

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

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**Categorical Exclusion  
Mt. Pisgah Access Right-of-Way**

**PREPARING OFFICE**

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





# **Categorical Exclusion**

## **Mt. Pisgah Access Right-of-Way**

**DOI-BLM-CO-F02–2015–0051 CX**

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

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## A. Background

DOI-BLM-CO-F02-2015-0051 CX

**BLM Office:** Royal Gorge Field Office

**Lease/Serial/Case File No.:** COC-36818

**Proposed Action Title/Type:** Mt. Pisgah Access Right-of-Way

**Location of Proposed Action:** Sixth Principal Meridian, T. 15 S., R. 70 W., Sec. 10: SE $\frac{1}{4}$ SW $\frac{1}{4}$ ; Sec. 15: SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , MS14014.

**Applicant:** Mt. Pisgah HOA, Inc.

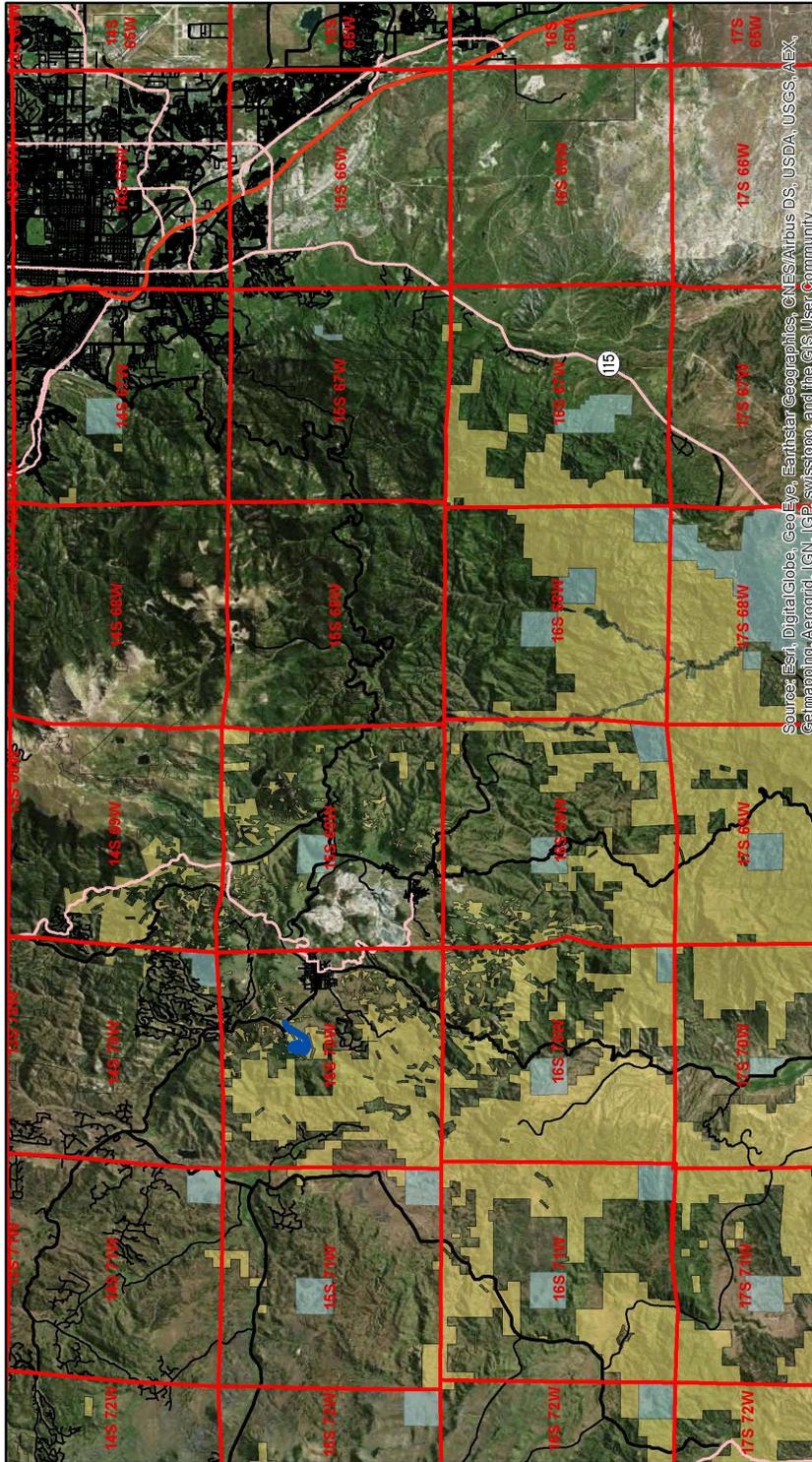
**Description of Proposed Action:** On November 14, 1983, a right-of-way was granted pursuant to the Federal Land Policy and Management Act of October 21, 1976. The grant is for the access road to the top of Mt. Pisgah located off of Teller County Road 1 (see Exhibit A-1). The road provides access to 20 properties (Mt. Pisgah HOA) as well as the BLM radio repeater. The access road is 5625 feet in length and varies in width from 50 to 90 feet for 6.7 acres. The road was originally constructed sometime in the late 1950's. Construction included the use of old car bodies as retaining structures for rock rip rap used in the fill sections of the switchback between the David Crockett and the Little Minnie patented mining claims. It is in this location that the 90 foot width (227 feet in length) is required. The original grant required that shrubs (mountain mahogany and elderberry) be planted to conceal the car bodies. In reviewing pictures in the file taken over the past 25 years, it appears this requirement was not enforced; however, native shrubs/trees have propagated and will eventually form a screen concealing the car bodies. Maintenance is currently performed by Conley Construction and the applicant states: "Conley started graveling with road base last summer. He laid about 1/4 mile. He will lay another 1/4 mile this summer and by 2017, we should be graveled up to the heavy gate. He graded the road last September making it smooth for snow plowing and will do the same this year. He uses a large road grader. The grader is also used to re shape the road side ditches. Culverts along the Mt Pisgah road seem to be sufficient and working".

