

U.S. Department of the Interior  
Bureau of Land Management  
White River Field Office  
220 E Market St  
Meeker, CO 81641

## ENVIRONMENTAL ASSESSMENT

**NUMBER:** DOI-BLM-CO-110-2010-0251-EA

**CASEFILE/PROJECT NUMBER:** COC74572

**PROJECT NAME:** Authorize existing access road

**LEGAL DESCRIPTION:** Sixth Principal Meridian  
T. 1S. R. 94 W.,  
sec. 15, NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

**APPLICANT:** Lenny and Jackie Klinglesmith

**ISSUES AND CONCERNS:** The location is within a grazing allotment permitted to another party. The proposal was brought before NEPA on September 14, 2009 but was deferred until management and law enforcement could give input.

### **DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES:**

***Background/Introduction:*** During analysis using National Aerial Imaging Project (NAIP) imagery of an adjacent project, BLM staff noted that a road had been built on public lands. Rio Blanco County Road 13 (CR 13), also known as Flag Creek Road, cuts diagonally across a corner of BLM managed lands, creating a triangle of land that is contiguous with private lands. The project is located on this parcel. When contacted by the BLM, the applicants asked to continue use of the site. An SF299 and additional information were provided. Subsequent discussions led to withdrawal of the stack yard location, which will be removed and reclaimed. The BLM staff visited the area on multiple dates in September and October, 2010.

When the site was visited by BLM staff, the gates were not locked but a "No Trespassing" sign was posted at the haystack. The public lands are a part of the LaGrange grazing allotment.

**Proposed Action:** Lenny and Jackie Klinglesmith have submitted an application to White River Field Office (WRFO) for authorization of an access road constructed on public lands (Unauthorized Development). The road is located on the west side of CR 13 on public lands. See attached maps Exhibit A and A1.

The applicants constructed a hay storage area and a 600 foot road from private lands to CR 13 to access the private fields and to feed their cattle in winter. The permit requested is for an access

route 600 feet long and 25 feet wide. Total encumbrance would be 0.3 acres and would be authorized by COC74572. The hay stack and associated fence will be removed.

A pre-existing fence follows CR13 and an older fence crosses the small drainage north of the subject road. Neither fence represents property boundaries. The gate from the county road is used for authorized grazing access, and both will be left in place. The applicant has committed to removing their new fence and gate. The haystack was placed on the old Flag Creek road bed which was already level, so no recontouring will be required. Any bare ground would be seeded.

The road was constructed for multi-season use and has been graveled. The applicants wish to retain the road to provide direct access from the county road to the northern portion of their property. The alternate access is by a road which follows the irrigation ditch for approximately 1.3 miles or driving across the fields. The crossing of Flag Creek where there is a culvert would not be modified.

**No Action Alternative:** The request for authorization would be denied. The applicant would remove all the improvements, including the access road, and reclaim the disturbed area. No access would be allowed across public lands.

**ALTERNATIVES CONSIDERED BUT NOT CARRIED FORWARD:** None.

**PURPOSE & NEED FOR THE ACTION:** The need for this action is established by the BLM's responsibility under FLPMA to respond to the applicant's request to operate and maintain a previously constructed road to access private property across public lands. The BLM is also charged with investigating and resolving unauthorized use of public lands (trespass). The applicant's need is to resolve their trespass case and to provide all-season access to their private property for agricultural purposes. The decision to be made by the BLM is whether to issue authorization for the access road (and under what conditions) and to resolve the trespass.

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

Name of Plan: White River Record of Decision and Approved Resource Management Plan (ROD/RMP).

Date Approved: July 1, 1997

Decision Number/Page: Page 2-49 and page 2-50

Decision Language: "To make public lands available for the siting of public and private facilities through the issuance of applicable land use authorizations, in a manner that provides for reasonable protection of other resource values"

"Unauthorized uses of the public lands will be eliminated or properly authorized".

**AFFECTED ENVIRONMENT / ENVIRONMENTAL CONSEQUENCES / MITIGATION MEASURES:**

**STANDARDS FOR PUBLIC LAND HEALTH:** In January 1997, Colorado Bureau of Land Management (BLM) approved the Standards for Public Land Health. These standards cover upland soils, riparian systems, plant and animal communities, threatened and endangered species, and water quality. Standards describe conditions needed to sustain public land health and relate to all uses of the public lands. Because a standard exists for these five categories, a finding must be made for each of them in an environmental analysis. These findings are located in specific elements listed below:

