

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-110-2011-0011-EA

**CASEFILE/PROJECT NUMBER:** COC-74601

**PROJECT NAME:** Access to Private Lands – Yankee Gulch

**LEGAL DESCRIPTION:** Sixth Principal Meridian  
T. 3 S., R. 98 W.,  
sec. 16, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
sec. 17, SW $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
sec. 21, NW $\frac{1}{4}$ NW $\frac{1}{4}$ .

**APPLICANT:** Marvin T. Collier

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

***Background/Introduction:*** The Collier family owns two parcels of property in the bottom of Eureka Creek. Traditional access has been along Eureka Creek, passing through several parcels of private and public land. The applicant has an easement through one parcel, but the owners of two other parcels have blocked access. The applicant has filed two injunctions to keep the access open, but decisions in District Court have been against them. They are therefore seeking a right-of-way to construct access across public lands to one of their parcels.

***Proposed Action:*** The applicant has requested authorization from White River Field Office to construct a one lane road (running surface 12 feet wide with turnouts) from an oil and gas and range road along the top of Yankee Ridge (between Yankee and Eureka Gulches). The applicant requested a construction contractor to walk the route to determine the feasibility and best route. They have provided GPS points and elevations at 100 foot intervals. A gate will be installed to restrict road usage to the purpose of accessing the privately owned parcel. The road is designed for a travel speed of 15 mph.

The road as marked and proposed would be 3825 feet from the existing ridge road to the cabin, which is directly adjacent to the property line. The elevation change is from 7363 feet to 6950 feet for a change of 413 feet +/- 14 feet. The contractor would use a cat to blade a single width with some extra width for the switchbacks and possible rock areas. The applicant would be responsible for safety and maintenance, including erosion prevention.

**No Action Alternative:** The road would not be authorized or constructed.

**ALTERNATIVES CONSIDERED BUT NOT CARRIED FORWARD:**

Construction of a trail suitable for use only by all-terrain vehicles (ATVs) and snowmobiles was initially considered but dropped from further consideration. There is a cabin on the private property that the applicant is trying to gain legal access to. While the applicant is likely to use ATVs and snowmobiles on the access road, it was important that the road be constructed and maintained so as to be able to provide access with a pick-up truck in order to facilitate any maintenance work needed for the cabin.

**PURPOSE & NEED FOR THE ACTION** The purpose of the Proposed Action is to provide Marvin Collier with access to his private property. The need for this action is established by the BLM's responsibility under FLPMA to respond to the applicant's request to construct, operate and maintain a road to access private property across public lands. 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 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

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."

**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:

## AIR QUALITY

*Affected Environment:* The Proposed Action is located outside a 10-mile radius of any special designation airsheds or non-attainment areas. Special designation areas and non-attainment areas may require special considerations for proposed actions from the air quality regulatory agencies of Colorado Department of Public Health and Environment (CDPHE) and the U.S. Environmental Protection Agency (EPA). Special designation areas are protected for current air quality values and are typically areas such as national parks and wilderness areas. Non-attainment areas are locations where air pollution levels persistently exceed the national ambient air quality (NAAQ) standards.

The Proposed Action is in the White River Basin where industrial facilities include coal mines, soda ash mines, oil shale research and development, natural gas processing plants, and power plants. Due to these industrial uses, increased population, and oil and gas development in this region and in the nearby Uinta Basin, emissions of air pollutants in the White River Basin due to exhaust emissions, volatile organic compounds (VOCs), and dust (particulate matter) are likely to increase into the future. The majority of inhalable particulate matter (specifically PM<sub>10</sub> and PM<sub>2.5</sub>) is from fugitive dust sources (CDPHE, 2009). Fugitive dust emissions are typically due to earth moving, equipment and vehicles, and windblown disturbances.

*Environmental Consequences of the Proposed Action:* The Proposed Action will generate short-term fugitive dust during road construction and periodic dust production during maintenance and road use. Soil disturbance resulting from construction is expected to cause increases in fugitive dust and inhalable particulate matter (specifically PM<sub>10</sub> and PM<sub>2.5</sub>) in the project area and immediate vicinity. Dust is more likely to be produced during dry and/or windy conditions. Impacts are expected to be similar to what can be expected from the use and maintenance of a dirt road common in rural areas. Therefore, the Proposed Action is not likely to exceed the western Colorado dust standard of 50 µg/m<sup>3</sup> and it is unlikely to result in an exceedance of NAAQ standards for emissions of other pollutants.

*Environmental Consequences of the No Action Alternative:* No impacts to air quality would result from the No Action Alternative.

*Mitigation:* None.

## SOILS

*Affected Environment:* The classifications of soils within 30 meters of the proposed road are shown in the Table 1 below. There are no fragile soils or lands prone to landslides on Federal lands that will be impacted by this project. The road route drops off a good road on the ridge, down through an old burn scar; travels down a finger ridge into Eureka Creek, and finally switchbacks a steep slope section to the bottom of Eureka Creek. The BLM Manual Section 9113 allows for roads that will experience low volumes of traffic to be inslope or outslope designs for grades under 6% when soils will maintain stability. However, since this road is expected to only be used to access the private land by the private land owner and since the rock content of the soils is high (based on a field visit on 6/23/2011 by the WRFO Soil/Water/Air Specialist), a

design with inslope/outslope with grade changes will be appropriate for most of the road segments. A grade change design uses terrain changes to reduce long sections of the road with the same grade. The goal is to minimize the length of the road that will allow drainage on the road surface to short stretches and alternate inslope and outslope sections. Inslope means draining the water to a collection ditch on the uphill side of the road and outslope means draining the water to the downslope side of the road with a stable edge. For the limited use this road is expected to get, this design can typically be accomplished when grades are under 10% and by using the terrain to get the grade changes (i.e., going slightly upslope on one section and then going slightly downslope with the road grade on the next section to keep water from concentrating on the road surface).

There are two sections of the road that the inslope/outslope with grade changes design will be inadequate. These sections of the proposed road are the sections of the road that have steep slopes (some over 35%). When the road surface will have more than 10% grade, the road should have waterbars installed periodically to shed water off the road sections. If drainage on the road is properly considered and maintained, this road would be in conformance with BLM Manual 9113 specifications.

Table 1. Soil Classifications within 30 Meters of the Centerline of the Road

<b>Soil Classification</b>	<b>Range Site Description</b>	<b>Potentially Impacted Acres</b>
Rentsac channery loam, 5-50% slopes	Pinyon Juniper woodlands	5
Redcreek-Rentsac complex, 5-30% slopes	PJ woodlands	3
Barcus channery loamy sand, 2-8% slopes	Foothills Swale	2
Yamac Loam, 2-15% slope	Rolling Loam	1
Torriorthents-Rock Outcrop, complex, 15-90% slopes	Stoney Foothills	5
Glendive fine sandy loam	Foothills Swale	1

*Environmental Consequences of the Proposed Action:* According to the soil survey the Rentsac channery loam, Redcreek-Rentsac complex soils, and Torriorthents-Rock Outcrop complex soils (over 75% of the soils impacted) have rapid runoff characteristics and can have moderate to very high hazard for erosion. These soils generally have high rock content and are well drained; this should make the type of road use described in the Proposed Action appropriate. With an inslope/outslope with grade change design and the type of road use described, the access road should be able to be maintained and used without soil resource damage. If the road design and drainage features fail to shed water from the road and if road maintenance does not occur, there is the potential for erosion from these soils since 75% of the soils have a moderate to very high erosion potential. The potential for resource damage from erosion is more likely on the steeper sections of the road. Mitigation for the Proposed Action should help ensure that the road construction improves the potential for a stable, well drained, and non-erosive access road.