The road is not accessible to the public due to the fact that it is located entirely on patented mining claims at its commencement with Teller CR #1. Two gates are located on public lands and are depicted on the approved plat of the original grant. The gate located near Station 63+93.10 has been allowed to remain locked; BLM has a key to this gate. The second gate located near Station 95+58.84 remains open at all times.

On July 17, 2013, the HOA made application to renew the grant. Per regulations at 43 CFR 2803.6-5, a renewal may be authorized so long as the facility is still being utilized for the purposes originally authorized and is being maintained in accordance with the provisions of the grant. It has been determined that the holder is in compliance with the terms and conditions of the grant and that the facility is still being used for the purposes originally authorized. Rent is paid through December 31, 2015.

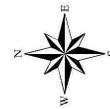
It is recommended that the grant be renewed for a 30-year term, effective November 14, 2013, with the right to operate, maintain and terminate the access road. The grant will adopt in its entirety the survey plat on file labeled Exhibit A and will be issued subject to the standard terms and conditions for rights-of-way and the special stipulations of the original grant with the addition

of Special Stipulations, #4 and #5 (see Exhibit B). No additional rights are being conveyed through renewal of the grant.



**COC-36818, Exhibit A-2**  
**Mt. Pisgah HOA Inc. Access Road**  
**6PM, T15S R70W Sec. 10, 15**

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.



- Legend**
- Township & Range
  - Bureau of Land Management
  - Private
  - State



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroX, @earthmap, AeroGRID, IGN, IGP, swisstopo, and the GIS User Community

**COC-36818, Exhibit A-1**  
**Mt. Pisgah HOA Inc. Access Road**  
**6PM, T15S R70W Sec. 10, 15**



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- Legend**
- Township & Range
  - Sections
  - Bureau of Land Management
  - Private
  - State

**B. Land Use Plan Conformance**

**Land Use Plan Name:**

Name of Plan: Royal Gorge Resource Management Plan

Date Approved: May 1996

Decision Number: 5-61

Decision Language: Minor rights-of-way will be authorized on a case-by-case basis on proposals outside exclusion areas.

**C. Compliance with NEPA:**

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.

**CATEGORICAL EXCLUSION REVIEW:** This proposed action is listed as a Categorical Exclusion in DOI Departmental Manual Part 516 Chapter 11.9 E (9). None of the following exceptions in 516 DM 2, Appendix 2, apply.