**INTERDISCIPLINARY TEAM ANALYSIS RECORD CHECKLIST:**

<b>DETERMINATION OF STAFF:</b>		
<b>Determination</b>	<b>Resource</b>	<b>Rationale for Determination*</b>
<b>Natural, Biological and Cultural Resources</b>		
NI	Air Quality	No additional disturbance or construction is proposed. The removal of the fences and haystack are not likely to lead to dust production or other emissions beyond what could be expected for casual use.
PI	Soils	Soil compaction has likely occurred for the access road and at the hay storage site.
PI	Wastes (hazardous or solid)	There is potential for machinery failure during reclamation (No-Action Alternative) to result in the accidental release of regulated wastes.
PI	Water Quality (Surface/Ground)	The current road and crossing are well designed for the site and the periodic use that occurs. However, they will need to be maintained to avoid impacts in the future to water quality in Flag Creek.
PI	Wetlands/Riparian Zones	Regardless of what influence the constructed crossing has on upstream or downstream channel conditions, given current management, the BLM administered channel and its adjacent wetlands would likely remain in a static state in the short term.
PI	Vegetation	Since no further construction is proposed, there will be no further impacts to vegetation due to ground disturbing activities.
PI	Invasive, Non-native Species	Implementation of the proposed action will not result in any new disturbance that may create a pathway to further weed invasion.
NP	Threatened, Endangered, and Sensitive Plant Species	There are no special status plant species present in the area of the action.
NI	Threatened, Endangered, and Sensitive Animal Species	The BLM-administered portions of the Flag Creek wetlands are believed to support northern leopard frog, a BLM-sensitive species. However, installation of the crossing is not likely to prompt channel adjustments or changes in wetland conditions that would jeopardize continued occupation of the site by this species. This BLM administered reach comprises less than 1% of Flag Creek's perennial channel and cannot be expected to have any substantive influence on the function or condition of the system.
NI	Migratory Birds	The action is located immediately adjacent to a paved and frequently travelled county road. Nesting use by migratory birds was initially limited and will remain so. Wetland habitat involved with channel

<b>DETERMINATION OF STAFF:</b>		
<b>Determination</b>	<b>Resource</b>	<b>Rationale for Determination*</b>
		fill amounts to less than 600 square feet (about 1/100 of an acre) and does not constitute a meaningful reduction in habitat availability.
NI	Wildlife, Aquatic	This BLM administered portion of Flag Creek is not known to support a fishery. The adjacent wetlands do support amphibians, but these wetlands apparently persist (recharge) independent of waters carried by the nearby channel. Channel conditions and the condition of adjacent wetlands are expected to remain unchanged.
NI	Wildlife, Terrestrial	The action is located immediately adjacent to a paved and frequently travelled county road. Terrestrial wildlife use will not be affected by incidental agricultural access afforded by this crossing.
NP	Wild Horses	The proposed action is not located within a designated wild horse management area. The proposed action would have no impacts on wild horse management.
NP	Cultural Resources	The access road and hay yard were inventoried at the Class III (100% pedestrian) level with cultural resources not located (Rowley 2010 Compliance Dated 9/15/2010).
NP	Paleontology	Project is in area generally mapped as Manco Shale (Tweto 1979) which is not known to produce noteworthy fossil in the area (Armstrong and Wolny 1989).

NP = not present in the area impacted by the proposed or alternative actions

NI = present, but not affected to a degree that detailed analysis is required

PI = present with potential for impact analyzed in detail in the EA

## **NATURAL, BIOLOGICAL, AND CULTURAL RESOURCES**

### **SOILS**

*Affected Environment:* The classification of soils located on the BLM administered land in this section of BLM land is a deep Kobar silty-clay loam and has slopes of 3-8%. The soil survey for this soil type recommends drill seeding for establishing hay on these soils and warns against compaction during wet conditions. The road and the hay stack site are in fairly flat terrain except for the drop into Flag Creek. There are no fragile soils or Federal lands prone to landslides that will be impacted by the Proposed Action.

*Environmental Consequences of the Proposed Action:* According to the soil survey the productivity of the Kobar silty-clay loam soils are prone to impacts from compaction. Since it is likely that the soils under the haystack have been compacted through past use, seeding alone may be ineffective for these soils. Soil preparation before seeding is likely improve the potential for success.

Maintenance of access road to be approved under the ROW is important since the soil survey indicates that runoff can become rapid with compaction. Compacted soils have lower productivity due to more rapid runoff and reduced infiltration. See the Water Quality section for a description of these impacts.

The hay stack site was graded at some point in the past, apparently for an old county road alignment. This location was a level area that was used for hay storage over the last few years. Soils in this area would be more productive if the original contours were established and the site was decompacted before seeding efforts. Re-grading and decompacting the site would reduce the potential loss of productivity from these soils from these past uses, would enhance reclamation efforts and will reduce the potential for future erosion from the site. If the area is not re-graded or decompacted the soils are less likely to be productive in this small area as compared to the surrounding soils and may be more prone to erosion in the future, but should remain stable.

*Environmental Consequences of the No Action Alternative:* Soils would be disturbed to remove the road and these efforts would include returning the original contours and decompacting soils in disturbed areas as per typical reclamation practices. Impacts for the haystack area would be similar to those described in the Proposed Action.

*Mitigation:* The following should be added as conditions of approval:

1. The ROW holder will decompact soils under the haystack before seeding and restore the original contours of the site. This should be accomplished by a disk or ripping teeth at least three inches deep to decompact the surface and a tractor with a bucket or grader to remove the cut and fill on the site to restore the original contours. Drill seeding is the preferred method for seeding, but after soil preparation broadcast seeding can be done at twice the recommended rate.

*Finding on the Public Land Health Standard for upland soils:* With mitigation this action is unlikely to reduce the productivity of soils on public lands.

## **WASTES, HAZARDOUS OR SOLID**

*Affected Environment:* There are no known hazardous or other solid wastes on the subject lands. No hazardous materials are known to have been used, stored, or disposed of at sites included in the project area.

