

**United States Department of the Interior  
Bureau of Land Management**

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**Categorical Exclusion  
DOI-BLM-CO-SO50-2012-0036**

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**December 2012**

**Bureau of Reclamation – Geophysical Test Site**

*Location: Paradox Valley, Montrose County, Colorado*

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**U.S. Department of the Interior  
Uncompahgre Field Office  
2465 South Townsend Avenue  
Montrose, CO 81401  
Phone: (970) 240-5300**



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Uncompahgre Field Office  
Montrose, CO, 81401**

## **CATEGORICAL EXCLUSION**

NUMBER: DOI-BLM-CO-S050-2012-0036 CX

CASEFILE: COC-75443

PROJECT NAME: Short Term Right-of-Way for Geophysical Testing for the Paradox Valley Salinity Control Unit Project

PLANNING UNIT: San Juan/San Miguel Resource Management Unit

LEGAL DESCRIPTION: New Mexico Principal Meridian, Colorado,  
T. 47 N., R. 18 W.,  
Section 22: SW1/4SE1/4.

APPLICANT: Bureau of Reclamation (BOR)

DESCRIPTION OF PROPOSED ACTION: The proposed action is to issue a short term (up to 3 years) right-of-way to Bureau of Reclamation to allow them to conduct geophysical testing. The tests will determine the site's potential suitability for use as a pilot study evaporation pond for the Paradox Valley Salinity Control Unit Project. The site is located approximately 2 ½ miles east of Bedrock.

The proposal includes the following: Up to 6 piezometers (observation wells) consisting of 1-inch diameter pipe to be drilled 15-20 feet deep; and approximately 10 soil test pits, 4 feet wide x 10 feet long x 10-12 feet deep. Top soil from the soil test pits will be stockpiled separately and reused to enhance re-vegetation. Each test pit will be backfilled immediately after gathering soil samples and data before a new pit is dug. The piezometers would be drilled with a truck-mounted auger and would be removed when groundwater data is no longer needed or at the end of the permit term. All disturbed areas would be re-vegetated.

Assuming a site size of 12' x 12' each, which includes room for equipment turn around and spoil piles, the estimated total surface disturbance for the piezometers and test pits is approximately 0.053 acres. See the attached photos of example test pits and piezometers.

The site would be accessed by Montrose County Road Z12 located just north of the site. From the county road the site will be accessed by cross-country travel. Given a maximum width of 8-feet for cross-country access, it is estimated up to an additional 0.5 acre would be disturbed by equipment travel between the test sites. Any newly created routes will be reclaimed. Total

temporary surface disturbance for the parcel including all test sites and access routes is estimated to be 0.553 acres.

The grant would be for a term of 3 years and would be authorized under FLPMA with the right of renewal. The right-of-way would be subject to the attached stipulations, see Exhibit A. As a federal agency, BOR is exempt from paying rent per regulations under 43 CFR 2806.14 (b).

If the geophysical tests conclude that the site is suitable for an evaporation pond, BOR would explore available options for long term conveyance of jurisdiction of the parcel. It is likely a Withdrawal Order would be the authority used for such a transfer of jurisdiction and additional NEPA analysis, as well as public scoping, would be required.

PLAN CONFORMANCE REVIEW: The Proposed Action is subject to and has been reviewed for conformance with (43 CFR 1610.5, BLM 1617.3) the following plan:

Name of Plan: San Juan/San Miguel Resource Management Unit

Date Approved: September 1985

Decision Number/Page: Emphasis Area Ke – Soils and Water, Page 56

Decision Language: Emphasis Area Ke allows for other land actions when they will result in minimal adverse impacts, when they will be beneficial to soils and water management, or when there is a clear and significant public need.

CATEGORICAL EXCLUSION REVIEW: The proposed action qualifies as a categorical exclusion under 516 DM 2, Appendix 1, Number 1.6, which allows for nondestructive data collection (including field, aerial, and satellite surveying and mapping), study, research, and monitoring activities; and 516 DM 11.9, Number: E(19) which allows for issuance of short-term (3 years or less) rights-of-way or land use authorizations for such uses as storage sites and construction sites where the proposal includes rehabilitation to restore the land to its natural or original condition. None of the following exceptions in 516 DM 2, Appendix 2, apply.