Maintenance of the access road is important since the soil survey indicates that runoff can become rapid. All drainage features should be checked periodically and improved as necessary to continue to shed water from the travel surface. Use of the road during wet conditions can dramatically increase the wear on the road for individual use and should be avoided as much as

possible. If ruts begin to form on the road, maintenance will be required to restore drainage features on the road.

If the road fails due to improper construction, use, or lack of maintenance, erosion on some sections of the road could be dramatic. This is especially true on the steeper sections and along the section of the road that has switchbacks.

*Environmental Consequences of the No Action Alternative:* No impacts have been identified; although access to the property would still be needed the way this would occur is unclear.

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

1. The ROW permittee will build and maintain the access road according to BLM Manual Section 9113 standards for road shape and drainage features for resource roads. For this road this means:
  - a. The road shall be designed with a maximum 14 foot wide travelway with turnouts as needed for vehicle passage. Turnouts will be at most 21 feet wide and placed within the approved ROW width of 25 feet and in stable sections of the road with less than 8% grade and be long enough for a vehicle to pull in and stop for oncoming vehicles.
  - b. An inslope/outslope with grade change design for most of the road and waterbars every 100 feet for any section of the road that exceeds 10% before the first switchback. Inslope and outslopes grading should have 2 to 4 percent slope and grades above 10% shall not be maintained for more than 300 feet of road without a grade change.
  - c. Waterbars should be installed on average every 150 feet on the switchback section of the road and the travelway for this section of the road should be flat or slightly insloped with adequate drainage.
  - d. Waterbars shall be constructed with approximately 30 degree angle to the road surface with the downstream edge discharging into an armored or stable vegetation area off the road surface. The waterbars will be of a rolling dip design that includes excavation of about 18 inches of soil from the travel way and mounding of the soil on the downstream side to about a 2 feet width. Maintenance can be reduced if rock is placed along the downstream side of the waterbar and consideration is given for compaction and soil stability.
  - e. Turns on the switchbacks should be constructed with the minimum radius needed for access vehicles and should have adequate drainage for the inside slope of the road before the switchback. Care should also be taken to not trap drainage between the uphill and downhill portions of the road on switchbacks. If necessary, the applicant should use culverts with a minimum of 18 inches diameter to adequately drain sections of the access road on the switchbacks.
  - f. The minimum cut and fill should be used to provide a safe travel surface on the switchback section and all disturbed areas outside of the travelway should be seeded with a BLM approved seed mix.

*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 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. There are no known solid waste dump sites within the project area.

*Environmental Consequences of the Proposed Action:* No listed or extremely hazardous materials in excess of threshold quantities are proposed for use in this project. While commercial preparations of fuels and lubricants proposed for use may contain some hazardous constituents, they would be stored, used, and transported in a manner consistent with applicable laws, and the generation of hazardous wastes would not be anticipated. Solid wastes would be disposed of properly. All applications of pesticides along the road would be in compliance with BLM requirements.

*Environmental Consequences of the No Action Alternative:* No hazardous or other solid wastes would be generated under the no-action alternative.

### *Mitigation:*

- 1) The applicant shall be required to collect and properly dispose of any solid wastes generated by the Proposed Action. If any hazardous chemicals, fuels, oils, lubricants, and/or noxious fluids are spilled during field activities, they shall be cleaned up immediately and disposed of at an approved waste disposal facility.
- 2) A release of any chemical, oil, petroleum product, or sewage, etc, (regardless of quantity) must be reported to the Bureau of Land Management – WRFO Hazardous Materials Coordinator at (970) 878-3800. The Colorado Department of Public Health and Environment (CDPHE) should be notified, if applicable, through the 24-hour spill reporting line at 1 (877) 518-5608.
- 3) The right-of-way holder is requested to notify BLM of any historical or recent trash dumping sites on the right-of-way, so that BLM can identify, prioritize, and perform cleanup activities at these locations.
- 4) All right-of-way holders shall comply with all federal, state and/or local laws, rules, and regulations, including but not limited to 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.

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

*Affected Environment:* This portion of BLM administered land has a crown and ditched oil and gas access road along a ridge above Eureka Creek. The Proposed Action will be to build

an access road to a private parcel by following a finger ridge and switchbacking to the bottom. 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
21	Mainstems of Black Sulphur Creek including all tributaries from the source to the confluence with Piceance Creek	No	Cold 1	Existing 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

The road would be constructed along a ridge between Yankee Gulch and Eureka Gulch which are tributaries to Black Sulphur Creek. 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 and will be designed, constructed, and maintained as described in the mitigation for soils. Based on a site visit on June 23, 2011 by the WRFO Hydrologist, Eureka Creek is an entrenched intermittent drainage. Movement of sediment from any erosion from this road would likely be stored in the tributary to Eureka Creek and is unlikely to impact water quality. Waterbars will deteriorate during storm events and road use and waterbars need to be re-established occasionally. If ruts begin to form on the road, the design of the road and waterbars will not protect the road and surrounding slopes from erosion due to concentrated surface runoff. The road should be evaluated periodically to determine what maintenance is needed and drainage features should be established before severe late summer thunderstorms and winter conditions. This kind of activity should be considered normal maintenance for this road.

Indirect impacts away from the construction disturbance for the access road are not expected if the road is properly constructed and maintained.

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

*Mitigation:* See the road design specifications described in the Soils Mitigation section.

*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 nearest perennial system, Black Sulphur Creek, lies about 6.8 valley miles downstream of the Proposed Action. The mouth of Eureka Creek enters this privately-owned segment of Black Sulphur Creek about 2.5 miles above privately-owned sections of Piceance Creek. Those BLM and privately-owned portions of Eureka Creek downstream of the project are believed to be ephemeral and are not known to support riparian vegetation. The lower reach of Black Sulphur Creek is heavily influenced by past and current agricultural and industrial use and supports little, if any, functional riparian values.

*Environmental Consequences of the Proposed Action:* Sediments originating from proposed road construction or operation would enter Eureka Creek and add incrementally to that sediment load eventually deposited in Piceance Creek. Although excessive sediment deposition in these systems can induce channel instabilities and damage riparian functions, the project-specific contribution is expected to remain discountable, based in part on there being no apparent sediment problems associated with two recently constructed utility corridors (one reclaimed pipeline, one livestock water line with accompanying access road) descending into Eureka Creek within  $\frac{3}{4}$  mile of this project.