*Environmental Consequences of the Proposed Action:* The potential for harm to the environment is presented by risks associated with spills of fuel, oil and/or hazardous substances being transported along the road. Accidents and mechanical breakdown of machinery are also possible.

*Environmental Consequences of the No-Action Alternative:* The potential for harm to the environment is presented by risks associated with spills of fuel, oil and/or hazardous substances during reclamation work. Accidents and mechanical breakdown of machinery are also possible.

*Mitigation:*

1. The right-of-way holder shall comply with all federal, state and/or local laws, rules, and regulations addressing the emission of and/or the handling, use, and release of any substance that poses a risk of harm to human health or the environment.
2. As a reasonable and prudent right-of-way holder, acting in good faith, the holder will report all emissions or releases that may pose a risk of harm to human health or the environment, regardless of a substance's status as exempt or nonexempt and regardless of fault, to the Bureau of Land Management's White River Field Office at (970) 878-3800.

**WATER QUALITY, SURFACE AND GROUND** (includes a finding on Standard 5)

*Affected Environment:* This small portion of BLM administered land is south of the town of Meeker in the Flag Creek drainage along county road 13. This section includes an ephemeral gully coming in from east across, the county road, and a road crossing on Flag Creek that is perennial or intermittent in this section. The Flag Creek crossing has a 2 foot diameter culvert and a low or pour over point in the road surface that would act as a spillway for flood flows beyond the capacity of the culvert. Table 2 describes water segments that may be impacted by this project.

Table 2. Water Quality Classification Table\*

Seg.	Segment Name	Use Protected	Protected Beneficial Uses			
			Aquatic Life	Recreation	Agriculture	Water Supply
8	Tributaries to the White River from the confluence of the South and North Fork of the White River to Piceance Creek	No	Cold 1	Primary Contact Recreation	Yes	Yes

\* Colorado Department Of Public Health And Environment, Water Quality Control Commission, Regulation No. 37 Classifications and Numeric Standards For Lower Colorado River Basin, Effective June 30, 2010

Flag Creek is in White River segment 8 and is protected for cold water aquatic life (Cold 1). The cold water designation is protective of aquatic life, including trout, normally found in waters where the summer weekly average temperature does not frequently exceed 20 °C. Cold waters typically have high numerical standards and are applied where the physical habitat, water flows and water quality conditions exist. These segments also have standards that are protective of recreation, agriculture and water supply.

*Environmental Consequences of the Proposed Action:* The Proposed Action will authorize the use of a low traffic road with spot gravel and a crossing on Flag Creek. The crossing has a 2-foot diameter culvert that is adequate for bankfull flow due to a small wetland area above the culvert entrance where water can pool. Based on a site visit on May 26, 2011 by the WRFO Hydrologist, typical bankfull conditions can pass without erosion to the crossing. This is due to the addition of large cobble to boulder material (diameters of 4 inches to 12

inches) that has been added to the fill on either side of the culvert. This fill is porous and allows some water movement without compromising the culvert. There is also a low point on the crossing that would act as a spillway during high flows. This would likely be used for a 5 or 10-year event. A larger event of maybe 25 to 50-year would likely compromise the crossing, but since this crossing is only used to access the pasture on private lands the loss of this crossing until repair should not be problem. Rebuilding the crossing would consist of replacing any of the cobble and boulder that may have lost downstream with more material and maybe repairing or replacing the culvert. This kind of activity should be considered normal maintenance for this road.

Potential direct impacts would include surface soil compaction caused by the hay storage area and the road bed, potential failure of the Flag Creek crossing, and the potential failure of the tributary crossing for the county road. No additional disturbance or construction is proposed. The removal of the fences and haystack are not likely to lead to new disturbance and reclamation efforts will likely stabilize this flat site. No indirect impacts to water quality are expected off this site since the road is already constructed. However, if the road is not maintained with spot gravel in the way it is currently impacts could occur.

Compaction from the hay storage area and the road would reduce infiltration and may increase runoff in these areas small localized areas. Indirect impacts away from the disturbance and the access roads are not expected if steep slopes and soil with landslide potential remain stable around the access roads and pole placement sites.

The stream crossing on Flag Creek will likely be compromised in a large storm event. Should this occur it is likely that some of the cobble and boulders used for fill around the culvert will be deposited downstream and some of the sediment deposited upstream of the crossing may be transported downstream. Failure of the crossing is likely to result in short-term (during the storm) impacts to water quality, but these impacts are likely to be within the normal variability of a stream system like this that is heavily incised. If the crossing is rebuilt with the same type of material impacts are not likely to be persistent.

The drainage feature for the County Road on the tributary to Flag Creek that comes in below (north) the turnoff for the road that would be permitted under the proposed action is undersized and is failing. At some point in the future this feature may compromise the entrance to the road to be permitted. At that point with coordination with the Rio Blanco County the road entrance should be rebuilt.

*Environmental Consequences of the No Action Alternative:* No impacts identified.

*Mitigation:* The following should be added as a condition of approval, or as part of the Proposed Action with the consent of the proponent.

