

**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-110-2011-0157-CX

CASEFILE/PROJECT NUMBER:

PROJECT NAME: Lee Gulch Fencing Project

LEGAL DESCRIPTION: Township 2 South, Range 97 West; Section 1  
Township 2 South, Range 96 West; Section 6

APPLICANT: Colorado Parks and Wildlife

DESCRIPTION OF PROPOSED ACTION: Colorado Parks and Wildlife (CPAW) proposes to construct three enclosure fences on recent mechanically treated (hydro-axed) sites in the Lee Gulch/Magnolia area. Fencing would consist of 4-strand barbed wire and would be maintained for a three year period (fencing will be removed in spring 2015). The fences will conform to BLM configurations that accommodate big game passage (BLM Manual Handbook H-1741-1), with a top wire no higher than 40 inches and wire spacing from the ground at 16", 6", 6", and 12". The three exclusion areas are 1.7, 2.0 and 7.9 acres in size. Sites will be accessed using existing roads and will require standard 4-wheel drive vehicles. In addition to the three habitat treatment sites proposed for partial cattle exclusion, seven additional sites will be selected to provide adequate sample size to estimate cattle use following additional habitat treatments scheduled winter 2011/2012.

The purpose of the three proposed cattle exclusion sites is to assist in providing an estimate of the degree of cattle use on sites mechanically treated for improving mule deer winter range habitat conditions in areas experiencing extensive energy development. This effort will benefit future habitat mitigation projects by providing information on whether or not cattle exclusion will be necessary to provide for adequate vegetation response following mechanical removal (primarily using hydro-ax) of overstory canopy to stimulate growth of grasses, forbs, and shrubs in the understory. This project will assist with current habitat treatment evaluations being conducted for the North Hatch Pilot Forage Treatments project ([DOI-BLM-CO-110-2011-004-EA](#)).

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 B-15

Decision Language: “Areas proposed for vegetation manipulation would not be grazed by livestock until understory vegetation becomes well established and is able to support livestock grazing. A minimum of two complete growing seasons of rest from livestock grazing would be required to help ensure desirable vegetation regains vigor.”

CATEGORICAL EXCLUSION REVIEW: The Proposed Action qualifies as a categorical exclusion under 516 DM 11.9, J9: “*Construction of small protective enclosures, including those to protect reservoirs and springs and those to protect small study areas.*”

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
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

<b>Extraordinary Circumstance</b>	<b>YES</b>	<b>NO</b>
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 7/26/2011. 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>
Kristin Bowen	Archaeologist	Cultural Resources, Native American Religious Concerns	8/4/2011
Lisa Belmonte	Wildlife Biologist	Special Status Wildlife Species	8/2/2011
Zoe Miller	Ecologist	Special Status Plant Species	7/28/2011

**REMARKS:**

*Cultural Resources:* The proposed project area was surveyed at the Class III, 100 percent pedestrian level prior to the recent hydro-ax project (Slaughter 2010). That survey recorded no cultural resources potentially eligible to the National Register of Historic Places at any of the currently proposed fence locations. There are no cultural-related issues or concerns associated with the Proposed Action.

*Native American Religious Concerns:* There are no known concerns, and the Ute Tribe of the Uintah and Ouray Reservation has expressed the desire to not be consulted with on small range projects such as this.

*Special Status Wildlife Species:* There are no wildlife-related concerns or issues associated with the Proposed Action. See mitigation built into the Proposed Action regarding wildlife fencing requirements.

*Special Status Plant Species:* The proposed exclosures of the forage treatment areas fall within the survey buffers for ExxonMobil's North Hatch Gulch project and PCU 197-36A well pad.

These areas were thoroughly surveyed for special status plants by Hayden-Wing Associates during the 2010 blooming season (HWA, 2010a and 2010b). No special status plant species were located in these surveys, but several patches of suitable threatened plant habitat were identified in the vicinity of the proposed project. The closest of these is located approximately 140 meters from the western most enclosure. Since these areas of suitable habitat have been surveyed during the last growing season and no special status plant species were found, it is highly unlikely that these areas are occupied at this time. In addition, the sensitive and threatened plants found in the North Hatch Gulch area are associated with white shale slopes and hilltops with high levels of sun exposure. The proposed forage treatments will occur in pinyon-juniper forests, which are not known to support special status plants. The western most enclosure should be accessed from the south or east to avoid impact on potential or suitable habitat of the special status plant species.

#### MITIGATION:

The applicant is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts. If archaeological materials are discovered as a result of operations under this authorization, the applicant must immediately contact the appropriate BLM representative.

#### REFERENCES:

Hayden-Wing Associates.

2010a Rare Plant and Suitable Habitat Surveys, ExxonMobil North Hatch Gulch Project.  
Laramie, WY.

2010b Rare Plant and Suitable Habitat Surveys, ExxonMobil PCU 197-36A and PWDD System.  
Laramie, WY.

Slaughter, Stephanie

2010 ExxonMobil Corporation: A Class III Cultural Resources Inventory of ca. 450 Acres for Mule Deer Habitat Treatment, Magnolia Pilot Area, in Rio Blanco County, Colorado.

COMPLIANCE PLAN: A site inspection will be conducted by BLM White River Field Office biologists after construction. Specific mitigation developed in this document will be followed. The operator will be notified of compliance related issues in writing, and depending on the nature of the issue(s), will be provided 30 days to resolve such issues.

