

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-110-2013-0091-CX

CASEFILE/PROJECT NUMBER: 05014104, 0501422

PROJECT NAME: Temporary Water Tank Placement (2) and Road Maintenance

LEGAL DESCRIPTION: Sixth Principal Meridian, Colorado
T. 1 N., R. 96 W.,
Sec 7 & 8,
T.3 S., R. 97 W.
Sec 7

APPLICANT: Mike Lopez /LOV Ranch

DESCRIPTION OF PROPOSED ACTION: Mike Lopez has requested to place a temporary water tank (ten days) in an existing disturbance adjacent to an existing un-numbered two-track road southeast of Rio Blanco Lake (at approximately NAD 83 Zone 13 UTM: 226994, 4440595). His water truck could access the tank from the existing roadway. However to get the water truck to this location Lopez will need to maintain a point in the existing road where it crosses a draw (see Exhibit A). This road is part of Tri-State's access route for the Tristate Rangely-Meeker Transmission line Right-of-Way (ROW). Power line structure replacements were analyzed last year in DOI-BLM-CO-110-2012-0079-CX. Cultural and biological surveys and data were collected as part of the renewal process and were used to document environmental compliance for the ROW request. The sites were surveyed for special status plant species on June 17, 2013 and there is no plant habitat associated with these locations. Per Mr. Lopez, road maintenance would consist of using a mid-sized metal tracked bull dozer or rubber tired front end loader to push material from the existing roadway in to fill an area where erosion has cut the road bed and clear some loose rocks from the roadway. All equipment use and disturbance would be within the existing roadway.

In a separate but similar action LOV Ranch has requested to place a place a temporary (four weeks) water tank adjacent to an existing BLM road (#1014) on a ridge top between Little Dry Gulch and Dry Gulch (at approximately NAD 83 Zone 13 UTM: 215081, 4411988). The ranch water truck could access the tank from the existing roadway (see Exhibit B). There is no special status plant habitat associated with this location.

These water sources are necessary to improve livestock distribution and management in these areas. Both tanks would be removed at the end of each use period. Both operators would like to proceed with these projects immediately.

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:

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 (White River ROD/RMP).

Date Approved: July 1, 1997

Decision Number/Page: 2-23

Decision Language: “With minor exceptions, livestock grazing will be managed as described in the 1981 Rangeland Program Summary (RPS). That document is the Record of Decision for the 1981 White River Grazing Management Final Environmental Impact Statement (Grazing EIS). These documents along with the RPS updates issued in 1981 and 1984, address five major actions:

- 1) allocation of forage among predominant grazing animals and other uses;
- 2) initiation of intensive grazing management;
- 3) continuation of exiting intensive grazing management practices;
- 4) minimum period of rest for each allotment; and
- 5) identification of range improvements to enhance rangeland productivity and management.”

Decision Number/Page: 2-25

Decision Language: “Range improvements are necessary to control livestock use and improve rangeland condition. Anticipated improvement needs will include approximately 200 miles of fencing and about 700 water developments, including reservoirs, wells, springs with associated troughs, tanks and pipelines.”

CATEGORICAL EXCLUSION REVIEW: The Proposed Action qualifies as a categorical exclusion under 516 DM 11.9, D2: “*Placement and use of temporary (not to exceed on month) portable corrals and water troughs, providing no new road construction is needed.*”

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 the bureau.		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 5/21/2013. 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.

Name	Title	Resource	Date
Kristin Bowen	Archaeologist	Cultural Resources, Native American Religious Concerns	6/7/2013
Laura Dixon	Wildlife Biologist	Special Status Wildlife Species	6/19/2013
Baili Foster	Ecologist	Special Status Plant Species	6/24/2013

REMARKS:

Cultural Resources: The proposed Mike Lopez temporary water tank placement and associated road maintenance should have no effect to historic properties. The road maintenance action falls within an area that was surveyed recently for the road ROW renewal (WRFO #11-167-01/ SHPO #RB.LM.R1274) and no historic properties are within the current proposal's area of potential effect. The tank will be placed in existing disturbance, and the temporary action should not cause impacts to any undisturbed/in situ cultural resources potentially eligible to the National Register. The LOV Ranch temporary water tank is being proposed in an area that has been covered by multiple cultural resource surveys and no potentially eligible sites have been located nearby, so it should also have no effect to historic properties.

Native American Religious Concerns: There are no known Native American concerns with this action. There are no cultural sites involved, and these are small temporary range improvement projects, so they meet the qualifications that have been identified by tribes to the WRFO, as not needing to be consulted on.

Special Status Wildlife Species: No listed, proposed, or candidate animals are known to inhabit or derive important benefit from the project vicinity. There are no other wildlife concerns or issues associated with the Proposed Action.