1. The road and crossing will be maintained to the current conditions and according to BLM Manual Section 9113 standards for road shape and drainage features. If the crossing on Flag Creek is compromised during a storm event, the BLM (realty specialist with the Whiter River Field Office) will be notified immediately and similar material (boulder and

cobble (4 to 12 inches in diameter) will be used to repair the crossing before continued use. The culvert and the low point or spill way will be reconstructed in a similar manner to how they exist at the time of permit approval. Any change in crossing design must have written approval by the BLM and the crossing shall not be used by vehicles until it is repaired.

*Finding on the Public Land Health Standard for water quality:* It is unlikely that construction or maintenance of the access road would result in an exceedence of state water quality standards.

## **WETLANDS AND RIPARIAN ZONES (includes a finding on Standard 2)**

*Affected Environment:* The road crossing involves Flag Creek, a relatively large perennial system that, in the vicinity of this project, generally supports a well-developed sedge-rush riparian and broad adjacent sedge-dominated wetland system within the channel incise. The BLM administers about 300 meters of channel, which constitutes less than 1% of the perennial channel associated with this system. The current road crossing lies about 25 meters below the upstream boundary of the BLM property. The BLM channel is severely entrenched and although growing season flows are largely confined to an un-vegetated slot channel, its upper banks and adjacent terraces are heavily armored with dense sedge and rush growth (this isolated parcel has received little, if any, grazing use in the last decade). This channel profile contrasts with adjacent privately-owned reaches (up and downstream) that possess better defined and more regularly accessible 5 to 10 meter-wide floodplains. Channel bed elevation and the reach gradient are presently delimited by another culvert/road crossing a few meters below the downstream margin of the BLM property (on private lands). Due to strong vegetation-derived stability (from moisture available from adjoining wetlands) the BLM reach may be in a persistent at-risk condition that will ultimately develop (via bank erosion) floodplain features similar to those on adjacent private lands. The channel is believed to be subject to large flood flows since the stream drains about 43 square miles above this project site.

*Environmental Consequences of the Proposed Action:* The road crossing has been constructed with 4-5 feet of fill perpendicular to ~30 feet of channel and its adjoining banks and wetlands. Although the crossing was apparently selected because of a natural narrowing of the floodplain, flow constriction caused by the installed culvert (estimated 42" can) has apparently prompted a nickpoint that is in the process of migrating upstream toward private land. This downcutting event and subsequent entrenchment will gradually excavate channel material until an upstream equilibrium is attained. The entrenched BLM channel will efficiently transport this material onto private lands downstream of the BLM. The same process will occur more rapidly in the event of culvert blockage or when flows exceed the capacity of the culvert (bank full flows on May 23, 2011 assumed ~75% of culvert capacity), that is, emplaced fill material will likely be removed and transported downstream through the BLM reach. Major events would likely result in substantial deposition and bar formation in downstream reaches, but this material would eventually be incorporated onto existing floodplain features or transported as minor pulses of sediment into the White River. The BLM parcel is simply too diminutive to have any consequence on the condition or function of the Flag Creek system. Regardless of what influence

the constructed crossing has on upstream or downstream channel conditions, given current management, the BLM administered channel and its adjacent wetlands would likely remain in a static state in the short term.

*Environmental Consequences of the No Action Alternative:* Removing the fill and culvert at the road crossing would allow flood flows full access to the channel and terraces. Although flow concentration attributable to channel entrenchment would ease and that associated with culvert confinement would cease, it is likely that, at least in the short term, the nick point above the crossing would continue to migrate upstream and produce small amounts of sediment that would be deposited on private lands below the BLM parcel. Removal would also avoid large pulses of sediment contributed downstream caused by culvert or fill failure. Removal of the crossing would not have an influence on the functional status or condition of the BLM channel.

*Mitigation:* None.

*Finding on the Public Land Health Standard for riparian systems:* The BLM reach is believed to be in a non-functional state and, by definition, does not meet the land health standard. The ability of this system to achieve a properly functioning state (lateral channel migration and/or aggradation) is constrained by a private road crossing/culvert at the downstream margin of the property. The effect of an additional culvert and fill feature at the upper margin of the property is likely to affect only the upstream property owner (applicant). The BLM reach will likely serve only as a conduit for sediment and neither alternative is expected to have any effective bearing on the status of the BLM reach in terms of the land health standard.

## **VEGETATION** (includes a finding on Standard 3)

*Affected Environment:* The proposed road is on a deep clay loam range site. The potential plant community on this unit is mainly western wheatgrass, letterman needle grass, mutton grass, slender wheatgrass, and big sagebrush. Smaller amounts of serviceberry, rabbit brush, and greasewood commonly are also present in the potential plant community.

*Environmental Consequences of the Proposed Action:* Implementation of the Proposed Action would not have any new effects to vegetation. During road construction, vegetation was cleared to make the road surface and covered with gravel. Since no further construction is proposed, there will be no further impacts to vegetation due to ground disturbing activities. The potential does exist to have some plant loss due to dust while driving the road; however the infrequent casual use by the rancher minimizes the possibility of this occurring.

*Environmental Consequences of the No Action Alternative:* The no action alternative would result in no right-of-way being issued and the need to reclaim the existing road. This would involve removing the gravel, re-contouring the road bed, and seeding using a BLM approved seed mix.

*Mitigation:* Any seeding that takes place will be done with seed mix #6 out of the WRFO reclamation protocol. Seeding rates are expressed in pounds of PLS/acre and the rates shown are the drill seed rates. If seed is broadcast, double the seed rate and rake or harrow into the soil.