Ready options available to reduce cumulative sedimentation attributable to this or similar projects in the project vicinity are limited. The applicant has minimized the proposed road bed width to the extent practicable, which would help reduce cut/fill and reclamation requirements and subsequently that surface susceptible to erosion and sediment production. Similarly, ensuring that nearby projects satisfactorily meet reclamation conditions would help offset unavoidable contributions to downstream systems.

*Environmental Consequences of the No Action Alternative:* There would be no action authorized that would add to sediments deposited in Piceance Creek.

*Mitigation:* None.

*Finding on the Public Land Health Standard for riparian systems:* Private lands are not evaluated in terms of the Public Land Health Standards. Although this project would contribute incrementally to sediments deposited in Piceance Creek, it is likely that project-specific influences would remain discountable.

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

*Affected Environment:* The proposed road will cross three different range sites. The range sites along with appearance and amount of disturbance per range site is outlined in Table 3 below.

Table 3.

Range Site	Plant Species	Ft. of disturbance
Rolling Loam	big sagebrush, western wheatgrass, streambank wheatgrass, prairie junegrass, Douglas rabbitbrush,, winterfat, and needleandthread	106 ft
Pinyon Juniper woodland	pinyon pine, Utah juniper, beardless wheatgrass, Indian ricegrass, serviceberry, mountain mahogany, sedges, and big sagebrush	1,884 ft
Foothill Swale	pinyon pine, Utah juniper Indian ricegrass, beardless wheatgrass, prairie junegrass, and low rabbitbrush	574 ft
Stoney Foothills	western wheatgrass, basin wildrye, Indian ricegrass big sagebrush, needleandthread, rubber rabbitbrush, fourwing saltbush, and winterfat	1,259 ft

*Environmental Consequences of the Proposed Action:* Road construction would require the removal of vegetation for 3,823 feet. Removal vegetation can lead to increased erosion and can also create a pathway for increased weed establishment along the project area. Successful re-vegetation of cut fill slopes and along the edge of the running surface would decrease the potential for erosion and weed establishment. Dependant on how frequently the road is used, establishment of vegetation along the middle of the road to create a two-track would also aid in reducing erosion and weed establishment.

*Environmental Consequences of the No Action Alternative:* There would be no road construction and therefore no disturbance to vegetation on the project area.

*Mitigation:* All cut-fill slopes areas along the edge of the road will be seeded with seed mix number three from the WRFO surface reclamation protocol. Seed rates shown in Table 4 are the drill seed rates, and broadcast seeding will be applied at double the rate and rake or harrowed into the soil. Seeding will take place between September 1<sup>st</sup> and February 28<sup>th</sup>.

Table 4: Seed Mix #3 from the WRFO Reclamation Protocol

Variety	Common Name	Scientific Name	Rate PLS lbs/acre
Rosana	Western wheatgrass	<i>Pascopyrum smithii</i>	4
Whitmar	Bluebunch wheatgrass	<i>Pseudoroegneria spicata</i>	3.5
Rimrock	Indian ricegrass	<i>Achnatherum hymenoides</i>	3
	Needle and Thread	<i>Hesperostipa comata</i>	2.5
Maple Grove	Lewis Flax	<i>Linum Lewisii</i>	1
	Scarlet Globemallow	<i>Sphaeralcea coccinea</i>	0.5

*Finding on the Public Land Health Standard for plant and animal communities* (partial, see also Wildlife, Aquatic and Wildlife, Terrestrial): The project area is currently meeting land health standards for vegetative communities. There are trace amounts of cheatgrass within the project area, and houndstongue is also present in the project area; however abundance of these two

species is not at a high enough level to classify the project area as not meeting standards. It is anticipated the project area will continue to meet land health standards if applied mitigation is followed.

## **INVASIVE, NON-NATIVE SPECIES**

*Affected Environment:* The proposed road would disturb soil and vegetation on three different range sites (See vegetation section). Current vegetation within the project area is dominated by cool-season perennial rhizomatous and bunch grasses. There are also multiple native forbs located within the area. Overall the vegetative community is meeting all land health standards.

There are two Colorado state listed noxious weeds that are known to be in the vicinity of the Proposed Action in trace amounts. Houndstongue (*Cynoglossum officinale*) is a list B noxious weed known to occur in the area and cheatgrass (*Bromus tectorum*) is a list C noxious weed inhabiting disturbed sites around the proposed project.

*Environmental Consequences of the Proposed Action:* Disturbance of vegetation and soils as a result of the Proposed Action will result in an increased likelihood of further weed establishment in the project area. Noxious and invasive plant species readily establish in areas of disturbance where native species can no longer compete with noxious/invasive species. Equipment used for road construction also has potential to bring seeds and propogules to the site from previous jobs. This would result in the establishment of new weed species not currently located in the project area.

*Environmental Consequences of the No Action Alternative:* There will be no new disturbance for road construction therefore minimizing the potential for noxious/invasive weed species to spread or establish in the area.

### *Mitigation:*

1. The applicant will be responsible for monitoring and treating noxious weeds along the road.
2. Any treatments done using herbicides will be done under the supervision of a certified applicator and approved BLM pesticide use proposal (PUP).

## **THREATENED, ENDANGERED, AND SENSITIVE PLANT SPECIES** (includes a finding on Standard 4)

*Affected Environment:* There are no plant species listed, proposed, or candidate to the Endangered Species Act, or plants considered sensitive by the BLM, that are known to inhabit areas influenced by the Proposed Action.

*Environmental Consequences of the Proposed Action:* The Proposed Action is not expected to affect special status plant species or associated habitats.

*Environmental Consequences of the No Action Alternative:* The no action alternative is not expected to affect special status plant species or associated habitats.

*Mitigation:* None.

*Finding on the Public Land Health Standard for Threatened & Endangered species:* The proposed and no-action alternatives are not expected to affect populations or habitats of plants associated with the Endangered Species Act or BLM sensitive species and, as such, should have no influence on the status of applicable Land Health Standards.

**THREATENED, ENDANGERED, AND SENSITIVE ANIMAL SPECIES** (includes a finding on Standard 4)

*Affected Environment:* There are no animals listed, proposed, or candidate to the Endangered Species Act that inhabit or derive important benefit from the project area. Two BLM sensitive animals, the Brewer's sparrow and greater sage-grouse, occupy the broad sagebrush ridgeline that encompasses the Proposed Action. Brewer's sparrows are common and widely distributed throughout the WRFO's sagebrush habitats. These migrants return to nest in this area by mid-May and normally complete nesting activities by mid July. Sagebrush associated with the project area is encroached to various degrees by pinyon and juniper regeneration, which has seriously detracted from its utility as sage-grouse habitat. Sagebrush habitats associated with this former fire disclimax continue to support limited sage-grouse use, but this use is believed to be spare and confined to elevations above 7,700 ft. about 2 miles upridge from the project site.

Two BLM sensitive fish, the flannelmouth and mountain sucker inhabit Piceance Creek and the lower reaches of Black Sulphur Creek. The status of these two fish are not clearly understood, but mountain sucker have appeared regularly and flannelmouth occasionally in periodic fishery sampling conducted by the CDOW. These fish will be discussed in the Aquatic Habitat section.