Special Status Plant Species: The Lopez project area was surveyed June 17, 2013 by the BLM Ecologist and Rangeland Management Specialist for special status plant species (SSPS) and associated habitat. No SSPS were found within 600 meters of the Proposed Action therefore, there are no associated concerns.

MITIGATION:

1. 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.

2. Pursuant to 43 CFR 10.4(g), the applicant must notify the AO, by telephone and 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), the applicant must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.

REFERENCES:

Thompson, Linda and Bonnie Gibson

2011 Tri-State Generation and Transmission Association, Inc., Rangely-Meeker Transmission Line Replacement, Class III Cultural Resource Inventory, Rio Blanco County, Colorado. PaleoWest Archaeology, Denver, Colorado. WRFO #11-167-01/ SHPO #RB.LM.R1274.

COMPLIANCE PLAN: On-going compliance inspections and monitoring will be conducted by the BLM White River Field Office staff during and after placement. Specific mitigation developed in this document will be followed. The operator will be notified of compliance related issues verbally followed by written notice, and depending on the nature of the issue(s), will be provided five days to resolve such issues.

NAME OF PREPARER: Mary Taylor

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, D2. 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:

06/28/13

ATTACHMENTS:

Exhibit A: Lopez tank placement site and road maintenance
Exhibit B: LOV Ranch tank placement site

Lopez Tank Location & Road Maintenance

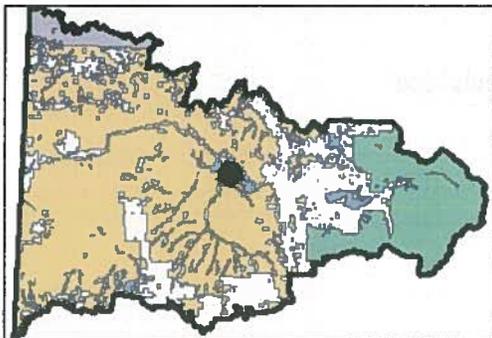
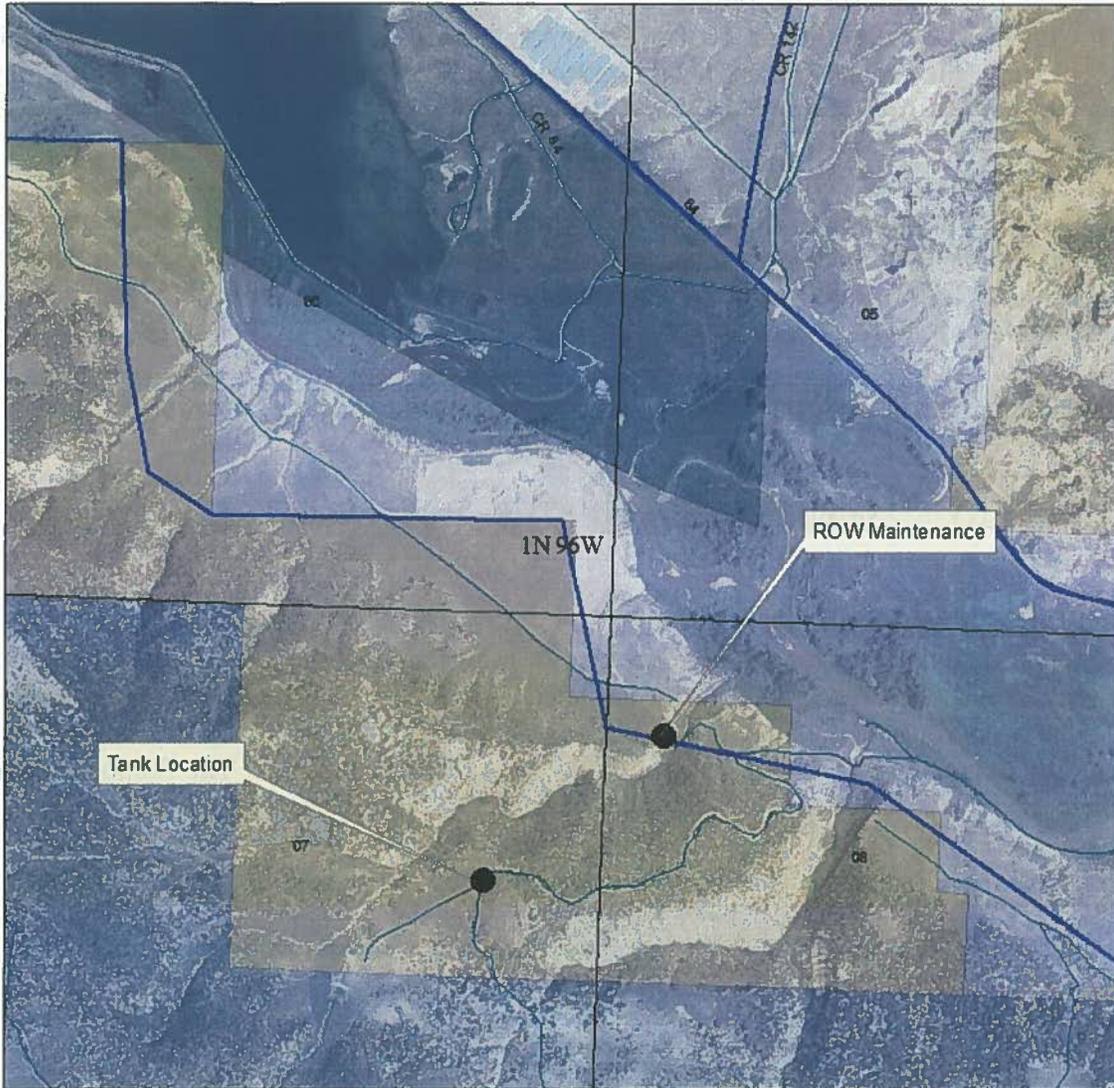
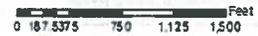