White River Field Office Reclamation Protocol Seed Mix #6			
Common Name	Scientific Name	Variety	Rate (PLS Pounds/acre)
Snake River wheatgrass	<i>Elymus Wawawaiensis</i>	Secar	2
Slender wheatgrass	<i>Elymus trachycaulus</i>	San Luis	2
Big bluegrass	<i>Poa secunda ssp. ampla</i>	Sherman	1
Mounatin brome	<i>Bromus marginatus</i>	Bromar	2
Lewis flax	<i>Linum lewisii</i>	Maple Grove	1
Rocky Mountain Penstemon	<i>Penstemon strictus</i>	Bandera	0.5

*Finding on the Public Land Health Standard for plant and animal communities* (partial, see also Wildlife, Aquatic and Wildlife, Terrestrial): Currently the project is meeting land health standards for plant and animal communities. Vegetation diversity, composition, and vigor are all meeting expectations, and implementation of the Proposed Action will not negatively impact the area’s ability to continue to meet standards.

**INVASIVE, NON-NATIVE SPECIES**

*Affected Environment:* The project area does have a small infestation of Canada thistle and houndstongue on a fill slope along the road. Both of these species are classified as List B noxious weeds on the state of Colorado noxious weed list. No other non-native species were noted in the area.

*Environmental Consequences of the Proposed Action:* Implementation of the Proposed Action will not result in any new disturbance that may create a pathway to further weed invasion. Invasive/noxious weeds readily invade sites where soil and vegetation is disturbed, and the original disturbance from the road being constructed did create areas for weeds to establish along some of the cut/fills. Use of the road also provides opportunity for weeds to move onto the site when seeds are carried from other areas by vehicle traffic.

*Environmental Consequences of the No Action Alternative:* If no right-of-way is granted, reclamation will be completed on the road. This will require the use of equipment to re-contour the area further disturbing soils. This disturbance would be a short-term disturbance, and promptly reseeding the area with an approved seed mix with vegetation capable of competing with non-native species will minimize the risk of further invasion.

*Mitigation:*

1. The applicant will monitor the road for noxious and invasive weeds. If weeds are found, they will be treated using a BLM approved method.
2. If chemicals are to be used to treat weeds, all applications will be done under the supervision of a certified applicator and an approved pesticide use proposal (PUP).
3. Pesticide application records (PAR) for any weed treatments will be submitted to the WRFO on September 30 of each year. Any herbicide applications completed after September 30<sup>th</sup> will be submitted on the following years records.

**ELEMENTS NOT PRESENT OR NOT AFFECTED:**

No flood plains or prime and unique farmlands exist within the area affected by the Proposed Action. There are also no Native American religious or environmental justice concerns associated with the Proposed Action.

**OTHER ELEMENTS:** For the following elements, only those brought forward for analysis will be addressed further.

Other Elements	NA or Not Present	Applicable or Present, No Impact	Applicable & Present and Brought Forward for Analysis
Visual Resources		X	
Fire Management	X		
Forest Management	X		
Hydrology/Water Rights		X	
Rangeland Management		X	
Realty Authorizations			X
Recreation		X	
Access and Transportation			X
Geology and Minerals	X		
Areas of Environmental Concern	X		
Wilderness	X		
Wild and Scenic Rivers	X		
Cadastral	X		
Socio-Economics	X		
Law Enforcement		X	

**ACCESS AND TRANSPORTATION**

*Affected Environment:* The road that is the proposed project is located on the west side of CR 13 on public lands, approximately 4.5 miles south of the Town of Meeker. The applicants wish to continue use of this road to directly access the northern portion of their property. This

route allows them to travel only 600 feet to access their property as opposed to 1.33 miles along an irrigation ditch, or driving directly over the agricultural fields.

*Environmental Consequences of the Proposed Action:* Impacts to access and transportation from the Proposed Action would generally be beneficial by allowing the applicant direct access to their private property. The road is in good condition and is meant for multi-season use. No new disturbance beyond the existing roadbed would be required.

*Environmental Consequences of the No Action Alternative:* No access would be allowed across public lands and the applicant would be forced to travel 1.33 miles to access their private property.

*Mitigation:* None.

## REALTY AUTHORIZATIONS

*Affected Environment:* The applicants had constructed an unauthorized road and a fenced area for storage of hay. The trespass was serialized as COC74572. Approximately 600 feet of road was constructed, hay was stored, and a fence constructed on public lands. Qwest communication line COC25362 and White River Electric line COC39316 are located adjacent to Rio Blanco County Road 13 on public lands crossed by the road. Miller Creek Ditch ROW 50053 crosses immediately north of the subject road.

*Environmental Consequences of the Proposed Action:* Use of an existing road for domestic or agricultural use is considered casual use. However, construction of a new road requires analysis and authorization. Storage of equipment or material on public lands requires a small site right-of-way. The approval of the Proposed Action would resolve the trespass case:

- 1) the road would be authorized and used for accessing the ranch operations; and
- 2) the hay stack and fence would be removed and the disturbance reclaimed.

Authorized agricultural usage and maintenance should not impact the utility facilities as no poles or access pedestals are located at the road entrance. The Miller Creek Ditch is located on the northeast side of CR 13.