*Environmental Consequences of the Proposed Action:* The proposed project is located on the lower eastern margin of this large sagebrush park at an elevation of about 7,400 ft. Originating from an existing ridgeline road (upgraded for well access), the road would traverse about 170 meters of pinyon-juniper lightly-encroached sagebrush before descending a woodland slope. Although this habitat otherwise represents suitable sage-grouse habitat, it's entire length lies in close proximity to the existing improved access road and within 328 feet (100 meters) of the woodland margin—positions suitable, but not optimal for sage-grouse use. Although the utility of this habitat is currently suppressed, primarily because of woodland encroachment, the habitat retains potential for restoration and to serve in a future recovery role.

The proposed access road is short and would receive low frequency use, but since sage-grouse typically avoid roads, this project would generally be regarded as an impediment to ground movements along sagebrush habitats east of the existing road. It is reasonable to assume that increasingly narrow roads whose shoulders are well vegetated would pose a lesser barrier to the birds' movements.

Brewer's sparrow, too, tend to avoid nesting in close proximity to roads, but the contribution of this small, seldom-used spur road to indirect habitat loss (about 3 acres potentially influenced) would be discountable compared to the current influence of existing roads. The direct loss of sagebrush as habitat for sage-grouse (0.3 acre) and Brewer's sparrow (0.6 acre) is also negligible.

*Environmental Consequences of the No Action Alternative:* There would be no action authorized that would influence wildlife populations or habitats.

*Mitigation:* The approved road width (running surface) across the 570 feet of sagebrush-dominated ridgeline vegetation (i.e., the road's western-most section) should not exceed 12 feet in width. All disturbed lands, including the running surface, if practicable (i.e., 2-track character), should be revegetated (drilled or broadcast at double the rate and lightly harrowed) with a BLM-prescribed native seed mix during the months of September through November.

*Finding on the Public Land Health Standard for Threatened & Endangered species:* The project area is currently impaired (reversible) with regard to the support of sagebrush-associated animals due primarily to the advanced successional state of the sagebrush community. The proposed project would have no bearing on the standard in this respect, but would contribute to vehicle use patterns that are not conducive to this habitat's potential capacity as sage-grouse habitat. Mitigation is recommended that would aid in minimizing the influence of further road construction in these habitats.

## **MIGRATORY BIRDS**

*Affected Environment:* The project area's pinyon-juniper woodlands and mountain big sagebrush communities are used by a full complement of adapted species that normally return to this area by mid May and complete nesting activities (fledge and rear young) by mid-July. Several species merit heightened conservation scrutiny by BLM (Brewer's sparrow, greater sage-grouse, see *Threatened, Endangered, and Sensitive Animal* section) and the U.S. Fish and Wildlife Service (Birds of Conservation Concern, woodland associates: pinyon jay, juniper titmouse, Cassin's finch). The woodland species noted generally finish nesting by late spring or early summer (communal jays, cavity-nesting titmouse) or occupy these woodlands as secondary habitat at low densities (finch).

*Environmental Consequences of the Proposed Action:* Direct habitat involvement is limited to about 1.1 woodland acres and 0.6 sagebrush acre. Particularly since the proposed route tends to follow the interface between shrubland and woodland types, surface clearing attributable to road construction is unlikely to impose substantially on nest habitat utility or availability. Construction activity would be expected to disrupt nearby (within ~50 meters) nesting attempts if it were to occur before mid-July. It is estimated that these effects would extend to 15 or 20 acres adjacent to the proposed alignment.

*Environmental Consequences of the No Action Alternative:* There would be no action authorized that would influence Migratory Bird populations or habitat.

*Mitigation:* Vegetation clearing and earthwork associated with this project would not be allowed to take place between 15 May and 15 July of any year.

### **WILDLIFE, AQUATIC (includes a finding on Standard 3)**

*Affected Environment:* Two BLM sensitive fish, the flannelmouth and mountain sucker inhabit Piceance Creek and the lower reaches of Black Sulphur Creek, about 10 and 7 miles downstream of the project area, respectively. The status of these two fish are not clearly understood, but mountain sucker have appeared regularly and flannelmouth occasionally in periodic fishery sampling conducted by the CDOW.

As discussed in the Wetland and Riparian section, these reaches are privately-owned and managed and are agriculture and industrial in nature. The lower reach of Black Sulphur Creek supports little, if any, functional riparian values and although occupied by these fish, does not represent a stable or functional system. Those reaches of Piceance Creek below Black Sulphur generally support more consistently functional riparian and aquatic conditions in support of a fisheries, but tend to become dewatered and excessively warm during the irrigation months.

*Environmental Consequences of the Proposed Action:* Sediments originating from proposed road construction or operation would enter Eureka Creek and add incrementally to that sediment load eventually deposited in Piceance Creek. Although excessive sediment deposition in these systems can induce channel instabilities, damage riparian functions, and degrade aquatic habitat, the project-specific contribution is expected to remain discountable, based in part on these systems' current condition and there being no apparent sediment problems associated with two recently constructed utility corridors (one reclaimed pipeline, one livestock water line with accompanying access road) descending into Eureka Creek within ¾ mile of this project.

Ready options available to reduce cumulative sedimentation attributable to this or similar projects in the project vicinity are limited. The applicant has minimized the proposed road bed width to the extent practicable, which would help reduce cut/fill and reclamation requirements and subsequently that surface susceptible to erosion and sediment production. Similarly, ensuring that nearby projects satisfactorily meet reclamation conditions would help offset unavoidable contributions to downstream systems.

*Environmental Consequences of the No Action Alternative:* There would be no action authorized that would add to sediments deposited in Piceance Creek.

*Mitigation:* None.

*Finding on the Public Land Health Standard for riparian systems:* Private lands are not evaluated in terms of the Public Land Health Standards. Although this project would contribute

incrementally to sediments deposited in Piceance Creek, it is likely that project-specific influences to the channel in support of this fishery would remain discountable.

## **WILDLIFE, TERRESTRIAL** (includes a finding on Standard 3)

*Affected Environment:* The project area is broadly encompassed by big game winter ranges that are used primarily from October through mid-May. There is no recent or historical raptor nest activity indicated in habitats potentially influenced by or adjoining the Proposed Action. Raptor surveys were not conducted for this project, but are not considered necessary since the proposed alignment involves young woodland stands, a ridgeline crest, and steep south-facing slopes that are not amenable to woodland raptor nesting use. There are no highly specialized or narrowly endemic terrestrial wildlife species, particularly small mammals, known to inhabit the project area.

*Environmental Consequences of the Proposed Action:* The proposed road alignment would receive very light use and would not be expected to contribute substantially to road-related effects on wintering big game or other resident wildlife. Depending on use during the big game hunting seasons, deer and elk may tend to avoid habitats adjacent to the road (about 50 acres), but there would be no related consequence to publicly accessible BLM lands. The limited amount of vegetation clearing associated with road construction would have no measurable consequence on the availability or utility of wildlife cover or forage.

*Environmental Consequences of the No Action Alternative:* There would be no action authorized that would influence wildlife populations or habitat.

*Mitigation:* None.