**Table 1.1. Exclusion Criteria**

<b>Exclusion Criteria</b>	<b>YES</b>	<b>NO</b>
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

*Chapter 1 Name*

*C. Compliance with NEPA:*

**Table 1.2. Interdisciplinary Team Review**

<b>INTERDISCIPLINARY TEAM REVIEW</b>			
<b>NAME</b>	<b>TITLE</b>	<b>AREA OF RESPONSIBILITY</b>	<b>Initials/date</b>
Lara Duran	Wildlife Biologist	Terrestrial Wildlife, T&E, Migratory Birds	LD, 7/14/2015
Chris Cloninger	Range Management Spec.	Range, Vegetation, Farmland	CC, 5/7/2015
Dave Gilbert	Fisheries Biologist	Aquatic Wildlife, Riparian/Wetlands	DG, 5/13/15
Melissa Smeins	Geologist	Minerals, Paleontology, Waste Hazardous or Solid	MJS, 7/16/2015
John Smeins	Hydrologist	Hydrology, Water Quality/Rights, Soils	JS, 5/7/2015
Ty Webb	Fire Management Officer	Air Quality	TW, 5/12/15
Dave Parker	Cadastral Surveyor	Cadastral Survey	DP, 6/18/15
Linda Skinner	Outdoor Recreation Planner	Recreation, Wilderness, LWCs, Visual, ACEC, W&S Rivers,	LS, 7/16/2015
Ken Reed	Forester	Forestry	KR, 5/17/15
Monica Weimer	Archaeologist	Cultural, Native American	MMW, 5/6/15
Debbie Bellew	Realty Specialist	Realty	DB, 5/6/15
Steve Cunningham	Law Enforcement Ranger	Law Enforcement	N/A
Ty Webb	Fire Management Officer	Fire	TW, 5/12/15

**REMARKS:**

Cultural Resources: The expected impacts of the proposed granting a right-of-way across BLM-administered land will include no surface disturbance at present, however, future maintenance is possible. Because a historic property (5TL4119) is located within the right-of-way (see Report CR-RG-15-82 P), the proposed undertaking has the potential to adversely affect historic properties. In order to avoid an adverse effect, the following stipulation will be attached to the right-of-way grant:

“Prior to any road tower maintenance, the holder must contact the BLM archaeologist. Because additional consultation will be required, the proponent is advised to call the BLM well in advance of its planned maintenance. Following BLM’s consultation with the Colorado SHPO, if fieldwork is required, the holder will be required to hire an archaeological contractor that holds a BLM permit in good standing to monitor 5TL4119 and to prepare all required documentation. A notice to proceed will not be issued until all of the fieldwork is completed and until the SHPO has accepted the related documentation. The holder is responsible for all costs associated with the archaeological work, including, but not limited to, inventory, testing, treatment, excavation, preparation of all associated documentation, and any additional archaeological and scientific analyses.”

Native American Religious Concerns: No possible traditional cultural properties were located during the cultural resources inventory (see above), although a possible vision quest site was identified. However, the site will not be affected, and if maintenance is planned, the BLM will evaluate the potential impacts of the work, and will perform additional consultation if necessary. There is no other known evidence that suggests the project area holds special significance for Native Americans.

**Threatened and Endangered Species:** Although some of the slopes on some portions of this road are forested with Engelmann spruce and other conifer trees, these forested stands are not suitable for Canada lynx. They are geographically isolated from other mesic subalpine forests and the patch size of this isolated stand is not large enough to support snowshoe hare or red squirrel prey. For this reason, these forested stands along this road corridor are not considered habitat for this species. There would be NO EFFECT to Canada lynx from this project. Section 7 consultation is not necessary for this project.

**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.

**Forestry:** If commercial timber, trees greater than 5 inches in diameter, is to be cleared for road improvements (Can't tell from proposed action) then the applicant shall contact (719-269-8576) the BLM forester 2 weeks prior to removal and will be required to purchase the appropriate wood permit. Minor pruning of over-hanging limbs or removal of trees less than 5 inches is authorized.

**Minerals/Geology:** 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.

**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.

## **D. Approval and Contact Information**

**COMPLIANCE PLAN** (optional):

**NAME OF PREPARER:** Debbie Bellew

**SUPERVISORY REVIEW:** Jay M. Raiford

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

**DATE:** 8/5/15

