

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

CATEGORICAL EXCLUSION

NUMBER: DOI-BLM-CO-110-2011-0024-CX

CASEFILE/PROJECT NUMBER: COC74713

PROJECT NAME: Access to Private Lands – H Rick

LEGAL DESCRIPTION: Sixth Principal Meridian
T.1N., R.90W.,
Sec. 22, lot 13.

APPLICANT: Horst and Sandra J Rick

ISSUES AND CONCERNS: None identified.

DESCRIPTION OF PROPOSED ACTION

Background/Introduction: An existing road from Rio Blanco County (RBC) Road 12 follows the south side of the White River to access private lands. A segment crosses BLM managed land and is used by the applicant as access to a cabin which is used for commercial purposes. Use of the road for accessing a private domicile or agricultural land is considered as casual use, but because the cabin is sometimes rented, it has been determined that a right-of-way is required. Access roads exiting RBC 8 and 12 across public lands to reach this road segment have been permitted to multiple holders, including the applicant, for commercial use.

The proponent has previously submitted an Agreement to Initiate a Land Exchange for parcels including the road site. Because the White River FO does not have an active land tenure program, the proposal was serialized as COC57141 and remains on hold.

Proposed Action: The proponent has applied to the White River Field Office for authorization to use approximately 372 feet of an existing, unnumbered, BLM road that crosses a corner of public lands. No new construction is required and there would be no new surface disturbance. The applicant has previously done minor maintenance and snow removal but does not require all-season usage. The right-of-way would be 30 feet wide and encumber 0.26 acres. Traffic consists of secondary access to other private lands, access for ditch maintenance, and access to the cabin (usually during hunting season or for family use). Topographic and satellite image maps are attached as Exhibit A1 and A2.

The applicant has agreed to perform snow removal and maintenance as required by their use. No hazardous materials will be used, produced, stored, or transported on the right-of-way. The applicant would remove, by mechanical means, any noxious or invasive plants (weeds) that are observed within the right-of-way. If chemical control is required, the applicant will contact the BLM for the proper procedure.

No Action Alternative: If the project is not authorized, no right-of-way would be granted and commercial use of the road would be denied. Private use would still be allowed.

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 use the access road. The purpose of the proposed action is to provide the applicant with the means to access a portion of their private property for commercial use. The decision to be made by the BLM is whether to issue authorization for the access road and under what conditions.

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

Date Approved: July 1, 1997

Decision Number/Page: Page 2-49

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."

CATEGORICAL EXCLUSION REVIEW: The proposed action qualifies as a categorical exclusion under 516 DM 11.9, Number E (17): "Grants of short-rights-of-way for utility service or terminal access roads to an individual residence, outbuilding, or water well."

The proposed action has been reviewed with the list of extraordinary circumstances described in the table below. This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. None of the following exceptions in 516 DM 2, Appendix 2, apply.

Exception	YES	NO
1. Have significant adverse effects on public health and 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; 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, in the National Register of Historic Places as determined by either the bureau of office.		X
8. Have significant impacts 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.		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 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

INTERDISCIPLINARY REVIEW:

The proposed action was presented to, and reviewed by the White River Field Office interdisciplinary team on November 22, 2010. A list of resource specialists who participated in this review is available upon request from the White River Field Office.

REMARKS:

Cultural Resources: The area of the proposed right-of-way for Horst and Sandra Rick has been inventoried at the Class III (100% pedestrian) level (Harrison 1990 Compliance Dated 10/9/1990, Selle 1995, Compliance Dated 11/22/1995) with no cultural resources identified in the project area. It is unlikely that any cultural resources will be impacted, given that no new ground disturbance is anticipated. (MRS 12/13/2010)

Native American Religious Concerns: No Native American Religious Concerns are known in the area, and none have been noted by Northern Ute tribal authorities. Should recommended inventories or future consultations with Tribal authorities reveal the existence of such sensitive properties, appropriate mitigation and/or protection measures may be undertaken. (MRS 12/13/2010)

Threatened and Endangered Wildlife Species: There are no wildlife-related issues or concerns associated with the proposed action. (LB 12/08/10)

Threatened and Endangered Plant Species: This proposed action has no potential to impact threatened and/or endangered plant species. (MT 12/7/2010)

REFERENCED CITED:

Harrison, Cheryl A.

1990 U.W. West Communications Meeker Exchange (CO-0722), Cultural Resources Inventory Rio Blanco County, Colorado. Powers Elevations Co., Inc., Aurora, Colorado. (90-14-01)

Selle, Michael

1995 Cultural Resource Inventory of the Proposed Horst Rick Land Exchange in Rio Blanco County, Colorado. White River Resource Area, Bureau of Land Management, Meeker, Colorado. (95-10-39)

MITIGATION:

1. The holder is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are uncovered during any project or construction activities, the holder is to immediately stop activities in the immediate area of the find that might further disturb such materials, and immediately contact the authorized officer (AO). Within five working days the AO will inform the holder as to:

- whether the materials appear eligible for the National Register of Historic Places
- the mitigation measures the holder will likely have to undertake before the site can be used (assuming in situ preservation is not necessary)

- a timeframe for the AO to complete an expedited review under 36 CFR 800-11 to confirm, through the State Historic Preservation Officer, that the findings of the AO are correct and that mitigation is appropriate.

