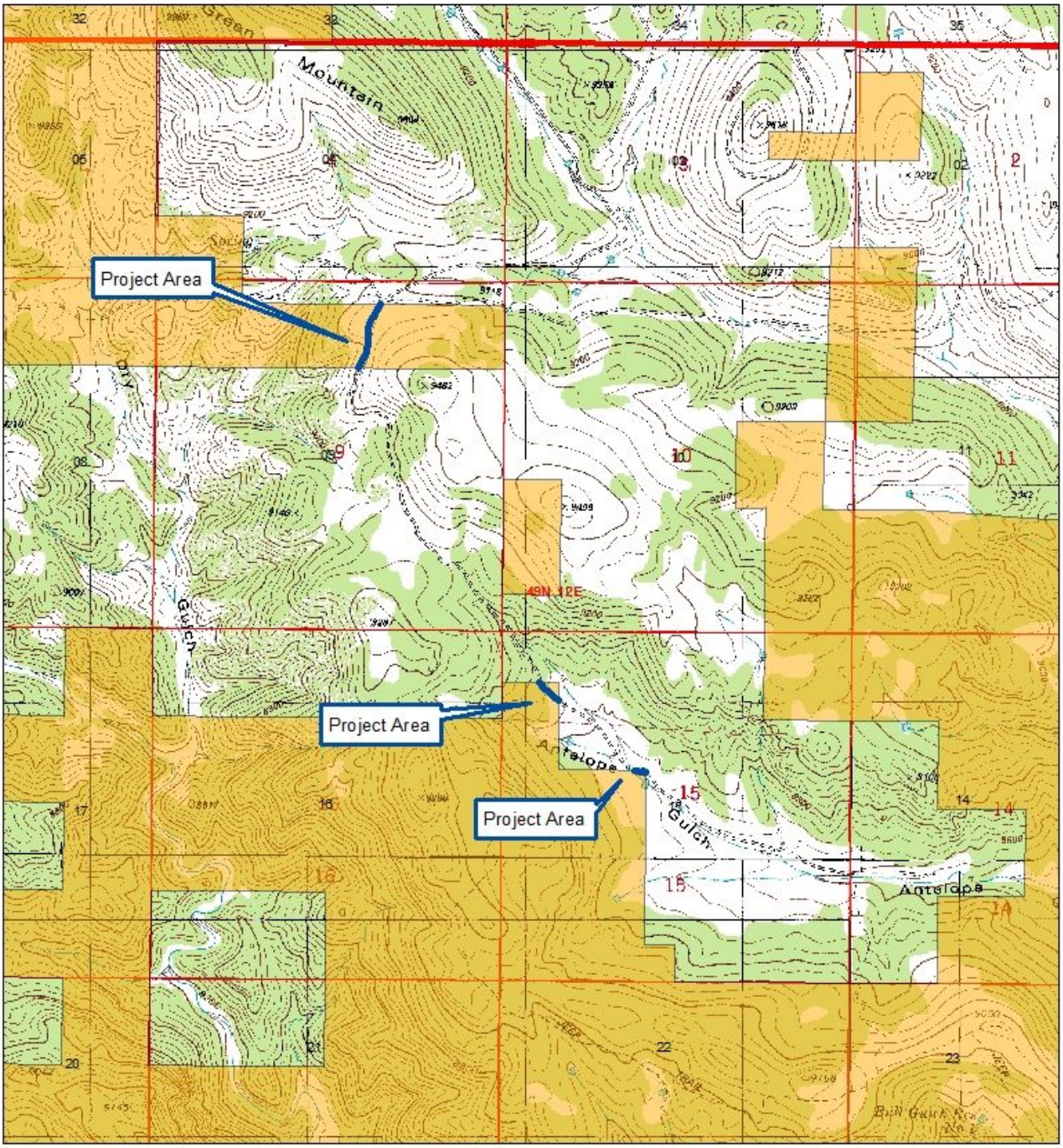

COC-63621 Assignment of Road, Ross

**New Mexico PM, T49N R12E Sec. 9,15.**

0 1.25 2.5 5 Miles

NOTE TO MAP USERS
No warrantee is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of the data layers shown on this map. The official land records of the data providers should be checked or current status on any specific tract of land.

*Chapter 1 Name*
*A. Background*




COC-63621, Assignment for Road, Ross

**New Mexico PM, T49N R12E Sec. 9,15.**

0 0.175 0.35 0.7 Miles

NOTE TO MAP USERS
No warrantee is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of the data layers shown on this map. The official land records of the data providers should be checked or current status on any specific tract of land.

