

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-110-2011-0128-CX

CASEFILE/PROJECT NUMBER: COC030436, COC23560, and COC31038

PROJECT NAME: Rio Blanco County ROW Renewals.

LEGAL DESCRIPTION: Sixth Principal Meridian, Colorado

T. 2 N., R. 103 W.,  
sec. 10, SW $\frac{1}{4}$ NW $\frac{1}{4}$ . } COC030436

T. 1 S., R. 98 W.  
T. 1 N., R. 99 W.,  
T. 1 S., R. 99 W.,  
T. 1 N., R. 100 W.,  
T. 1 N., R. 101 W., } COC23560

T. 1 N., R. 102 W.,  
sec. 7, lots 1, 8, and 9.  
T. 1 N., R. 103 W.,  
sec. 11, S $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
sec. 12, lot 6. } COC31038

APPLICANT: Rio Blanco County

DESCRIPTION OF PROPOSED ACTION: Rio Blanco County (RBC) requests renewal of three existing right-of-way grants that expire in 2011. No new construction is authorized by this action and standard renewal stipulations and applicable terms and conditions of the original grants shall be carried forward.

**COC030436:** Right-of-way (ROW) COC030436 was issued on April 25, 1961, for the Mellen Hill communication site. The site is 100 feet by 100 feet. RBC will replace the existing equipment building with a new 12 feet by 26 feet building that will include a generator necessary for upgrades to their radio system. A propane tank will be installed west of the building for generator fuel.

**COC23560:** ROW COC23560 was issued on May 22, 1981, for County Roads 24X, 122, and 131. The ROW is 23.5 miles long, 200 feet wide or the actual width occupied by cuts and fills (whichever is less), containing approximately 570 acres.

**COC31038:** ROW COC31038 was issued on July 21, 1981, for a realignment of County Road 102 and County Road 2. The ROW is 6,900 feet long with widths from 60 to 100 feet, containing approximately 13.41 acres.

**PLAN CONFORMANCE REVIEW:** The Proposed Action is subject to and has been reviewed for conformance with (43 CFR 1610.5-3, BLM 1601.08) 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, E9: “*Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations.*”

The Proposed Action has been reviewed with the list of extraordinary circumstances (43 CFR 46.215) described in the table below.

Extraordinary Circumstance	YES	NO
a) Have significant adverse effects on public health and safety.		X
b) 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
c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.		X
d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X

<b>Extraordinary Circumstance</b>	<b>YES</b>	<b>NO</b>
e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
g) 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
h) 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
i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		X
j) Have a disproportionately high and adverse effect on low income or minority populations		X
k) 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
l) 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 6/14/2011. A complete list of resource specialists who participated in this review is available upon request from the White River Field Office. The table below lists resource specialists who provided additional remarks concerning cultural resources and special status species.

<b>Name</b>	<b>Title</b>	<b>Resource</b>	<b>Date</b>
Michael Selle	Archaeologist	Cultural Resources, Native American Religious Concerns	7/28/2011
Lisa Belmonte	Wildlife Biologist	Special Status Wildlife Species	6/24/2011
Zoe Miller	Ecologist	Special Status Plant Species	6/23/2011

**REMARKS:**

*Cultural Resources:* COC030436: There are no inventories covering the county road, which is the Mellen Hill access route. Any upgrade or maintenance of the road outside of the disturbance

shown on the 2009 NAIP photographs will require inventory. There are no known cultural resources along the road and it is not anticipated that any cultural resources would be impacted by renewal of the ROW.

COC23560: The county roads in this right-of-way represent a checkered pattern of some portions inventoried at the time of construction (c.f. Nickens 1978 compliance dated 2/10/1978, Price 1981 compliance dated 6/10/1981, Tucker et al. 1980 compliance dated 7/24/1980, Tate 1981 compliance dated 3/26/1981) and portions covered by more recent inventories for other development projects (c.f. Conner 1993 compliance dated 6/4/1993, Conner and Hutchins 1993 compliance dated 6/18/1993, McDonald 2008 compliance dated 2/20/2009, Conner and Davenport 2005 compliance dated 10/27/2005, 2007 compliance dated 7/18/2007, 2009 compliance dated 11/17/2009) and many portions not covered by any inventory data at all. In some places the actual construction did not even follow approved inventory routes. Therefore, any upgrades, improvements, or maintenance that extends beyond the existing bar ditches will need to be examined on a case by case basis. If the ROW is renewed with that condition, there should be no new impacts to any cultural resources from the renewal.