Exclusion	YES	NO
1. Have significant adverse effects on public health and safety.	___	___ <u>X</u>
2. Have adverse effects on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; 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.	___	___ <u>X</u>
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.	___	___ <u>X</u>
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	___	___ <u>X</u>

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|---|----------------|
| 5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.  | _____ <u>X</u> |
| 6. Be directly related to other actions with individually insignificant but cumulatively significant environmental effects.   | _____ <u>X</u> |
| 7. Have adverse effects on properties listed, or eligible for listing, in the National Register of Historic Places.   | _____ <u>X</u> |
| 8. Have adverse effects on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species.   | _____ <u>X</u> |
| 9. Have the potential to violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.   | _____ <u>X</u> |
| 10. Have the potential for a disproportionately high and adverse effect on low income or minority populations.  | _____ <u>X</u> |
| 11. Restrict access to and ceremonial use of Indian sacred sites by Indian religious practitioners or adversely affect the physical integrity of such sacred sites.   | _____ <u>X</u> |
| 12. Significantly, 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. | _____ <u>X</u> |

INTERDISCIPLINARY REVIEW:

<u>Name</u>	<u>Title</u>	<u>Area of Responsibility</u>
Linda Reed	Realty Specialist	Lands and Realty
Glade Hadden	Archaeologist	Cultural Resources
Ken Holsinger	Biologist	Threatened and Endangered Species, Wildlife, Migratory Birds
Alan Kraus	Hazmat Coordinator	Solid and Hazardous Wastes

REMARKS:

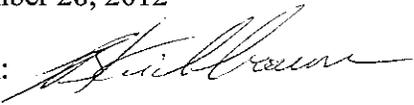
**Cultural Resources:** The proposed project area was examined for Cultural Resource presence on September 17, 2012 by BLM archaeologist Glade Hadden. There are no known or anticipated National Register or otherwise eligible cultural properties within the project area and no further work is required.

**Native American Religious Concerns:** There are none known or anticipated for this project.

**Threatened and Endangered Species:** The project site is located within Bald Eagle winter range. The nature of the proposed action and timing of the action is not expected to have effects to wintering Bald Eagles. No other federally listed or BLM sensitive species are known to inhabit or derive important use of the proposed project area.

Migratory Birds: The highly degraded nature of the proposed site does not offer suitable nesting substrate for bird species of conservation concern under the Migratory Bird Treaty Act. The site is essentially annual rangeland dominated by cheatgrass and alyssum which greatly limits nesting suitability for most native bird species that occur within proximity of the site.

NAME OF PREPARER: Linda Reed November 28, 2012

NAME OF ENVIRONMENTAL COORDINATOR: 

DATE: 12-4-2012

#### 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, Number 1.6 and 516 DM 11.9, E(19). These categorical exclusions are 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.

SIGNATURE OF AUTHORIZED OFFICIAL: 