*Finding on the Public Land Health Standard for plant and animal communities* (partial, see also Vegetation and Wildlife, Aquatic): The project area generally meets the land health standards for terrestrial wildlife communities. The Proposed Action would have little effective influence on the availability or utility of wildlife habitats in the immediate project locale and its cumulative influence on behavioral or physical impacts to wildlife in the Piceance Basin would be discountable.

## **WILD HORSES**

*Affected Environment:* The Proposed Action is not located within a designated wild horse management area. A designated wild horse area is located approximately one mile west of the proposed project. Historically, wild horses have been known to be in this area, which is outside of the Piceance-East Douglas Herd Management Area (PEDHMA) and several attempts to gather them have failed. A gather operation is proposed for September 2011 which will attempt to gather wild horses located outside of the PEDHMA.

*Environmental Consequences of the Proposed Action:* The Proposed Action would have no impacts on the wild horse management area.

*Environmental Consequences of the No Action Alternative:* None.

*Mitigation:* None.

## **CULTURAL RESOURCES**

*Affected Environment:* The proposed access road has been inventoried at the Class III (1005 pedestrian) level (Darnell 2011 Compliance Dated 5/11/2011) with no cultural resources identified in the inventoried area. There are no known register eligible cultural resources within 200 meters of the proposed road.

*Environmental Consequences of the Proposed Action:* The Proposed Action will not impact any cultural resources that are considered eligible for the National Register of Historic Places. A historic brush fence is located north and south of the access road but should not be impacted as the major portions of the fence are more than 200 meters from the road. It is not expected that there will be any cumulative loss to the archaeological data base of the region as a result of construction of the new access road.

*Environmental Consequences of the No Action Alternative:* There would be no new impacts to cultural resources under the No Action Alternative.

*Mitigation:* 1. The operator 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 operator 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 operator as to:

- whether the materials appear eligible for the National Register of Historic Places
- the mitigation measures the operator 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 operator 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 operator 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 operator 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.

## PALEONTOLOGY

*Affected Environment:* The proposed access road is located in an area generally mapped as 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 such as *Uintatherium* and other Bridgerian age fossils (Armstrong and Wolny 1989).

*Environmental Consequences of the Proposed Action:* If it becomes necessary at any time during construction of the access road to excavate into the underlying sedimentary rock formations there is a potential to impact scientifically noteworthy fossil resources. If fossil resources are encountered during construction there is a potential for loss of scientific paleontological data which would be a net loss of data for the area.

*Environmental Consequences of the No Action Alternative:* There would be no new impacts to fossil resources under the No Action Alternative.

*Mitigation:* 1. The operator 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 operator 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 operator as to:

- whether the materials appear to be of noteworthy scientific interest
- the mitigation measures the operator will likely have to undertake before the site can be used (assuming in situ preservation is not feasible)

If the operator 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 operator 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 operator will then be allowed to resume construction.

**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 known 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.

Table 5.

Other Element	NA or Not Present	Applicable or Present, Not Brought Forward for Analysis	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 Critical Environmental Concern	X		
Wilderness	X		
Wild and Scenic Rivers	X		
Cadastral	X		
Socio-Economics	X		
Law Enforcement	X		

**VISUAL RESOURCES**

*Affected Environment:* The Proposed Action would take place on Class III lands. According to BLM Manual H-8410-1, the management objective for Class III lands is to partially retain the existing character of the landscape, while allowing for a moderate level of change. Management activities may attract attention but should not dominate the view of the casual observer. Changes should repeat the basic elements and form found in the predominant natural features of the characteristic landscape. The area has been, and is currently being developed for the extraction of oil and gas and thus has a somewhat modified appearance on the landscape. The linear features in the area that attract attention are the road network, fence lines, and pipelines.

*Environmental Consequences of the Proposed Action:* The Proposed Action will increase the presence of linear features within the area. The construction of the road per the Proposed Action would present a contrast to the existing landscape that does not currently exist however the proposed road will only be single blade width and generally conform to the existing

landscape. The casual observer who travels BLM Road 1182 would likely notice the presence of this new road. However due to the presence of other linear oil and gas features, it is not likely that the Proposed Action would detract or negatively impact the visual resource beyond existing impacts. The Proposed Action will allow for minimal disturbance that will attract attention to the casual observer therefore the characteristics of the VRM class III will be retained.

*Environmental Consequences of the No Action Alternative:* There would be no new road constructed therefore there would be no impact to the visual resource.

*Mitigation:* None.

## **FIRE MANAGEMENT**

*Affected Environment:* The Proposed Action is located within the D5 Cathedral Bluffs/Roan Plateau Fire Management Polygon. The vegetation within the polygon is mountain shrub, PJ woodland, big sagebrush, Douglas fir. Resource management objectives are to manage naturally ignited fires to promote a vegetation mosaic representing natural distributions of plant communities of varying successional stages. Within the D5 polygon, managing natural ignitions for resource benefits is the preferred option when life and property are not threatened.

Fires in the area of the proposed road construction are historically lightning caused and typically range in size from 0.1 to 5 acres. Large fire history in the vicinity of the action include the Yankee Gulch fire in 2003 (1,500 acres) and the Bluebird fire in 2003 (32 acres).

*Environmental Consequences of the Proposed Action:* Due to existing PJ and sagebrush, there will be a need for the operator to clear vegetation. If not adequately treated, resultant woody debris and slash will result in elevated hazardous fuels conditions and remain on-site for many years. Vegetation removal and soil disturbance could provide an opportunity for noxious weeds and cheatgrass to establish or expand in the area, which would increase fuel loads. These accumulations of dead material are very receptive to fire brands and spotting from wind driven fires and can greatly accelerate the rate of spread of the fire front. Construction of a new road will create access for the general public for a variety of uses, including fire wood gathering, hunting and other dispersed recreational activities. Increased public use of an area will nearly always result in an increased potential for man-caused wildland fires. If not treated the remnant slash and woody debris will create an elevated hazardous dead fuel loading which could pose significant control problems in the event of a wildfire. Additionally there would be greater threat to the public and any responding fire suppression personnel.

The National Fire Plan calls for “firefighter and public safety” to be the highest priority for all fire management activities. During the construction of the proposed road, fire management may have little choice, but to suppress all fires within close proximity to the project area. This aggressive fire suppression response will prevent fire from playing a natural role in creating a vegetation mosaic.

*Environmental Consequences of the No Action Alternative:* There would be no clearing of the existing brush and trees, thus no increase in dead fuel loading susceptible to fire.

*Mitigation:* The contractor completing the proposed actions on lands administered by the BLM, WRFO, will notify Craig Interagency Dispatch (970-826-5037) in the event of any fire.

- a) The reporting party will inform the dispatch center of fire location, size, status, smoke color, aspect, fuel type, and provide their contact information.
- b) The reporting party, or a representative of, should remain nearby, in a safe location, in order to make contact with incoming fire resources to expedite actions taken towards an appropriate management response.
- c) Contractors will not engage in any fire suppression activities outside the approved project area. Accidental ignitions caused by welding, cutting, grinding, etc. will be suppressed by the applicant only if employee safety is not endangered and if the fire can be safely contained using hand tools and portable hand pumps. If chemical fire extinguishers are used the applicant must notify incoming fire resources on extinguisher type and the location of use.
- d) Natural ignitions caused by lightning will be managed by Federal fire personnel. If a natural ignition occurs within the approved project area, the fire may be initially contained by the applicant only if employee safety is not endangered. The use of heavy equipment for fire suppression is prohibited, unless authorized by the Field Office Manager.