# B. Land Use Plan Conformance

**Land Use Plan Name:**

Name of Plan: Royal Gorge Resource Management Plan

Date Approved: May 1996

Decision Number: C–116

Decision Language: Authorize minor ROWs on a case-by-case basis utilizing criteria for ROW objectives in each specific eco-region.

**Date Approved/Amended:** May 1996

**The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):** C-116

# 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,

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 516 DM 2 apply.

I considered:

CATEGORICAL EXCLUSION REVIEW: This proposed action is listed as a Categorical Exclusion in DOI Departmental Manual Part 516 Chapter 11 9 (E9). 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 |

| Exclusion Criteria | YES | NO |
|---|---|---|
| 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 RESPONSIBIL-ITY** | **Initials/date** |
| Lara Duran | Wildlife Biologist | Terrestrial Wildlife, T&E, Migratory Birds | LD 7/16/15 |
| Jeff Williams | Range Management Spec. | Range, Vegetation, Farmland | JW, 10/20/15 |
| John Lamman | Range Management Spec. | Weeds | JL, 08/17/15 |
| Dave Gilbert | Fisheries Biologist | Aquatic Wildlife, Riparian/Wetlands | DG, 5/27/15 |
| Melissa Smeins | Geologist | Minerals, Paleontology, Waste Hazardous or Solid | MJS, 6/5/2015 |
| John Smeins | Hydrologist | Hydrology, Water Quality/Rights, Soils | JS, 5/26/15 |
| Ty Webb | Prescribed Fire Specialist | Air Quality | TW 10/07/2015 |
| David Parker | Survey Technician | Cadastral Survey | DP 10/20/15 |
| Kalem Lenard | Outdoor Recreation Planner | Recreation, Wilderness, LWCs, Visual, ACEC, W&S Rivers, | KL, 10/19/15 |
| Ken Reed | Forester | Forestry | KR, 5/21/15 |
| Monica Weimer | Archaeologist | Cultural, Native American | MW, 5/21/15 |
| Rich Rotte | Realty Specialist | Realty | RAR5/20/15 |
| Ty Webb | Fire Management Officer | Fire | TW 10/07/2015 |

**REMARKS**:

Cultural Resources: No historic properties were found in the area of potential effect [see reports CR-050–RG-99–12 (N) and CR-RG-07-01 (P)]. 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 and Endangered Species: Secondary habitat for Canada lynx occurs roadside of portions of this road. Vegetation conditions would not change as the result of this project and therefore lynx habitat would not be affected. Issuance of this right of way would not affect

individual lynx. Therefore, there would be NO EFFECT to Canada lynx as the result of this right of way. There are no other federally listed threatened, endangered or proposed species that have suitable habitat within these two allotments and there would NO EFFECT on any other federally listed threatened, endangered or proposed species. Section 7 consultation is not necessary for this project.

BLM Sensitive Species: Since this is an existing road and telephone line and no vegetation would be affected, there would be no changes to foraging or roosting habitats for Townsend's big-eared bat or fringed myotis. These species would still be able to move, roost, hibernate, obtain prey and reproduce. Therefore, there would be no effects to Townsend's big-eared bat or fringed myotis. Suitable habitat for other BLM Sensitive species does not occur in the action area.

Migratory Birds and Terrestrial Wildlife: There are no concerns for migratory birds or terrestrial wildlife associated with renewal of this right of way. There would be no adverse effects to migratory birds.

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.

Minerals/Geologic resources: The right-of-way regulations are explicit as to use of mineral materials in conjunction with right-of-way grants or temporary use permits. The regulations of 43 CFR 2801.1-1(d) provide for the grant holder to pay for all materials used except for those that are necessarily removed in the construction of a project and will be used in the same right-of-way grant or permit. Material removed from a cut can be used on the same right-of-way for a necessary fill operation without a sales contract. However, material excavated from a right-of-way where cuts are not necessary are subject to disposal by BLM and cannot be used without a permit or a contract.

# D. Approval and Contact Information

**COMPLIANCE PLAN** (optional):

**NAME OF PREPARER**: Rich Rotte

**SUPERVISORY REVIEW**: /s/ Jay M Raiford

**NAME OF ENVIRONMENTAL COORDINATOR**: /s/ Martin Weimer

**DATE**: 11/2/15

**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/ Patricia M. Bailey

Patricia M. Bailey, Acting Field Manager

DATE SIGNED: 11/10/15