If the holder wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the AO will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the holder will be responsible for mitigation cost. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the holder will then be allowed to resume construction.

2. Pursuant to 43 CFR 10.4(g) the holder of this authorization must notify the AO, 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.

COMPLIANCE PLAN: 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 the Proposed Action and in this Categorical Exclusion will be followed.

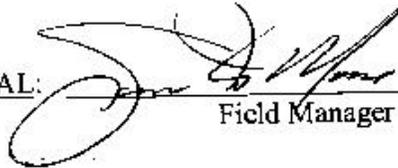
NAME OF PREPARER: Linda Jones

NAME OF ENVIRONMENTAL COORDINATOR: Heather Sauls

DECISION AND RATIONALE: I have reviewed this CX and have decided to approve the proposed action.

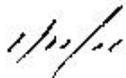
This action is listed in the Department Manual as an action that may be categorically excluded. I have evaluated the action relative to the 12 criteria listed above and have determined that it does not represent an exception and is, therefore, categorically excluded from further environmental analysis.

SIGNATURE OF AUTHORIZED OFFICIAL:



Field Manager

DATE SIGNED:



ATTACHMENTS:

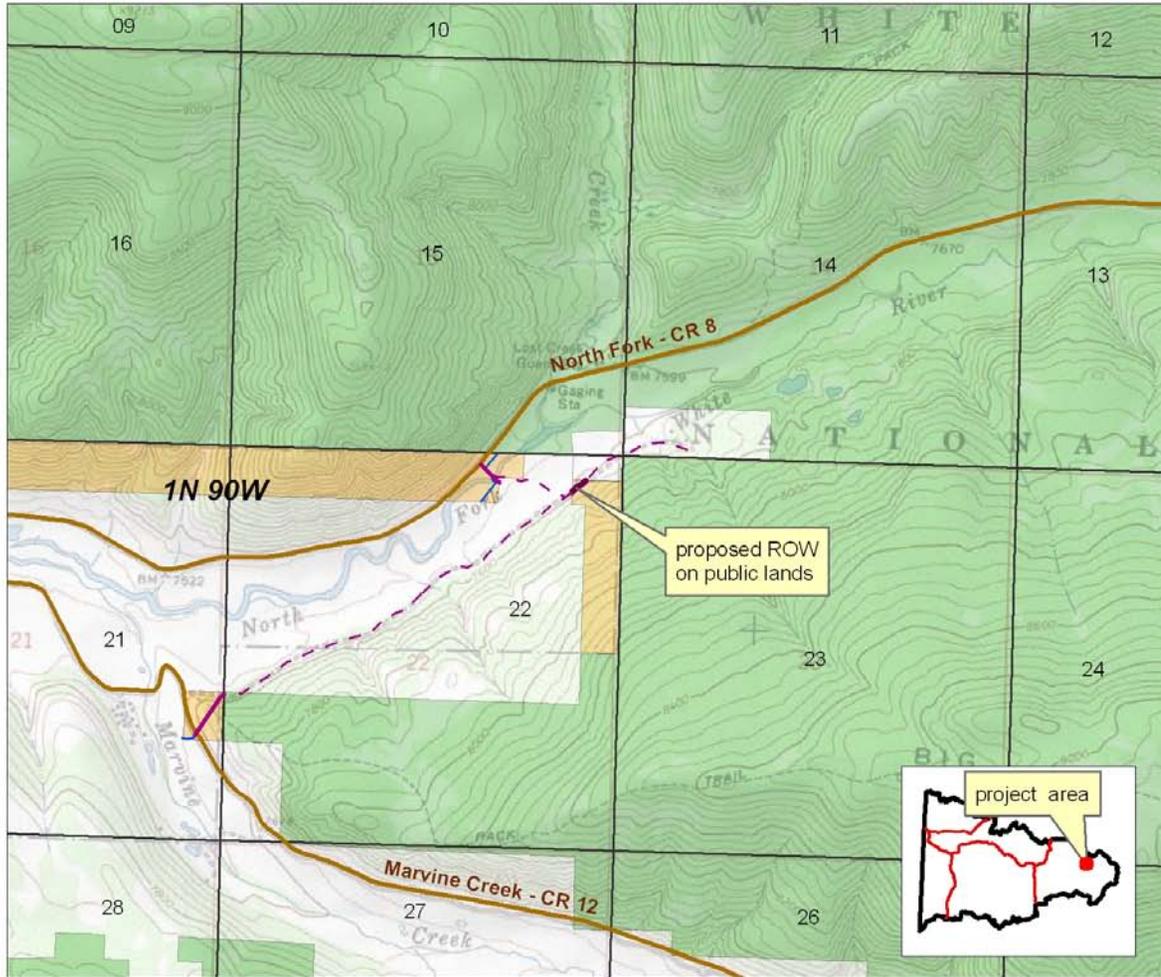
- Exhibit A-1 – Existing Access Road – Area Map
- Exhibit A-2 – Existing Access Road
- Exhibit B – Mitigation



RICK AUTHORIZATION - EXISTING ACCESS ROAD - AREA MAP



EXHIBIT A-1



DOI/BLM/CO-110-2011-024-shortEA

COC 74713

Sixth Principal Meridian
T.1N., R.90W., sec. 22



- County
- State
- PLSS_Sections_GCDB2008
- PLSS_Townships_GCDB2008
- BLM
- CDW
- County
- FOR
- NPS
- PRI
- STA



11,02010 LLJ

Source:
BLM, COCC, CDW, etc.