See Forestry Management Section below for direction on removal of woody material.

## **FOREST MANAGEMENT**

*Affected Environment:* The Proposed Action is located within a mature productive exposure stand class of pinyon/juniper woodland as defined by a survey performed by White River Field Office personnel from 2003-2005. Productive exposure types occur on primarily lower gradient slopes and north and east aspects. Growth rates are higher in these areas due to soil features which allow for effective use of precipitation. This habitat type is further broken down based on the age class of the stand. In this case the affected stands are both mature and young. Mature pinyon/juniper trees on productive exposure establish themselves as the dominant plant community on the site. Dry exposure types occur when slopes and soil features do not allow for the retention of precipitation. The growth rates within these areas are low and most and generally the trees present are mature. Mature stands are valuable locally as a source of fire wood and posts for fence construction. Encroachment sites of young pinyon trees are valuable for Christmas tree harvest.

*Environmental Consequences of the Proposed Action:* Table 6 shows the estimated loss of woodland acres as a result of the Proposed Action. Following reclamation of it is expected that pinyon and juniper will invade the site within 50-70 years and would develop a mature stand within 250-350 years. Under the Proposed Action about .4 acres of woodlands would be removed. The loss of pinyon/juniper woodland would adversely affect wildlife and nesting

habitat. Impacts would be long-term until woodlands regenerate successfully. Removal of mature and middle-aged pinyon and juniper trees would reduce the potential for outbreak of woodland diseases and pest infestations. Reducing the stand size of pinyon and juniper trees in areas historically included in sagebrush and grass communities would increase the open areas preferred as foraging areas by wildlife and livestock. Acceptance of mitigation measures outlined for fire management would reduce the build-up of cleared woody material from the Project Area, reducing the likelihood of slash contributing to possible large fire events.

Table 6.

Acreage In Woodlands			
Access Rd. (Ac)	Acres Disturbed (Total)	Stand Class	Total Cords
.3 miles	.84	Mature Productive Exposure	4
.1 miles	.1	Mature Dry Exposure	1

*Environmental Consequences of the No Action Alternative:* Under this alternative there would be no construction of wellpads and no removal of pinyon and juniper woodlands.

*Mitigation:* In accordance with the 1997 White River ROD/RMP, all trees removed in the process of construction shall be purchased from the BLM. Trees should first be used in reclamation efforts and then any excess material made available for firewood or other uses.

- a) Woody materials required for reclamation shall be removed in whole with limbs intact and shall be stockpiled along the margins of the authorized use area separate from the topsoil piles. Once the disturbance has been recontoured and reseeded, stockpiled woody material shall be scattered across the reclaimed area where the material originated. Redistribution of woody debris will not exceed 20% ground cover. Limbed material shall be scattered across reclaimed areas in a manner that avoids the development of a mulch layer that suppresses growth or reproduction of desirable vegetation. Woody material will be distributed in such a way to avoid large concentrations of heavy fuels and to effectively deter vehicle use.
- b) Trees that must be removed for construction and are not required for reclamation shall be cut down to a stump height of 6 inches or less prior to other heavy equipment operation. These trees shall be cut in four foot lengths (down to 4 inches diameter) and placed in manageable stacks immediately adjacent to a public road to facilitate removal for personal use or removal by the public.

## RANGELAND MANAGEMENT

*Affected Environment:* The proposed road would be constructed within the Black Sulphur allotment (06029). This allotment is run in common with Mantle Ranch and Boone and Barbara Vaughn. This allotment has been categorized as an improve allotment in the 1997 White

River ROD/RMP due to riparian concerns in the Black Sulphur drainage. Use on the allotment is outlined in Table 7.

Table 7.

Mantle Ranch Use								
Allotment		Livestock		Use Period				
Number	Name	Kind	Number	Begin	End	%PL	Type Use	AUMs
6029	Black sulphur	Cattle	200	11/1	2/28	86	Active	679
6029	Black sulphur	Cattle	50	4/1	6/15	86	Active	107
6029	Black sulphur	Cattle	118	5/1	6/15	86	Active	153

Boone and Barbara Vaughn Use								
Allotment		Livestock		Use Period				
Number	Name	Kind	Number	Begin	End	%PL	Type Use	AUMs
6029	Black sulphur	Cattle	100	5/1	6/15	100	Active	151
6029	Black sulphur	Cattle	100	11/1	11/30	100	Active	99

*Environmental Consequences of the Proposed Action:* Road construction would require the removal of vegetation used as forage for livestock within the Black Sulphur allotment. The amount of forage removed for this project is not expected to impact livestock grazing because the amount of disturbance on the allotment is nominal compared to the overall size of the allotment (19,806 acres). The amount of forage lost is anticipated to be less than 1 AUM and no changes in grazing will need to take place as a result of this project.

*Environmental Consequences of the No Action Alternative:* The no action alternative would have not impacts to rangeland management in the project area.

*Mitigation:* None.

## ACCESS AND TRANSPORTATION

*Affected Environment:* The proposed road is located in T. 3 S., R. 98 W. It travels in a southeasterly direction from BLM Road 1182 to a point where it intersects with the applicant's private land. As described in the Proposed Action, the road as marked would be approximately 1.01 miles in length and would provide direct access to the applicant's private land without trespassing on the private road in Eureka Gulch.

*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. Currently the only access to the applicant's property is along the road in Eureka Gulch that passes through several parcels of private property. The applicant has requested and been denied access along this road from the other property owners.

A potential negative impact from the Proposed Action would be the creation of access for the general public to the road in Eureka Creek, thus creating conditions suitable to potential trespassing on private lands.

*Environmental Consequences of the No Action Alternative:* The request for authorization would be denied and the applicant would not have access to his private land in Eureka Gulch.

*Mitigation:* To prevent the public from trespassing on private lands, the applicant will be required to install a gate where the proposed road intersects BLM Road 1182. The gate will be fitted with adjoining locks to provide for BLM administrative access to adjacent BLM lands.

## **REALTY AUTHORIZATIONS**

*Affected Environment:* The Proposed Action was serialized as COC74601. Approximately 3,825 feet of road will be constructed, and a gate will be constructed on public lands.

*Environmental Consequences of the Proposed Action:* The approval of the Proposed Action would resolve the court case as the road would be authorized and used for accessing the residential and ranch operations.

*Environmental Consequences of the No Action Alternative:* The request for authorization would be denied and the applicant would be not have access to their private land in Eureka Gulch.

*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 Eureka Gulch 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.

Darnell, Nicole  
 2011 Class III Cultural Resources Inventory for the Proposed Collier Access Road (3750 feet) in Rio Blanco County, Colorado for Marvin Collier. Grand River Institute, Grand Junction, Colorado. (11-11-15: )

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

**INTERDISCIPLINARY REVIEW:** The Proposed Action was presented to, and reviewed by the White River Field Office interdisciplinary team on 08/16/2010.