Exhibit A



Sources:
BLM, USGS, CPW etc.

May 2013

All heights are presented with 1/10th of a foot, and the map scale has been presented as such. All heights are presented as such, as they are not necessarily represented as such, as made by BLM regarding the use of the map or the data presented, nor does the use of distribution data or the map scale.

M Taylor

- PLS 2, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100
- PLS 1, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100
- State
- CPW
- County
- USFS
- NPS
- BLM
- BLM

LOV Tank Location

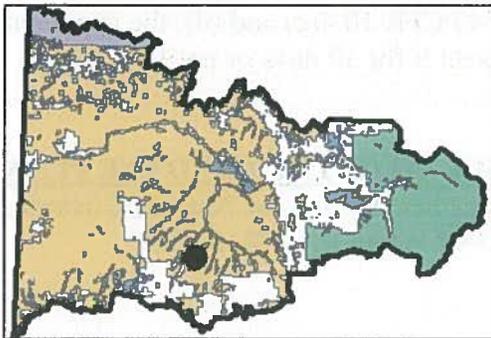
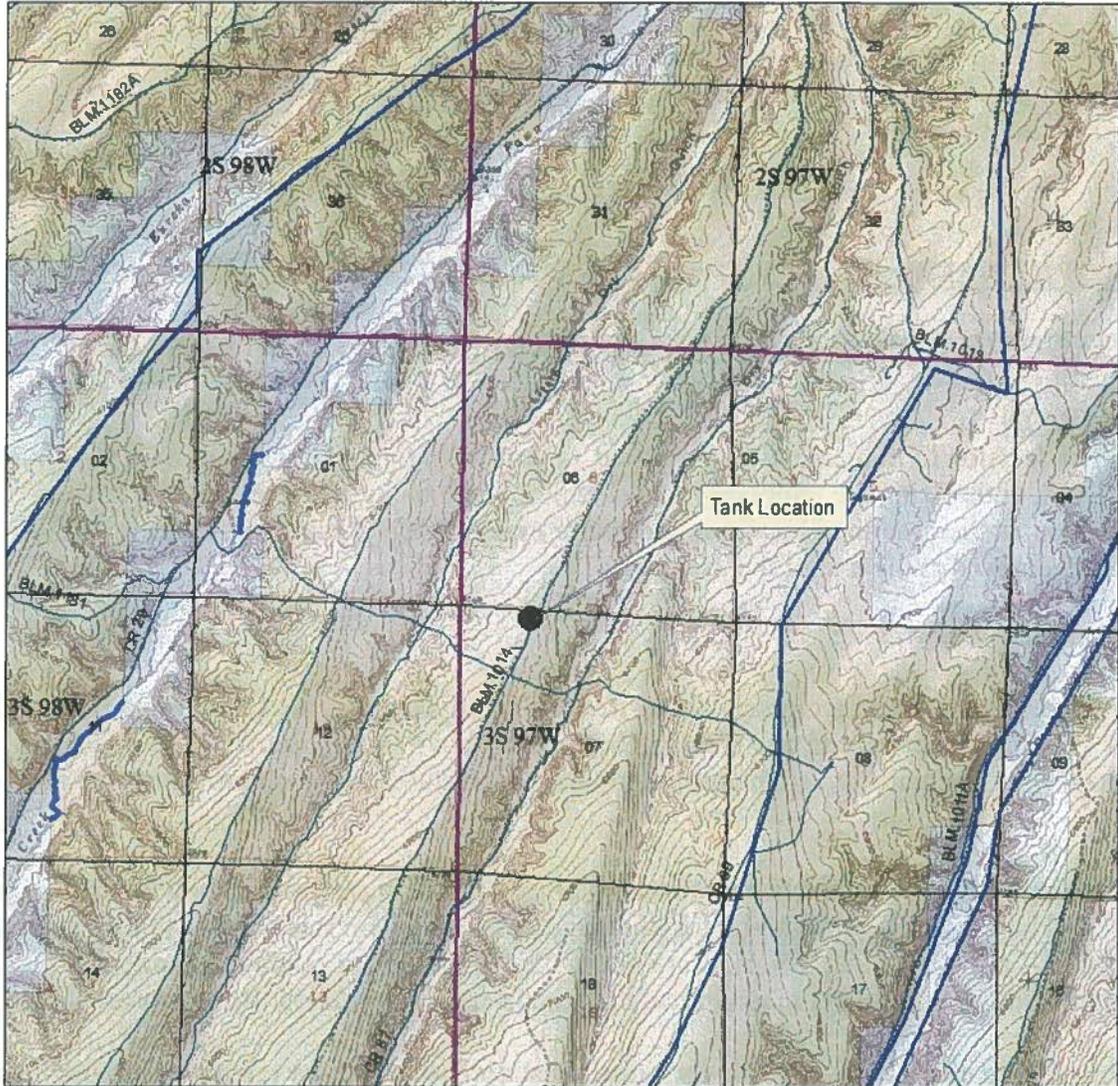