*Environmental Consequences of the No Action Alternative:* The trespass case would not be resolved and an alternative decision would need to be reached.

*Mitigation:*

1. All activities shall comply with all applicable local, state, and federal laws, statutes, regulations, standards, and implementation plans. This includes acquiring all required State and/or local permits, effectively coordinating with existing facility ROW holders, and implementing all applicable mitigation measures required by each permit.
2. At least 90 days 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. This plan shall include, but

is not limited to, removal of facilities, drainage structures, and surface material (e.g., gravel); recontouring, spreading topsoil; or seeding. The Authorized Officer must approve the plan in writing prior to the holder's commencement of any termination activities.

**CUMULATIVE IMPACTS SUMMARY:**

This proposal is a localized action within the Flag Creek drainage for domestic and agricultural usage and is consistent with the scope of impacts addressed in the White River ROD/RMP. The cumulative impacts of such land use authorization are addressed in the White River ROD/RMP for each resource value that would be affected by the proposed action.

**REFERENCES CITED:**

Armstrong, Harley J. and David G. Wolny  
 1989 Paleontological Resources of Northwest Colorado: A Regional Analysis. Museum of Western Colorado, Grand Junction, Colorado

Rowley, Brent  
 2010 Klinglesmith Trespass Class III Survey in Rio Blanco County, Colorado. Bureau of Land Management, White River Field Office, Meeker, Colorado. #10/10/25

Tweto, Ogden  
 1979 Geologic Map of Colorado. United States Geologic Survey, Department of the Interior, Reston, Virginia.

**PERSONS / AGENCIES CONSULTED:**

**INTERDISCIPLINARY REVIEW:**

<b>Name</b>	<b>Title</b>	<b>Area of Responsibility</b>	<b>Date Signed</b>
Bob Lange	Hydrologist	Air Quality, Water Quality, Surface and Ground Hydrology and Water Rights, Soils	5/31/2011
Zoe Miller	Ecologist	Areas of Critical Environmental Concern, Threatened and Endangered Plant Species	6/6/2011
Michael Selle	Archeologist	Cultural Resources, Paleontological Resources	4/12/2011
Matthew Dupire	Rangeland Management Specialist	Invasive, Non-Native Species, Vegetation , Rangeland Management	6/7/2011
Ed Hollowed	Wildlife Biologist	Migratory Birds, Threatened, Endangered and Sensitive Animal Species, Terrestrial and Aquatic Wildlife, Wetlands and Riparian Zones	5/23/2011
Christina Barlow	Natural Resource Specialist/HazMat Coordinator	Wastes, Hazardous or Solid	5/9/2011

<b>Name</b>	<b>Title</b>	<b>Area of Responsibility</b>	<b>Date Signed</b>
Chad Schneckenburger	Outdoor Recreation Planner	Wilderness, Access and Transportation, Recreation	5/24/2011
Jim Michels	Supervisory Natural Resource Specialist	Fire Management, Forest Management	5/3/2011
Paul Daggett	Mining Engineer	Geology and Minerals	5/3/2011
Jeanne Newman	Realty Specialist	Realty Authorizations	6/9/2011
Chad Schneckenburger	Natural Resource Specialist / Outdoor Recreation Planner	Visual Resources	5/24/2011
Melissa J. Kindall	Range Technician	Wild Horses	5/11/2011

# **Finding of No Significant Impact/Decision Record (FONSI/DR)**

## **DOI-BLM-CO-110-2010-0251-EA**

**FINDING OF NO SIGNIFICANT IMPACT (FONSI)/RATIONALE:** The environmental assessment and analysis of the environmental effects of the proposed action have been reviewed. The approved mitigation measures (listed below) result in a Finding of No Significant Impact on the human environment. Therefore, an environmental impact statement is not necessary to further analyze the environmental effects of the proposed action.

**DECISION/RATIONALE:** It is my decision to issue authorization for the access road under the conditions described in the Proposed Action (e.g., the removal of the fence and gate). The applicant will not be required to recontour the site where the haystack was placed on the old Flag Creek Road since it was an existing level road bed and since the analysis in the Soils Section of the EA states that the site should remain stable in the absence of such recontouring work however they will be required to seed any bare ground.

**MITIGATION MEASURES:**

1. The right-of-way holder shall comply with all federal, state and/or local laws, rules, and regulations addressing the emission of and/or the handling, use, and release of any substance that poses a risk of harm to human health or the environment.
2. As a reasonable and prudent right-of-way holder, acting in good faith, the holder will report all emissions or releases that may pose a risk of harm to human health or the environment, regardless of a substance's status as exempt or nonexempt and regardless of fault, to the Bureau of Land Management's White River Field Office at (970) 878-3800.
3. The road and crossing will be maintained to the current conditions and according to BLM Manual Section 9113 standards for road shape and drainage features. If the crossing on Flag Creek is compromised during a storm event, the BLM (reality specialist with the Whiter River Field Office) will be notified immediately and similar material (boulder and cobble (4 to 12 inches in diameter) will be used to repair the crossing before continued use. The culvert and the low point or spill way will be reconstructed in a similar manner to how they exist at the time of permit approval. Any change in crossing design must have written approval by the BLM and the crossing shall not be used by vehicles until it is repaired.
4. The applicant will monitor the road for noxious and invasive weeds. If weeds are found, they will be treated using a BLM approved method.