<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, and Soils	6/30/2011
Jill Schulte	Botanist	Areas of Critical Environmental Concern, Threatened and Endangered Plant Species	10/21/2010
Michael Selle	Archaeologist	Cultural Resources, Paleontological Resources	5/11/2011
Matthew Dupire	Rangeland Management Specialist	Invasive, Non-Native Species, Vegetation , Rangeland Management	07/05/2011
Ed Hollowed	Wildlife Biologist	Migratory Birds, Threatened, Endangered and Sensitive Animal Species, Terrestrial and Aquatic Wildlife, Wetlands and Riparian Zones	6/27/2011
Christina Barlow	Natural Resource Specialist/HazMat Coordinator	Wastes, Hazardous or Solid	07/05/2011
Chad Schneckenberger	Outdoor Recreation Planner	Wilderness, Access and Transportation, Recreation,	07/05/2011
Jim Michels	Forester /Fire / Fuels Technician	Forest Management	05/11/2011
Garner Harris	Zone Fire Management Officer	Fire Management	5/26/2011
Paul Daggett	Mining Engineer	Geology and Minerals	06/06/2011
Jeanne E. Newman	Realty Specialist	Realty Authorizations	07/05/2011
Chad Schneckenberger	Natural Resource Specialist / Outdoor Recreation Planner	Visual Resources	07/05/2011
Melissa J. Kindall	Range Technician	Wild Horses	06/09/2011

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

**DOI-BLM-CO-110-2011-0011-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 and attached mitigation. The applicant will be required to control weed growth along the roadway and to seed any bare ground.

**MITIGATION MEASURES:**  
See Attachment B.

**COMPLIANCE/MONITORING:** On-going compliance inspections and monitoring will be conducted by WRFO staff during and after construction. Specific mitigation developed in the associated Environmental Assessment will be followed.

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

**NAME OF ENVIRONMENTAL COORDINATOR:** Heather Sauls

**SIGNATURE OF AUTHORIZED OFFICIAL:**   
Field Manager

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

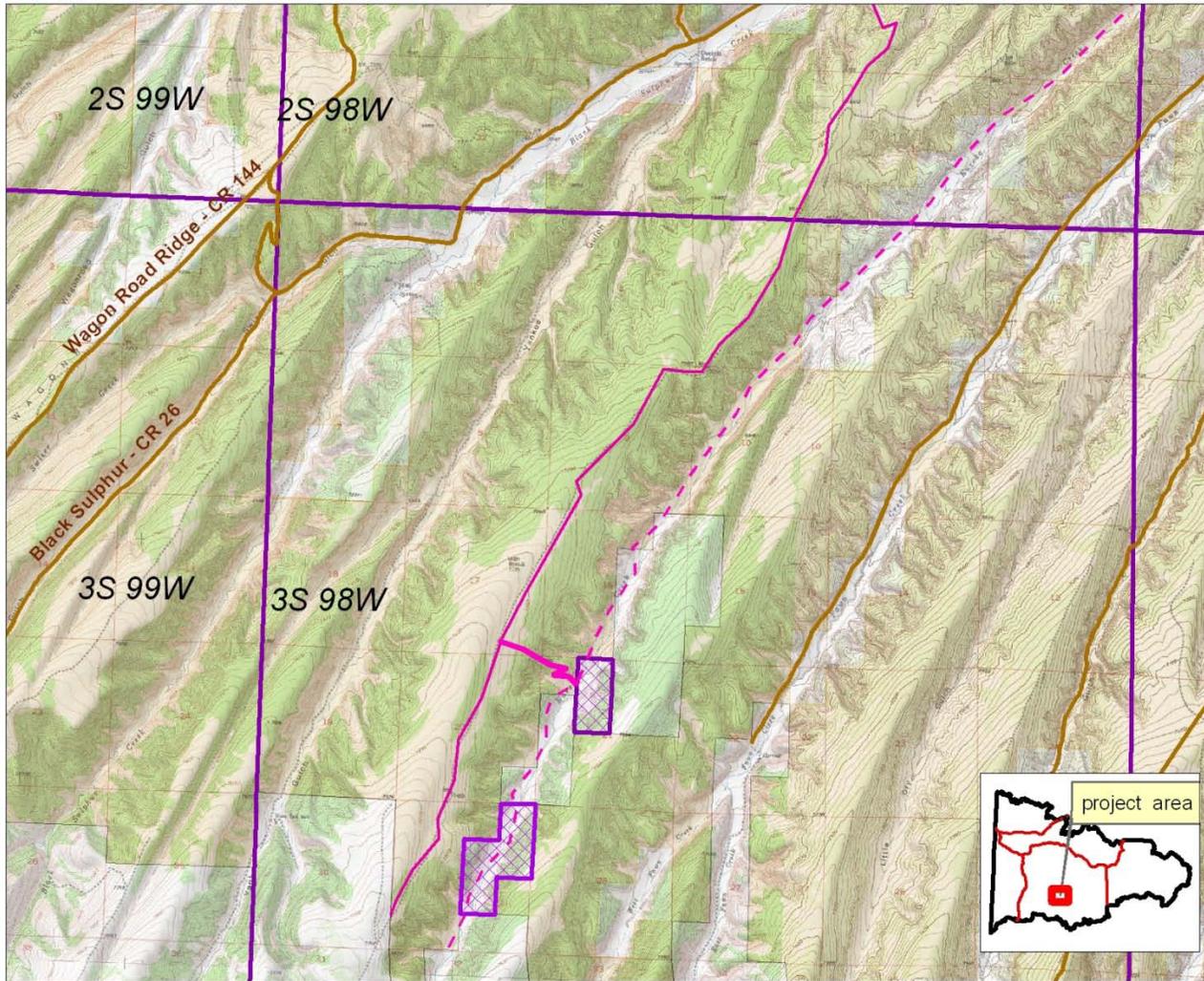
**ATTACHMENTS:**  
Exhibit A: Access to Private Lands – M Coller  
Exhibit A-Image: Access to Private Lands – M Coller  
Attachment B: Mitigation Measures



# ACCESS TO PRIVATE LANDS - M COLLER



## EXHIBIT A



COC74601

DOI-BLM-CO-110-2011-00011-EA

Sixth Principal Meridian  
T3S 98W sec 17, 20, 21.



### OwnershipParcels\_RBC <all other values>

#### NAME

- COLLER, MARVIN THEODORE & RHC
- COLLER, MARVIN THEODORE ET AL
- County
- State
- PLSS\_Townships\_GCDB2008
- BLM
- CDW
- County
- FOR
- NPS
- PRI
- STA



OWNER:  
BLM, 9/2010 LLJ

DISCLAIMER:  
This map was prepared by the BLM and is for informational purposes only. It is not intended to be used as a legal document. The BLM does not warrant the accuracy or completeness of the information provided on this map. The BLM is not responsible for any errors or omissions on this map. The BLM is not liable for any damages, including consequential damages, arising from the use of this map. The BLM is not responsible for any actions taken based on the information provided on this map.