COC31038: The areas of the ROW renewals for RBC 2 and 102 have been inventoried at the Class III (100 percent pedestrian) level by all or portions of two inventories (Martin et al. 2008 compliance dated 7/1/2008, Hope 1980 compliance dated 10/2/1980). No archaeological resources were identified during the inventories; therefore, renewal of the permit with no new disturbance authorized or anticipated will result in no new impacts to cultural resources and no loss to the regional archaeological database.

*Paleontological Resources:* COC030436: Mellen Hill communication site county road access overlays two Cretaceous age formations, the Sego sandstone and the Mancos shale (Tweto 1979). The Sego sandstone is not explored in the area and is currently classified by the BLM WRFO as a PFYC 3 formation indicating its unknown potential for producing fossil resources (c.f., Armstrong and Wolny 1989). The Mancos shale is known to produce a variety of marine invertebrate and vertebrate fossil though no vertebrates have been recovered in the area around this project (c.f., Armstrong and Wolny 1989). The BLM WRFO has classified the Mancos shale as a PFYC 3 formation pending further data recovery.

COC23560: RBC 24x, 122, and 131 roads are laid out on three fossil bearing formations. RBC 24X impacts mostly the Uinta formation (Tweto 1979) which the BLM WRFO has classified as a PFYC 4/5 formation meaning it is known to produce scientifically noteworthy fossil resources (Armstrong and Wolny 1989). Most of RBC 122 is also on the Uinta Formation but small portions also impact the Parachute Creek member of the Green River Formation (Tweto 1979) which the BLM WRFO has also classified as a PFYC 4/5 formation due to its known potential for noteworthy fossils (Armstrong and Wolny 1989). RBC 131 is primarily located in an area mapped as the Williams Fork and Iles formations (Tweto 1979) which the BLM WRFO has also classified as a PFYC 4 formation due to the high potential for noteworthy fossil resources (Armstrong and Wolny 1989).

COC31038: The portions of RBC 2 and 102 roads for ROW renewal are located in an area generally mapped as Quaternary alluvium and undifferentiated members of the Upper Mesa

Verde formations (Tweto 1979). The quaternary alluviums are not generally considered fossil bearing (c.f., Armstrong and Wolny 1989). The upper Mesa Verde group has been classified by the BLM WRFO as a PFYC 5 fossil bearing formation, meaning it is known to produce scientifically noteworthy fossil resources.

As long as no earth disturbing activities are undertaken within those areas of the ROWs, there is little likelihood of impacting scientifically noteworthy fossils. However, excavation into the underlying sedimentary rock for any upgrading or maintenance has the potential to impact noteworthy fossil resources.

*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.

*Special Status Wildlife Species:* There are no wildlife-related issues or concerns associated with the renewal of the existing rights-of-way.

*Special Status Plant Species:* No special status plant species concerns.

#### REFERENCES:

Armstrong, Harley J., and David G. Wolny

1989 Paleontological Resources of Northwest Colorado: A Regional Analysis. Museum of Western Colorado, Grand Junction, Colorado.

Conner, Carl E.

1993 Cultural Resources Inventory Report for the Proposed Fed. 1-15-1-101 Well Relocation in Rio Blanco County, Colorado for North Central Oil Company. Grand River Institute, Grand Junction, Colorado. (93-11-08: SHPO #RB.LM.R197)

Conner, Carl E., and Barbara Davenport

2005 Class III Cultural Resource Inventory Report for the Encana Ridge unit CRU 4412C L-14 and CRU 4414D N-15 Well Locations in Rio Blanco County, Colorado for Encana Oil and Gas (USA) Inc. Grand River Institute, Grand Junction, Colorado. (05-11-040: SHPO #RBL.M.R967)

2007 Class III Cultural Resources Inventory for the Ryan Gulch to Barcus Creek Pipeline Project in Rio Blanco County, Colorado, for Williams Production RMT. Grand River Institute, Grand Junction, Colorado. (07-11-19: SHPO#RB.LM.R1037)