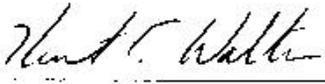
5. If chemicals are to be used to treat weeds, all applications will be done under the supervision of a certified applicator and an approved pesticide use proposal (PUP).
6. Pesticide application records (PAR) for any weed treatments will be submitted to the WRFO on September 30 of each year. Any herbicide applications completed after September 30<sup>th</sup> will be submitted on the following years records.
7. All activities shall comply with all applicable local, state, and federal laws, statutes, regulations, standards, and implementation plans. This includes acquiring all required State and/or local permits, effectively coordinating with existing facility ROW holders, and implementing all applicable mitigation measures required by each permit.
8. At least 90 days 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. This plan shall include, but is not limited to, removal of facilities, drainage structures, and surface material (e.g., gravel); recontouring, spreading topsoil; or seeding. The Authorized Officer must approve the plan in writing prior to the holder's commencement of any termination activities.
9. Any seed that takes place will be done with seed mix #6 out of the WRFO reclamation protocol. Seeding rates are expressed in pounds of PLS/acre and the rates shown are the drill seed rates. If seed is broadcast, double the seed rate and rake or harrow into the soil.

<b>White River Field Office Reclamation Protocol Seed Mix #6</b>			
<b>Common Name</b>	<b>Scientific Name</b>	<b>Variety</b>	<b>Rate (PLS Pounds/acre)</b>
Snake River wheatgrass	<i>Elymus Wawawaiensis</i>	Secar	2
Slender wheatgrass	<i>Elymus trachycaulus</i>	San Luis	2
Big bluegrass	<i>Poa secunda ssp. ampla</i>	Sherman	1
Mounatin brome	<i>Bromus marginatus</i>	Bromar	2
Lewis flax	<i>Linum lewisii</i>	Maple Grove	1
Rocky Mountain Penstemon	<i>Penstemon strictus</i>	Bandera	0.5

**COMPLIANCE/MONITORING:** On-going compliance inspections and monitoring will be conducted by White River Field Office staff during operation, maintenance, and reclamation of the project. Specific mitigation developed in this document and the terms and conditions of the grant will be followed.