## **Attachment B – Mitigation Measures:**

1. The ROW permittee will build and maintain the access road according to BLM Manual Section 9113 standards for road shape and drainage features for resource roads. For this road this means:

- g. The road shall be designed with a maximum 14 foot wide travelway with turnouts as needed for vehicle passage. Turnouts will be at most 21 feet wide and placed within the approved ROW width of 25 feet and in stable sections of the road with less than 8% grade and be long enough for a vehicle to pull in and stop for oncoming vehicles.
- h. An inslope/outslope with grade change design for most of the road and waterbars every 100 feet for any section of the road that exceeds 10% before the first switchback. Inslope and outslopes grading should have 2 to 4 percent slope and grades above 10% shall not be maintained for more than 300 feet of road without a grade change.
- i. Waterbars should be installed on average every 150 feet on the switchback section of the road and the travelway for this section of the road should be flat or slightly insloped with adequate drainage.
- j. Waterbars shall be constructed with approximately 30 degree angle to the road surface with the downstream edge discharging into an armored or stable vegetation area off the road surface. The waterbars will be of a rolling dip design that includes excavation of about 18 inches of soil from the travel way and mounding of the soil on the downstream side to about a 2 feet width. Maintenance can be reduced if rock is placed along the downstream side of the waterbar and consideration is given for compaction and soil stability.
- k. Turns on the switchbacks should be constructed with the minimum radius needed for access vehicles and should have adequate drainage for the inside slope of the road before the switchback. Care should also be taken to not trap drainage between the uphill and downhill portions of the road on switchbacks. If necessary, the applicant should use culverts with a minimum of 18 inches diameter to adequately drain sections of the access road on the switchbacks.
- l. The minimum cut and fill should be used to provide a safe travel surface on the switchback section and all disturbed areas outside of the travelway should be seeded with a BLM approved seed mix.

2. The applicant shall be required to collect and properly dispose of any solid wastes generated by the proposed actions. If any hazardous chemicals, fuels, oils, lubricants, and/or noxious fluids are spilled during field activities, they shall be cleaned up immediately and disposed of at an approved waste disposal facility.

3. A release of any chemical, oil, petroleum product, or sewage, etc, (regardless of quantity) must be reported to the Bureau of Land Management – WRFO Hazardous Materials Coordinator at (970) 878-3800. The Colorado Department of Public Health and Environment (CDPHE) should be notified, if applicable, through the 24-hour spill reporting line at 1 (877) 518-5608.

4. The right-of-way holder is requested to notify BLM of any historical or recent trash dumping sites on the right-of-way, so that BLM can identify, prioritize, and perform cleanup activities at these locations.
5. All right-of-way holders shall comply with all federal, state and/or local laws, rules, and regulations, including but not limited to 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.
6. All cut-fill slopes areas along the edge of the road will be seeded with seed mix number three from the WRFO surface reclamation protocol. Seed rates shown in the table are the drill seed rates, and broadcast seeding will be applied at double the rate and rake or harrowed into the soil.

Variety	Common Name	Scientific Name	Rate PLS lbs/acre
Rosana	Western wheatgrass	<i>Pascopyrum smithii</i>	4
Whitmar	Bluebunch wheatgrass	<i>Pseudoroegneria spicata</i>	3.5
Rimrock	Indian ricegrass	<i>Achnatherum hymenoides</i>	3
	Needle and Thread	<i>Hesperostipa comata</i>	2.5
Maple Grove	Lewis Flax	<i>Linum Lewisii</i>	1
	Scarlet Globemallow	<i>Sphaeralcea coccinea</i>	0.5

7. The applicant will be responsible for monitoring and treating noxious weeds along the road.
8. Any treatments done using herbicides will be done under the supervision of a certified applicator and approved BLM pesticide use proposal (PUP).
9. The approved road width (running surface) across the 570 feet of sagebrush-dominated ridgeline vegetation (i.e., the road's western-most section) should not exceed 12 feet in width. All disturbed lands, including the running surface, if practicable (i.e., 2-track character), should be revegetated (drilled or broadcast at double the rate and lightly harrowed) with a BLM-prescribed native seed mix during the months of September through November.
10. Vegetation clearing and earthwork associated with this project would not be allowed to take place between 15 May and 15 July of any year.
11. The operator 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 operator 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 operator as to:
  - whether the materials appear eligible for the National Register of Historic Places
  - the mitigation measures the operator 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 operator 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 operator 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 operator will then be allowed to resume construction.

12. 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.

13. The operator 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 operator 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 operator as to:

- whether the materials appear to be of noteworthy scientific interest
- the mitigation measures the operator will likely have to undertake before the site can be used (assuming in situ preservation is not feasible)

If the operator 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 operator 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 operator will then be allowed to resume construction.

14. The contractor completing the proposed actions on lands administered by the BLM, WRFO, will notify Craig Interagency Dispatch (970-826-5037) in the event of any fire.

- a) The reporting party will inform the dispatch center of fire location, size, status, smoke color, aspect, fuel type, and provide their contact information.
- b) The reporting party, or a representative of, should remain nearby, in a safe location, in order to make contact with incoming fire resources to expedite actions taken towards an appropriate management response.
- c) Contractors will not engage in any fire suppression activities outside the approved project area. Accidental ignitions caused by welding, cutting, grinding, etc. will be suppressed by the applicant only if employee safety is not endangered and if the fire can be safely

contained using hand tools and portable hand pumps. If chemical fire extinguishers are used the applicant must notify incoming fire resources on extinguisher type and the location of use.

- d) Natural ignitions caused by lightning will be managed by Federal fire personnel. If a natural ignition occurs within the approved project area, the fire may be initially contained by the applicant only if employee safety is not endangered. The use of heavy equipment for fire suppression is prohibited, unless authorized by the Field Office Manager.

15. In accordance with the 1997 White River RMP/ROD, all trees removed in the process of construction shall be purchased from the BLM. Trees should first be used in reclamation efforts and then any excess material made available for firewood or other uses.

- a) Woody materials required for reclamation shall be removed in whole with limbs intact and shall be stockpiled along the margins of the authorized use area separate from the topsoil piles. Once the disturbance has been recontoured and reseeded, stockpiled woody material shall be scattered across the reclaimed area where the material originated. Redistribution of woody debris will not exceed 20% ground cover. Limbed material shall be scattered across reclaimed areas in a manner that avoids the development of a mulch layer that suppresses growth or reproduction of desirable vegetation. Woody material will be distributed in such a way to avoid large concentrations of heavy fuels and to effectively deter vehicle use.
- b) Trees that must be removed for construction and are not required for reclamation shall be cut down to a stump height of 6 inches or less prior to other heavy equipment operation. These trees shall be cut in four foot lengths (down to 4 inches diameter) and placed in manageable stacks immediately adjacent to a public road to facilitate removal for company use or removal by the public.

16. To prevent the public from trespassing on private lands, the applicant will be required to install a gate where the proposed road intersects BLM Road 1182. The gate will be fitted with adjoining locks to provide for BLM administrative access to adjacent BLM lands.