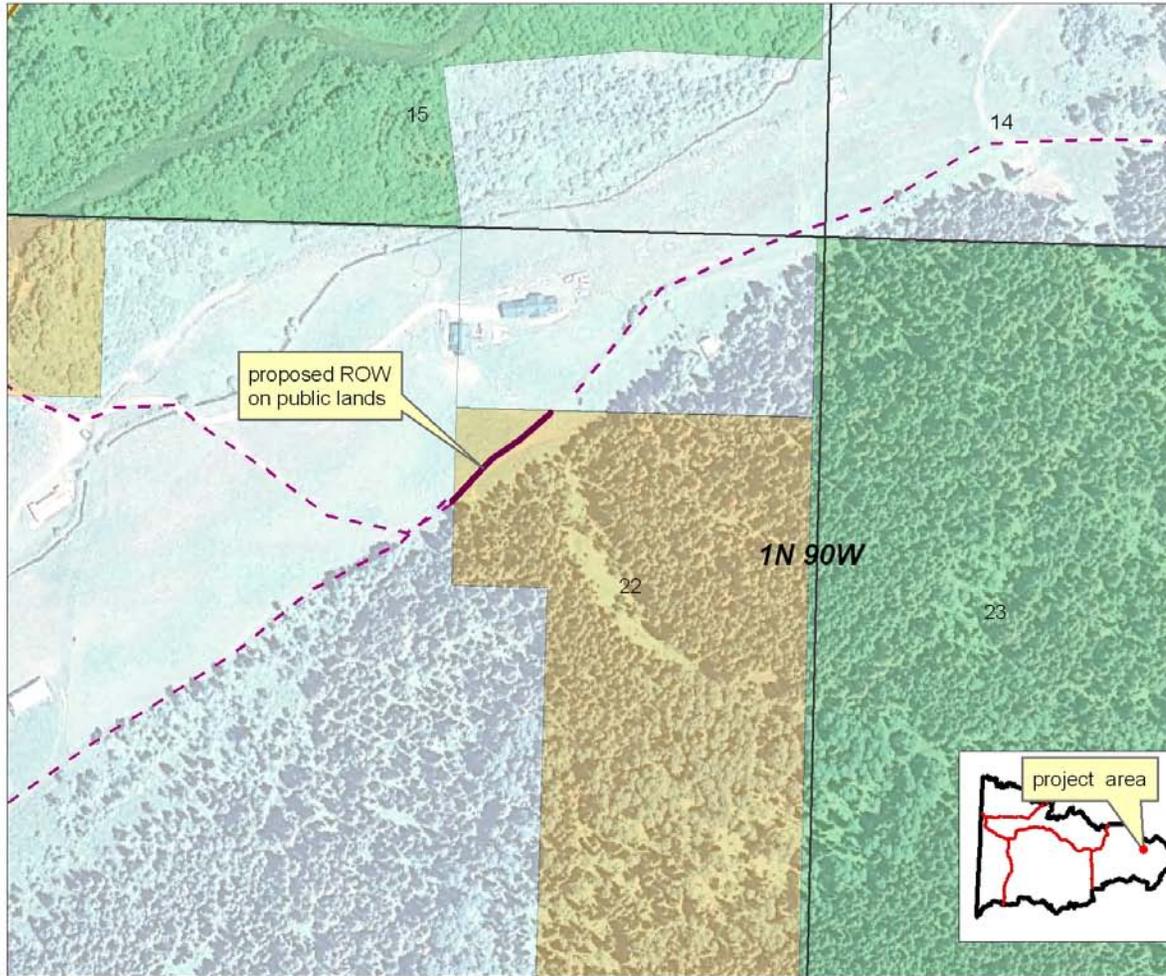
Disclaimer:
This map is for informational purposes only and does not constitute a guarantee, warranty, or endorsement of any product or service by BLM or any other agency of the U.S. Department of the Interior. Use this map at your own risk.



RICK AUTHORIZATION - EXISTING ACCESS ROAD



EXHIBIT A-2



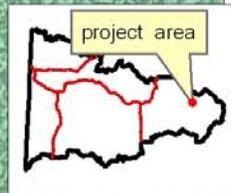
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11/2010 LLJ

Source:
BLM GIS/CAD/AVL

Disclaimer:
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EXHIBIT B

1. The holder has agreed to perform snow removal and maintenance as required by their use.
2. No hazardous materials will be used, produced, stored, or transported on the right-of-way.
3. The holder would remove, by mechanical means, any noxious or invasive plants (weeds) that are observed within the right-of-way. If chemical control is required, the holder will contact the BLM for the proper procedure.
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