**NAME OF PREPARER:** Jeanne E. Newman

**NAME OF ENVIRONMENTAL COORDINATOR:** Heather Sauls

**SIGNATURE OF AUTHORIZED OFFICIAL:**   
Field Manager

**DATE SIGNED:** 07/05/11

**ATTACHMENTS:**

Exhibit A – Area: Location of Klinglesmith Road and Storage Yard

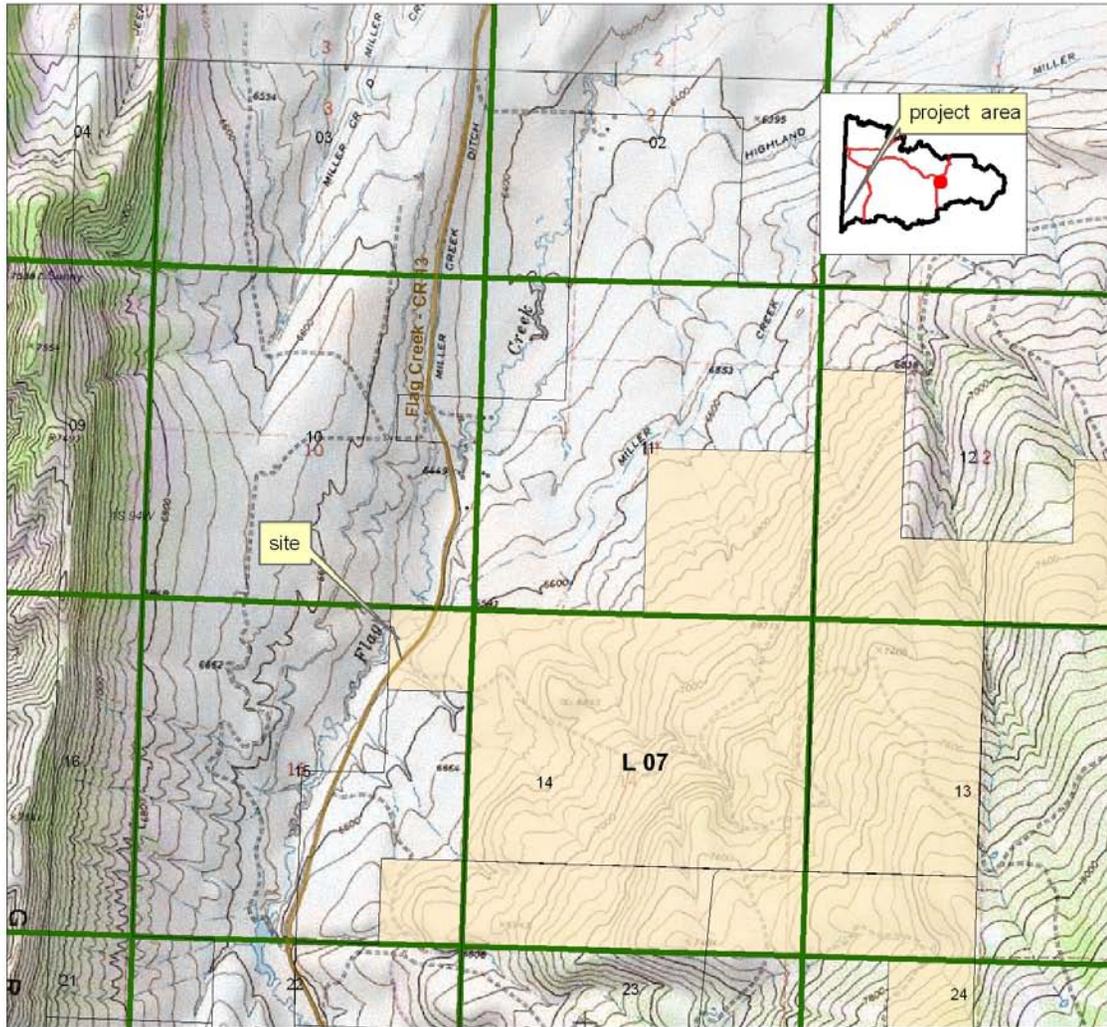
Exhibit A: Klinglesmith Access Road



# LOCATION OF KLINGLESMITH ROAD AND STORAGE YARD



EXHIBIT A -AREA



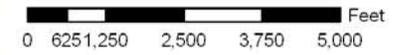
COC74572

DOI/BLMCO100-2010-251-EA

Sixth Principal Meridian  
T.1S.,R.94W., sec 15



- County
- State
- PLS\_S\_Townships\_GCDB2008
- PLS\_S\_Sections\_GCDB2008
- BLM
- CDW
- County
- FOR
- NPS
- PRI
- STA



3/2011 LLJ

BLM is not responsible for the accuracy of the information shown on this map. The user is responsible for verifying the accuracy of the information shown on this map. The user is responsible for obtaining all necessary permits and approvals for any proposed project. The user is responsible for obtaining all necessary information for any proposed project. The user is responsible for obtaining all necessary information for any proposed project.

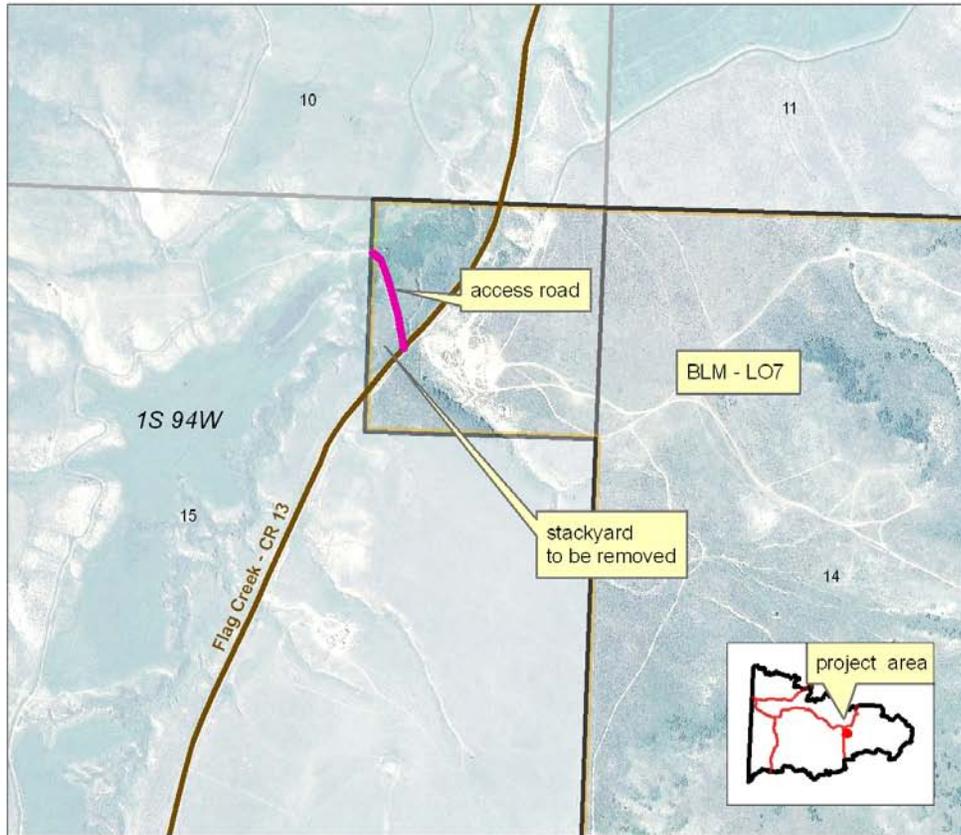
KLINGSMITH ACCESS ROAD

EXHIBIT A

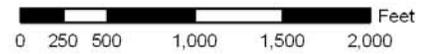
COC74572

DOI-BLM-CO-100-2010-0251-EA

Sixth Principal Meridian  
T.1S.,R.94W., sec 15



- County
- State
- BLM
- CDW
- County
- FOR
- NPS
- PRI
- STA
- PLSS\_Townships\_GCDB2008
- PLSS\_Sections\_GCDB2008



3/2011 LLJ