Conner, Carl E., and Barbara J. Davenport

2009 Class III Cultural Resource Inventory Report for the Proposed Buckhorn Draw Unit G-26-199 Well Location and Related Linear Segment in Rio Blanco County,

Colorado for EnCana Oil and Gas (USA) Inc. Grand River Institute, Grand Junction, Colorado. (09-11-35: SHPO #RB.LM.R1172

Conner, Carl E., and Rebecca L. Hutchins

- 1993 Cultural Resources inventory Report for the Proposed Fed. 1-15-1-101 Location and Related Access In Rio Blanco County, Colorado for North Central Oil Company. Grand River Institute, Grand Junction, Colorado. (93-11-02: SHPO#RB.LM.R197)

Hope, Michele

- 1980 Report of Examination for Cultural Resources: Reroute of segments of RBC 102 and 2 in Rio Blanco County. Bureau of Land Management, White River Resource Area, Meeker, Colorado. (80-10-129: SHPO #RB.LM.R570)

Martin, Curtis, Barbara Davenport, Carl Conner, and Nicole Darnell

- 2008 Report of the Class III Cultural Resource Inventory of Two Proposed Gravel Pits in Rio Blanco County, Colorado for Ace West Trucking, Inc. Grand River Institute, Grand Junction, Colorado. (08-11-08: SHPO #RB.LMR1046)

McDonald, Kae

- 2008 Genesis Gas and Oil, LLC, Fletcher Gulch Wells and Access Roads: A Class III Cultural Resource Inventory, Rio Blanco County, Colorado. Flattops Archaeological Consultants, Glenwood Springs, Colorado. (09-154-01: SHPO# RB.LM.R1099)

Nickens, Paul R.

- 1978 Cultural Resource Inventory of the Moon Lake electric Association 138kV Transmission Line, White River-Tract C-a Rio Blanco County, Colorado. Centuries Research, Montrose, Colorado. (78-7-01: SHPO# RB.LM.R908)

Price, Lori E.

- 1981 Report of Examination for Cultural Resources: CBA-Rangely road and Reroute. Bureau of Land Management, White River Resource Area, Meeker, Colorado. (81-10-27: SHPO #RB.LM.R599)

Tate, Marcia

- 1981 Report of Examination for Cultural Resources: A cultural Resource Survey for Seisport Exploration, AAF-1 Seismic Line. Powers Elevation, Denver, Colorado. (81-14-06: SHPO #RB.LM.NR336)

Tucker, Gordon C., Alan D. Reed and Signa L. Larralde

- 1980 An Archaeological Inventory of a proposed Rio Blanco County Road. Nickens and Associates, Montrose, Colorado. (80-05-03: SHPO #RB.LM.R7341)

Tweto, Ogden

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

**MITIGATION:** All applicable terms, conditions, and stipulations contained in original ROW grants COC030436, COC31038, and COC23560 and any amendments shall be carried forward and remain in full force and effect.

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 paleontological sites, or for collecting fossils. If fossil 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 to be of noteworthy scientific interest
- the mitigation measures the holder will likely have to undertake before the site can be used (assuming in situ preservation is not feasible)

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. If it becomes necessary, at any time, to excavate into the underlying sedimentary rock formations to maintain or upgrade any of the listed county roads a paleontological monitors shall be present for any such excavations before excavation begins.

3. Any upgrades, improvements, or maintenance to CR 24X, CR 122, or CR 131 that extends beyond the existing bar ditches will need to be examined on a case by case basis.

4. 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, of 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.

5. The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.

6. Any proposal involving additional surface disturbance outside of the authorized right-of-way requires an application to the BLM for analysis and authorization. New stipulations for construction would be applied to projects subject to the regulations and policies existing at the time of authorization.

7. The holder shall monitor all disturbed and reclaimed areas through final abandonment for the presence of invasive, non-native, and/or noxious plant species. The applicant will be responsible for eradication of noxious weeds that occur on site using materials and methods approved in advance by the Authorized Officer.

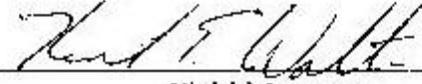
COMPLIANCE PLAN: On-going compliance inspections and monitoring will be conducted by White River Field Office staff. Specific mitigation developed in the associated Categorical Exclusion and the right-of-way terms and conditions will be followed. The holder will be notified of compliance related issues and will be provided an appropriate period to resolve such issues.