Barbara Sharrow,  
Uncompahgre Field Office, Field Manager

DATE SIGNED: 12-6-12

## STIPULATIONS

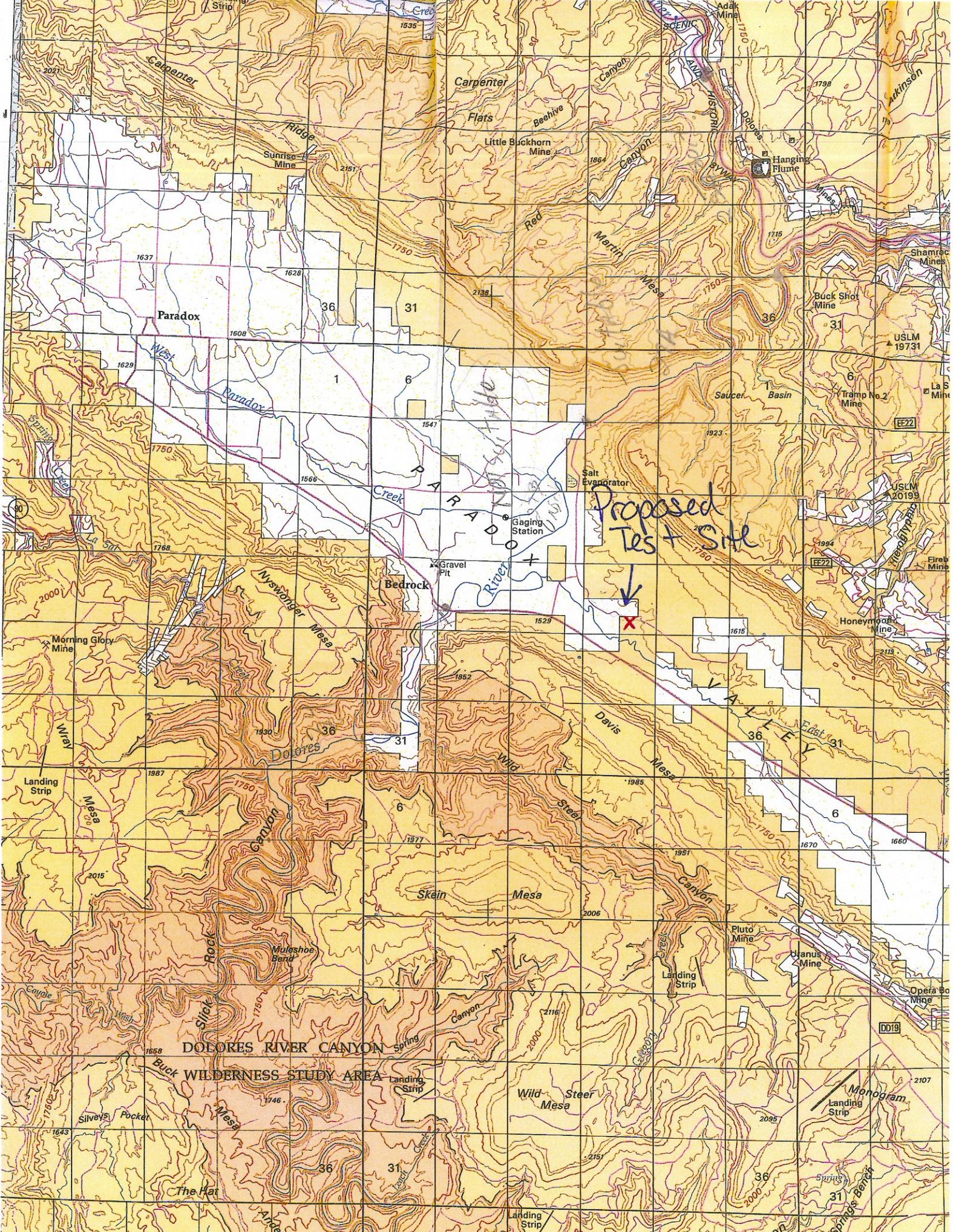
1. The holder and/or its subcontractor shall contact the authorized officer at least two days prior to the anticipated start of construction and/or maintenance activities on the right-of-way. The authorized officer may require and schedule a preconstruction conference with the holder prior to the holder's commencing construction and/or surface disturbing activities on the right-of-way. The holder and/or his representative shall attend this conference. The holder's contractor, or agents involved with construction and/or any surface disturbing activities associated with the right-of-way, shall also attend this conference to review the stipulations of the grant. The BLM authorized representative is Barney Buria, Environmental Protection Specialist, who can be reached at the Uncompahgre Field Office, 2465 South Townsend, Montrose, Colorado 81401 or phone at (970) 240-5333. An alternate contact is Linda Reed, Realty Specialist, Uncompahgre Field Office, (970) 240-5322.
2. The holder shall construct, operate, and maintain the facilities, improvements and structures within this right-of-way in conformance with the terms, conditions and stipulations of this right-of-way. Any relocation, additional construction, or use that is not in accord with the approved conditions shall not be initiated without the prior written approval of the authorized officer. A copy of the complete right-of-way grant, including all plans and stipulations shall be made available at the right-of-way site during construction. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health or the environment.
3. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.
4. Pursuant to 43 CFR 10.4(g), the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.
5. Use of pesticides/herbicides shall comply with the applicable Federal and state laws. Pesticides/herbicides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides/herbicides, the holder shall obtain from the authorized officer written approval of the applicant's plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. The plan should be submitted no later than March 1 of any calendar year

pesticides/herbicides, the holder shall obtain from the authorized officer written approval of the applicant's plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. The plan should be submitted no later than March 1 of any calendar year to cover the proposed activities for the next growing season. Emergency use of pesticides/herbicides shall be approved in writing by the authorized officer prior to such use.