Exhibit B



Sources:
BLM, USGS, CPW etc.

May 2013

Although the data presented herein is the best available, it is not guaranteed. The user assumes all liability for any errors, omissions, or misstatements. The user agrees to hold the BLM, USGS, CPW, and any other contributors harmless for any and all claims, damages, or liabilities, including reasonable attorneys' fees, arising from the use of this map or the data presented, not withstanding any disclaimer or limitation of liability.

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0 500 1000 2000 3000 4000 Feet

- PLSB_Townships
- PLSB_Sectors COB2008
- BLM
- CDW
- County
- USFS
- NPS
- PRU
- STA

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DECISION RECORD

PROJECT NAME: Temporary Water Tank Placement (2) and Road Maintenance

CATEGORICAL EXCLUSION NUMBER: DOI-BLM-CO-110-2013-0091-CX

DECISION

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-110-2013-0091-CX, authorizing the temporary placement of water tanks, not to exceed 30 days in May/June, at the described locations and minor maintenance of the TriState access ROW. Tanks will be removed at the end of the use period.

Mitigation Measures

1. Placement and use of temporary water troughs approved under the Categorical Exclusion 516 DM 11.9 D2 cannot exceed one month. The applicants will notify the WRFO Rangeland Management Specialist when the proposed tanks are installed and will remove them 30 days later.
2. 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.
3. Pursuant to 43 CFR 10.4(g), the applicant must notify the AO, by telephone and 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), the applicant must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.

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 on 5/27/2013 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, D2. 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. Allowing placement of these water tanks will improve livestock distribution and rangeland management.

ADMINISTRATIVE REMEDIES

Any applicant, permittee, lessee or other interested publics may protest a proposed decision under Sec. 43 CFR 4160.1 and 4160.2, in person or in writing to Kent Walter, Field Manager White River Field Office, 220 E. Market Street, Meeker, CO 81641 within 15 days after receipt of such decision. The protest, if filed, should clearly and concisely state the reason(s) why the *proposed decision* is in error.

In accordance with 43 CFR 4160.3 (a), in the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice unless otherwise provided in the proposed decision.

In accordance with 43 CFR 4160.3 (b) upon a timely filing of a protest, after a review of protests received and other information pertinent to the case, the authorized officer shall issue a final decision.

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal (*in writing*) in accordance with 43 CFR 4.470 and 43 CFR 4160.4. The appeal must be filed within 30 days following receipt of the final decision or within 30 days after the date the proposed decision becomes final. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR 4.471 pending final determination on appeal. The appeal and petition for a stay must be filed in the office of the authorized officer, as noted above. The person/party must also serve a copy of the appeal on the Office of the Solicitor, Rocky Mountain Region, Denver Field Office, U.S. Department of the Interior, 755 Parfet Street, Room 151, Lakewood, CO 80215.

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise complies with the provisions of 43 CFR 4.470.

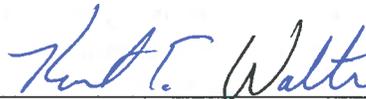
Should you wish to file a petition for a stay, see 43 CFR 4.471 (a) and (b). In accordance with 43 CFR 4.471(c), a petition for a stay must show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

As noted above, the petition for stay must be filed in the office of the authorized officer and served in accordance with 43 CFR 4.471.

Any person named in the decision who receives a copy of a petition for a stay and/or an appeal, see 43 CFR 4.472(b) for procedures to follow if you wish to respond.

SIGNATURE OF AUTHORIZED OFFICIAL:



Field Manager

DATE SIGNED:

06/28/13