NAME OF PREPARER: Stacey Burke

NAME OF ENVIRONMENTAL COORDINATOR: Heather Sauls

COMPLIANCE WITH NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E9. 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 43 CFR 46.215 apply.

SIGNATURE OF AUTHORIZED OFFICIAL:  \_\_\_\_\_  
Field Manager

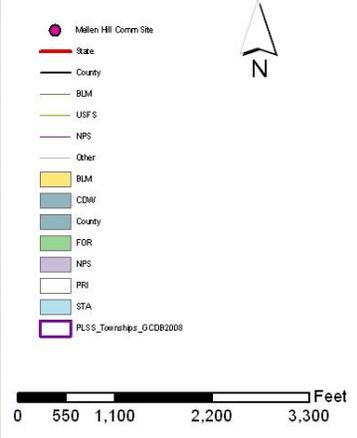
DATE SIGNED: 08/04/2011

ATTACHMENTS:

- Exhibit A – RBC Renewal of Mellen Hill Communication Site
- Exhibit A – RBC Renewal of County Roads 2 and 102
- Exhibit A – RBC Renewal of County Roads 24X, 122, and 131

RBC Renewal of Mellen Hill Communication Site ROW COC030436  
T2N, R103W

EXHIBIT A



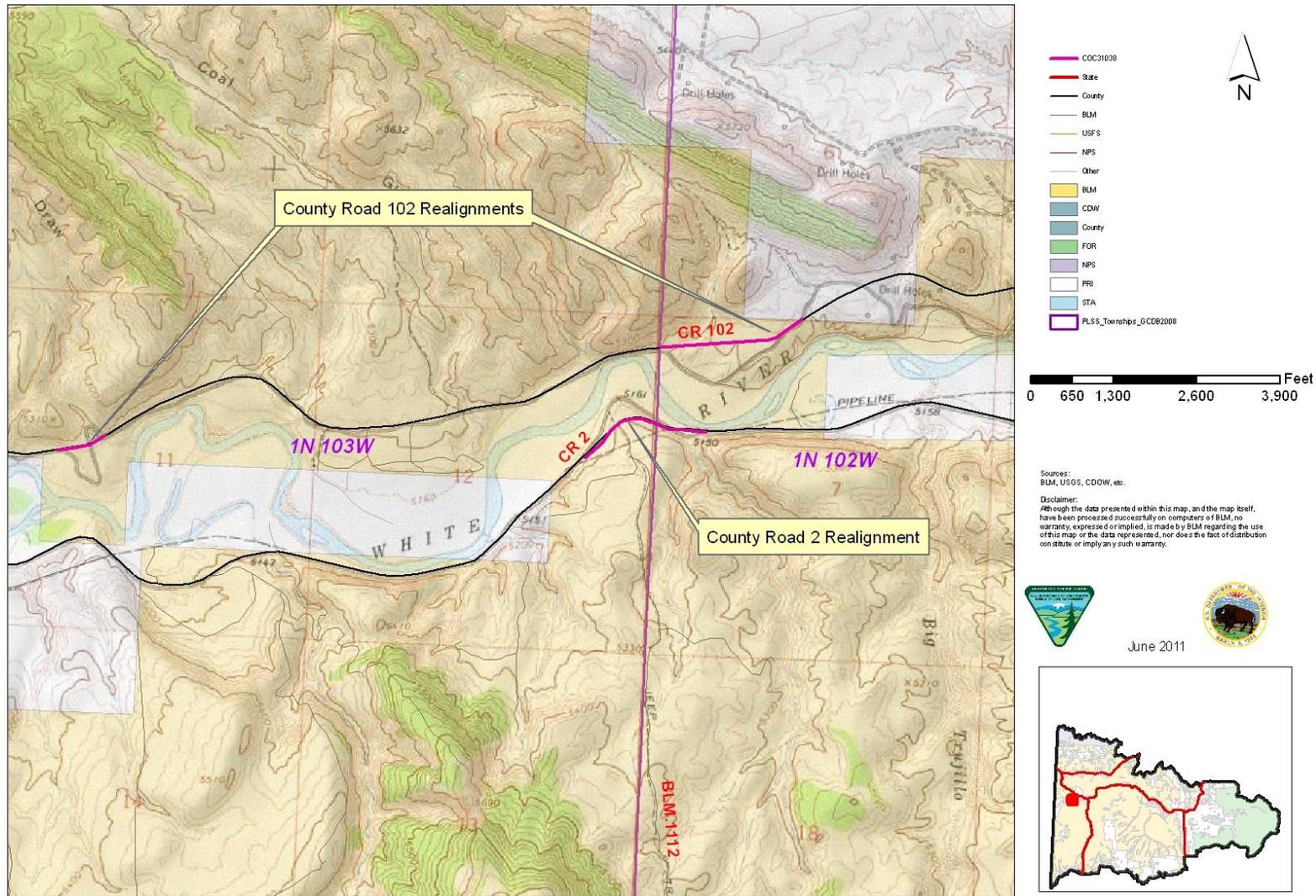
Sources:  
BLM, USGS, CDOW, etc.