6. The holder shall be responsible for weed control within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations), including pesticides/herbicides approved for use on BLM land.
7. The holder shall comply with applicable State standards for public health and safety, environmental protection and siting, construction, operation and maintenance, if these State standards are more stringent than Federal standards for similar projects.
8. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated regarding toxic substances or hazardous materials. In any event, the holder shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, *et seq.*) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, section 102b. A copy of any report required or requested by any federal agency of state government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency of State government.
9. All construction, operation and maintenance shall be within the authorized limits of the right-of-way granted herein.
10. No burning of trash, litter, trees, brush or other vegetative material shall be allowed under this grant.
11. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support such equipment. If the equipment creates ruts in excess of four (4) inches deep, the soil shall be deemed too wet to adequately support the construction equipment. Emergency repairs are exempt; however, any damages to resources caused by emergency repairs during wet conditions will be repaired as directed by the authorized officer as soon as possible after the occurrence.
12. The holder shall disturb and remove only the minimum amount of soils and vegetation necessary for the construction, operation, and maintenance of the geophysical test sites.

Topsoil shall be conserved during excavation of the test pits and reused as cover on disturbed areas to facilitate regrowth of vegetation. Disturbed areas shall be re-contoured as necessary by grading to restore the area to approximately the original contour of the ground.

13. It is recommended that construction holes from the soil test pits are not left open overnight. However, should extenuating circumstances occur the holes shall be covered overnight. Covers shall be secured in place and shall be strong enough to prevent livestock or wildlife from falling through.
14. Construction of the geophysical test sites shall avoid the time period for use of the grazing allotment, January 3<sup>rd</sup> through February 1<sup>st</sup> unless prior arrangements are made through the BLM with the grazing permittee.
16. All disturbed areas shall be re-seeded with a seed mix recommended by the BLM Uncompahgre Field Office. Contact Ken Holsinger at 970 240-5389.
17. It is the holder's responsibility to comply with all applicable Federal, State, and local laws and regulations existing or hereafter enacted or promulgated. The holder shall obtain and comply with all State and Federal permit requirements, regulations and resolutions.
18. Prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination and rehabilitation plan as necessary. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.



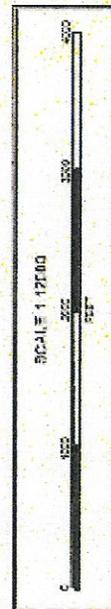
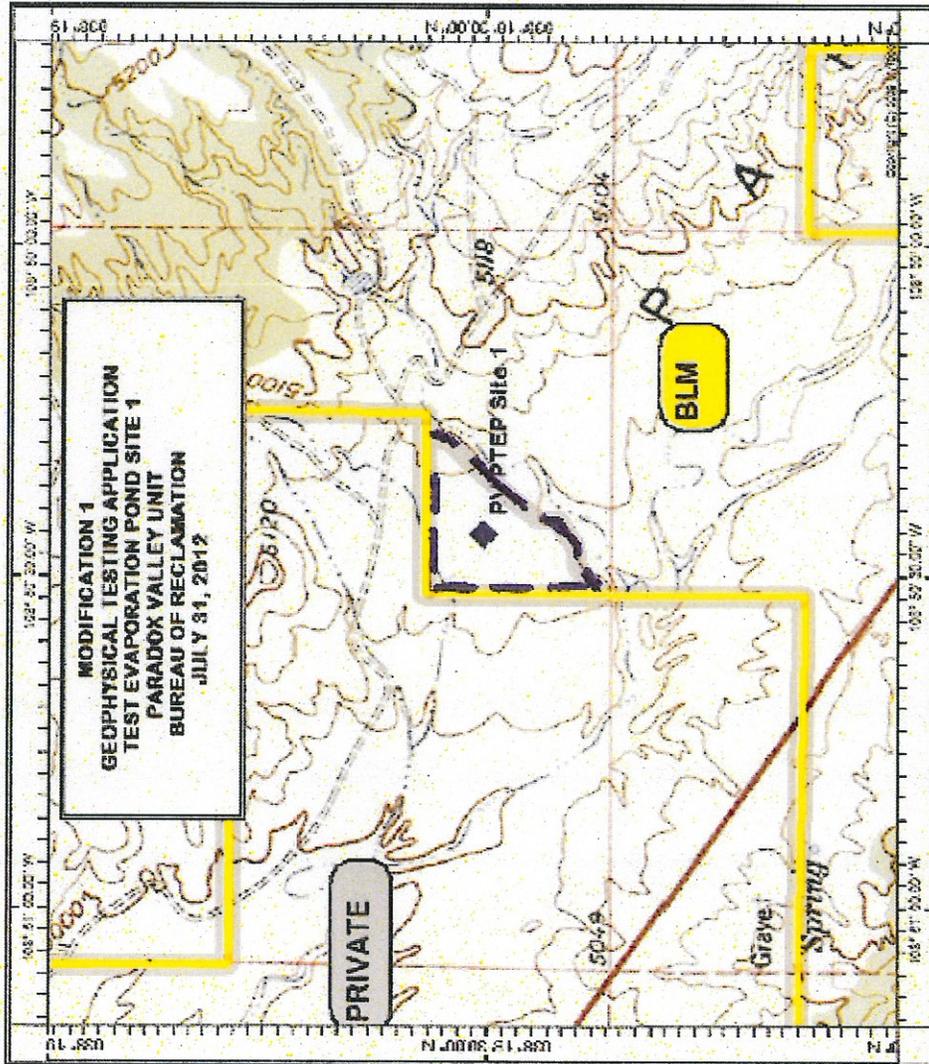
Proposed Test Site