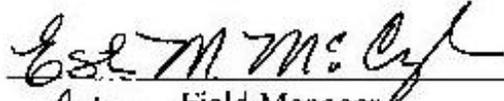
NAME OF PREPARER: Lisa Belmonte

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, J9. 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:

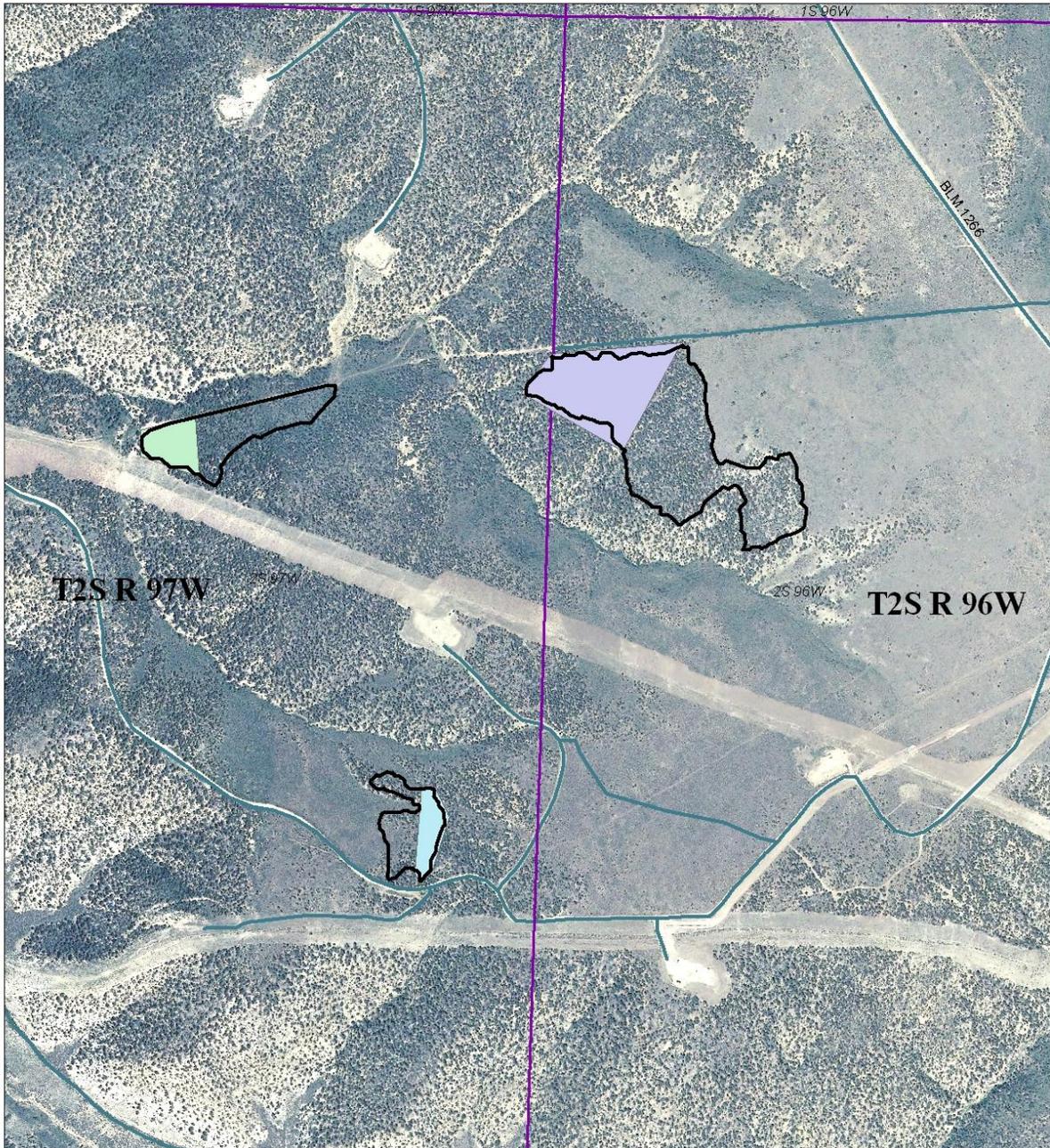
  
Acting Field Manager

DATE SIGNED: 8/12/11

ATTACHMENTS: Figure 1: Overview of Project Area

Figure 1: Overview of Project Area

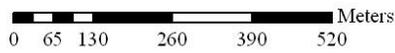
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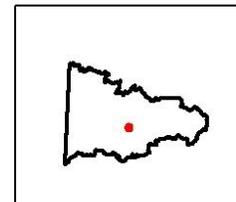
Text

**Legend**

-  hatch\_gulch\_treat1210 selection
-  LG13\_Exc\_Fence
-  LG14\_Exc\_Fence
-  LG02\_Exc\_Fence



Although the data presented within this map, and the map itself, have been processed successfully on computers of BLM, no warranty, expressed or implied, is made by BLM regarding the use of this map or the data represented, nor does the fact of distribution constitute or imply any such warranty.



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**DECISION RECORD**

**PROJECT NAME:** Lee Gulch Fence Project

**CATEGORICAL EXCLUSION NUMBER:** DOI-BLM-CO-2011-0157-CX

**DECISION**

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-2011-0157-CX, authorizing the construction of three enclosure fences.

**Mitigation Measures**

The applicant is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts. If archaeological materials are discovered as a result of operations under this authorization, the applicant must immediately contact the appropriate BLM representative.

**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, J9. 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**

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:**

  
Acting Field Manager

**DATE SIGNED:** 8/12/11