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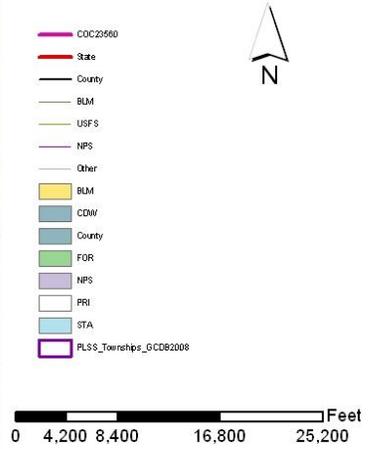
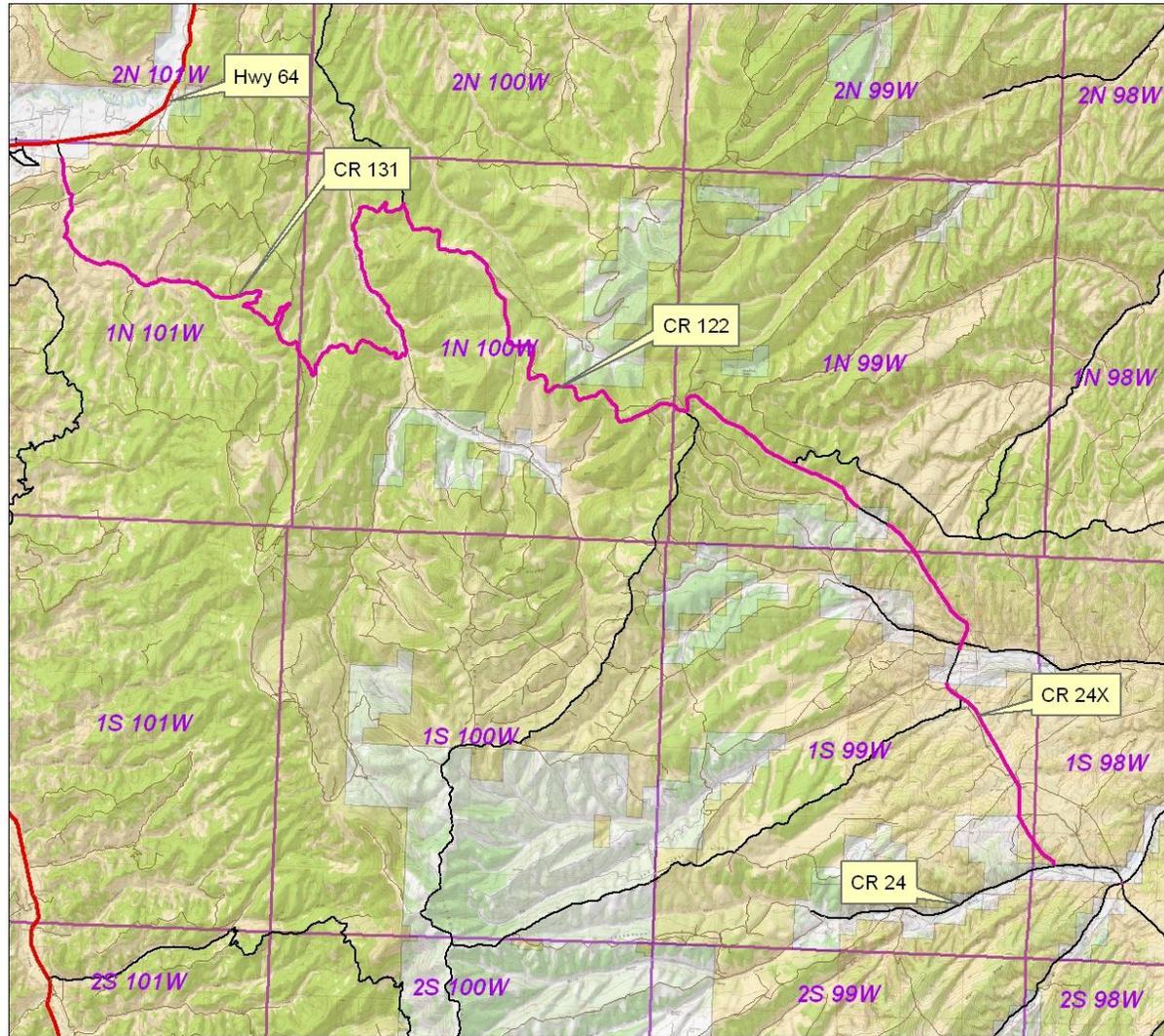
# RBC Renewal of County Road 2 and County Road 102 ROW COC31038