X

DOLORES RIVER CANYON WILDERNESS STUDY AREA

NMPM, T. 47 N., R. 18 W., Section 22, SW1/4SE1/4.  
Geophysical Test Site – COC 75443



**U.S. Department of the Interior  
Bureau of Land Management  
Uncompahgre Field Office  
2465 South Townsend Avenue  
Montrose, CO 81401**

**Decision Record**

**(DOI-BLM-CO-S050-2012-0036 CX)**

PROJECT NAME: Geophysical Test Site Right-of-way for Bureau of Reclamation

DECISION: It is my decision to issue a short term (up to 3 years) right-of-way to the Bureau of Reclamation to allow them to conduct geophysical testing. The tests will determine the site's potential suitability for use as a pilot study evaporation pond for the Paradox Valley Salinity Control Unit Project. The site is approximately 2 ½ miles east of Bedrock.

The proposal includes the following: Up to 6 piezometers (observation wells) consisting of 1-inch diameter pipe to be drilled 15-20 feet deep; and approximately 10 soil test pits, 4 feet wide x 10 feet long x 10-12 feet deep. Top soil from the soil test pits will be stockpiled separately and reused to enhance re-vegetation. Each test pit will be backfilled immediately after gathering soil samples and data before a new pit is dug. The piezometers will be drilled with a truck-mounted auger and will be removed when groundwater data is no longer needed or at the end of the permit term. All disturbed areas will be re-vegetated.

The site will be accessed by Montrose County Road Z12 located just north of the site. From the county road the site will be accessed by cross-country travel. Any newly created routes will be reclaimed.

Total temporary surface disturbance for the parcel including test sites and access routes is estimated to 0.553 acres.

The grant will be for a term of 3 years and will be authorized under FLPMA with the right of renewal. The right-of-way will be subject to the attached stipulations, see Exhibit A. As a federal agency, BOR is exempt from paying rent per regulations under 43 CFR 2806.14 (b).

MITIGATION MEASURES:

All stipulations shown in Exhibit A of the CX will be followed.

RATIONALE:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 2, Appendix 1, Number 1.6 and 516 DM 11.9, E(19). These categorical exclusions are 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.

COMPLIANCE WITH MAJOR LAWS and CONFORMANCE WITH LAND USE PLAN:

The decision is in compliance with applicable laws, regulations and policy, including the Endangered Species Act, Migratory Bird Treaty Act and National Historic Preservation Act. It is also in conformance with the San Juan/San Miguel RMP.

PUBLIC COMMENT:

The BLM informed the public about this project by listing it on the online Uncompahgre NEPA Register and a copy of the completed Categorical Exclusion will be posted on the NEPA website.

ADMINISTRATIVE REMEDIES:

If you are adversely affected by this decision, within 30 days of receipt of this decision you have the right of appeal to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR §4.400. This decision goes into effect immediately and will remain in effect pending appeal unless a stay is granted (43 CFR §2801.10).

NAME OF PREPARER: Linda Reed

NAME OF ENVIRONMENTAL COORDINATOR: 

DATE 12-4-2012

SIGNATURE OF AUTHORIZED OFFICIAL   
Barbara Sharrow  
Field Manager  
Uncompahgre Field Office

DATE SIGNED 12-6-12