## EXHIBIT A



# RBC Renewal of County Road 24X, County Road 122, and County Road 131 ROW COC23560

## EXHIBIT A



Sources:  
BLM, USGS, CDOW, etc.

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

**DECISION RECORD**

**PROJECT NAME:** Rio Blanco County ROW Renewals

**CATEGORICAL EXCLUSION NUMBER:** DOI-BLM-CO-2011-0128-CX

**DECISION**

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-2011-0128-CX, authorizing the renewal of right-of-way grants COC030436, COC31038, and COC23560, and for the replacement of the equipment building at the Mellen Hill communication site.

**Mitigation Measures**

1. All applicable terms, conditions, and stipulations contained in original ROW grants COC030436, COC31038, and COC23560 and any amendments shall be carried forward and remain in full force and effect.
2. 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 paleontological sites, or for collecting fossils. If fossil 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:
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  - the mitigation measures the holder will likely have to undertake before the site can be used (assuming in situ preservation is not feasible)

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5. 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, of 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.
6. The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.
7. Any proposal involving additional surface disturbance outside of the authorized right-of-way requires an application to the BLM for analysis and authorization. New stipulations for construction would be applied to projects subject to the regulations and policies existing at the time of authorization.
8. The holder shall monitor all disturbed and reclaimed areas through final abandonment for the presence of invasive, non-native, and/or noxious plant species. The applicant will be responsible for eradication of noxious weeds that occur on site using materials and methods approved in advance by the Authorized Officer.

#### **COMPLIANCE WITH LAWS & CONFORMANCE WITH THE LAND USE PLAN**

This decision is in compliance with the Endangered Species Act and the National Historic Preservation Act. It is also in conformance with the 1997 White River Record of Decision/Approved Resource Management Plan.

#### **PUBLIC INVOLVEMENT**

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

#### **RATIONALE**

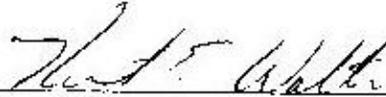
The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E9. This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply.

#### **ADMINISTRATIVE REMEDIES**

This decision shall take effect immediately upon the date it is signed by the Authorized Officer and shall remain in effect while any appeal is pending unless the Interior Board of Land Appeals

issues a stay (43 CFR 2801.10(b)). Any appeal of this decision must follow the procedures set forth in 43 CFR Part 4. Within 30 days of the decision, a Notice of Appeal must be filed in the office of the Authorized Officer at White River Field Office, 220 East Market St., Meeker, CO 81641 with copies sent to the Regional Solicitor, Rocky Mountain Region, 755 Parfet St., Suite 151, Lakewood, CO 80215, and to the Department of the Interior, Board of Land Appeals, 801 North Quincy St., MS300-QC, Arlington, VA, 22203. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals at the above address within 30 days after the Notice of Appeal is filed with the Authorized Officer.

**SIGNATURE OF AUTHORIZED OFFICIAL:**



Field Manager

**DATE SIGNED:**

08/09/2011