

**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-110-2013-0107-CX

CASEFILE/PROJECT NUMBER: COC34311 and COC48517

PROJECT NAME: Renewal of Lobo Mountain and Douglas Pass Comm Sites

LEGAL DESCRIPTION: Sixth Principal Meridian, Colorado

T. 5 S., R. 101 W., sec. 19, SE¼NW¼.	}	COC34311
T. 1 N., R. 94 W., sec. 21, SE¼NE¼.	}	COC48517

APPLICANT: Board of County Commissioners of Rio Blanco County

DESCRIPTION OF PROPOSED ACTION: Rio Blanco County has applied for renewal of the Lobo Mountain and Douglas Pass communications sites. Right-of-way COC34311 for the Douglas Pass communications site was authorized on January 3, 1983. The site is 30 ft by 30 ft and the associated access road is 647 ft long and 12 ft wide. The Douglas Pass communications site contains a total of approximately 0.19 acres. The site was originally authorized as a television and FM translator site. The site facilities are an 8 ft by 10 ft building and four antenna towers (one-10 ft, two-20 ft, and one-30 ft).

The ROW COC48517 for the Lobo Mountain communications site was authorized on December 9, 1988. The site is 100 ft by 100 ft containing approximately 0.23 acres. The site was originally authorized as a television and FM translator site. The site facilities are a 12 ft by 16 ft building, four towers, and a satellite dish.

No additional disturbance is authorized by this action, and all applicable terms and conditions of the original ROW grants will be carried forward and remain in full force and effect.

PLAN CONFORMANCE REVIEW: The Proposed Action is subject to and has been reviewed for conformance with (43 CFR 1610.5-3, BLM 1601.08) the following plan:

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

Date Approved: July 1, 1997

Decision Number/Page: Page 2-49

Decision Language: “To make public lands available for the siting of public and private facilities through the issuance of applicable land use authorizations, in a manner that provides for reasonable protection of other resources values.”

CATEGORICAL EXCLUSION REVIEW: The Proposed Action qualifies as a categorical exclusion under 516 DM 11.9, E9: “*Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations*”.

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

<b>Extraordinary Circumstance</b>	<b>YES</b>	<b>NO</b>
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

Extraordinary Circumstance	YES	NO
k) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly affect the physical integrity of such sacred sites.		X
l) Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species.		X

**INTERDISCIPLINARY REVIEW:**

The Proposed Action was presented to, and reviewed by, the White River Field Office interdisciplinary team on 7/30/2013. 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
Michael Selle	Archaeologist	Cultural Resources, Native American Religious Concerns	8/5/2013
Laura Dixon	Wildlife Biologist	Special Status Wildlife Species	7/30/2013
Heather Woodruff	Range Management Specialist/Ecologist	Special Status Plant Species	7/30/2013

**REMARKS:**

*Cultural Resources:* The Douglas Pass tower facility was inventoried prior to granting of the ROW (Babcock et al 1981, compliance dated 6/30/1981) with no cultural resources recorded at the site. Renewal of the ROW does not involve any new ground disturbance and will not impact any known cultural resources.

The Lobo Mountain tower location has been inventoried at the Class III (100 percent pedestrian) level by at least three inventories (Davenport 2011, compliance dated 4/21/2011; Hadden 2001, compliance dated 4/24/2001; Späth 1995, compliance dated 6/19/1995). No cultural resources have been identified on Lobo Mountain that would be impacted by renewal of the ROW.

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

*Special Status Wildlife Species:* There are no special status wildlife species that are known to exist or derive important use from the project area, and there is no new disturbance associated

with the Proposed Action. Therefore, there are no special status wildlife species issues or concerns associated with the Proposed Action.

*Special Status Plant Species:* There are no threatened or endangered plant species known to occur in the project area. However, there is potential habitat for BLM sensitive plant species encompassing the project area and surrounding areas. Since there is no new disturbance associated with the Proposed Action at this time, there are no special status plant species issues or concerns.

#### REFERENCES CITED

Babcock, Thomas F., John, D. Hartley and Patrick L. Harden

1981 Archaeological Survey of Motorola's Douglas pass Communication Site, Garfield County, Colorado. Grand River Consultants Inc., Grand Junction, Colorado. (81-20-20: SHPO # GF.LM.NR40)

Davenport, Barbara

2011 Class III Cultural Resources Inventory for the Proposed 69-kV Power Line -- Town of Meeker to South Lobo & North Lobo to Sulphur Creek (3.3 miles) in Rio Blanco County, Colorado. Grand River Institute, Grand Junction, Colorado. (11-1-11: SHPO # RB.LM.NR2247)

Hadden, Glade

2001 Cultural Resource Inventory of the Proposed Lobo/Wall Hazardous fuels Reduction Project: A Sample Inventory of 200 Acres in Rio Blanco County, Colorado. Bureau of Land Management, White River Field Office, Meeker, Colorado. (01-10-03: SHPO # RB.LM.NR1149)

Späth, Carl

1995 Union Telephone Meeker Cell Site Class III Cultural Resource Inventory Section 21, T1N, R94W, Rio Blanco County, Colorado. Metcalf Archaeological Consultants, Inc., Eagle, Colorado. (95-54-0-13: SHPO #RB.LM.NR876)

#### MITIGATION:

1. All applicable terms, conditions, and stipulations contained in the original ROW grants shall be carried forward and remain in full force and effect. No new construction is authorized.
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. The inspection will result in the development of an acceptable termination and rehabilitation plan submitted by the holder. This plan shall include, but is not limited to, removal of facilities, drainage structures, and surface material; recontouring; topsoiling; or seeding. The Authorized Officer must approve the plan in writing prior to the holder's commencement of any termination activities.

3. The holder shall conduct all activities associated with the operation and termination of the right-of-way within the authorized limits of the right-of-way.
4. Any proposal involving additional surface disturbance outside of the existing right-of-way disturbance requires an application to the BLM for analysis and authorization. New stipulations for construction would be applied to projects subject to the regulations and policies existing at the time of authorization.
5. New construction authorized by an amendment to an existing communications use authorization must also meet the R-56 standards.
6. The holder shall monitor all disturbed and reclaimed areas through final abandonment for the presence of invasive, non-native, and/or noxious plant species. The applicant will be responsible for eradication of noxious weeds that occur on site using materials and methods approved in advance by the Authorized Officer.
7. The holder shall notify the AO at least 180 days prior to non-emergency activities that would cause surface disturbance in the ROW. The BLM will determine if a cultural resource inventory, treatment, or mitigation is required.
8. A "Notice to Proceed" shall be required for any non-emergency activities that would cause surface disturbance on the ROW. Any request for a "Notice to Proceed" should be made to the AO, who shall review the Proposed Action for consistency with resource management concerns such as wildlife, big game winter range, paleontology, threatened and endangered species, and cultural resource protection. Additional measures may be required to protect these resources.
9. The holder is responsible for informing all persons who are associated with the project that they will be subject to prosecution for disturbing or collecting vertebrate fossils, collecting large amounts of petrified wood (over 25 lbs./day, up to 250 lbs./year), or collecting fossils for commercial purposes on public lands. If any paleontological resources are discovered as a result of operations under this authorization, the holder must immediately contact the appropriate BLM representative.
10. The holder 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.
11. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the AO. The holder will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The

holder, under guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.

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

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

NAME OF PREPARER: Stacey Burke

NAME OF ENVIRONMENTAL COORDINATOR: Heather Sauls

COMPLIANCE WITH NEPA

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

SIGNATURE OF AUTHORIZED OFFICIAL:

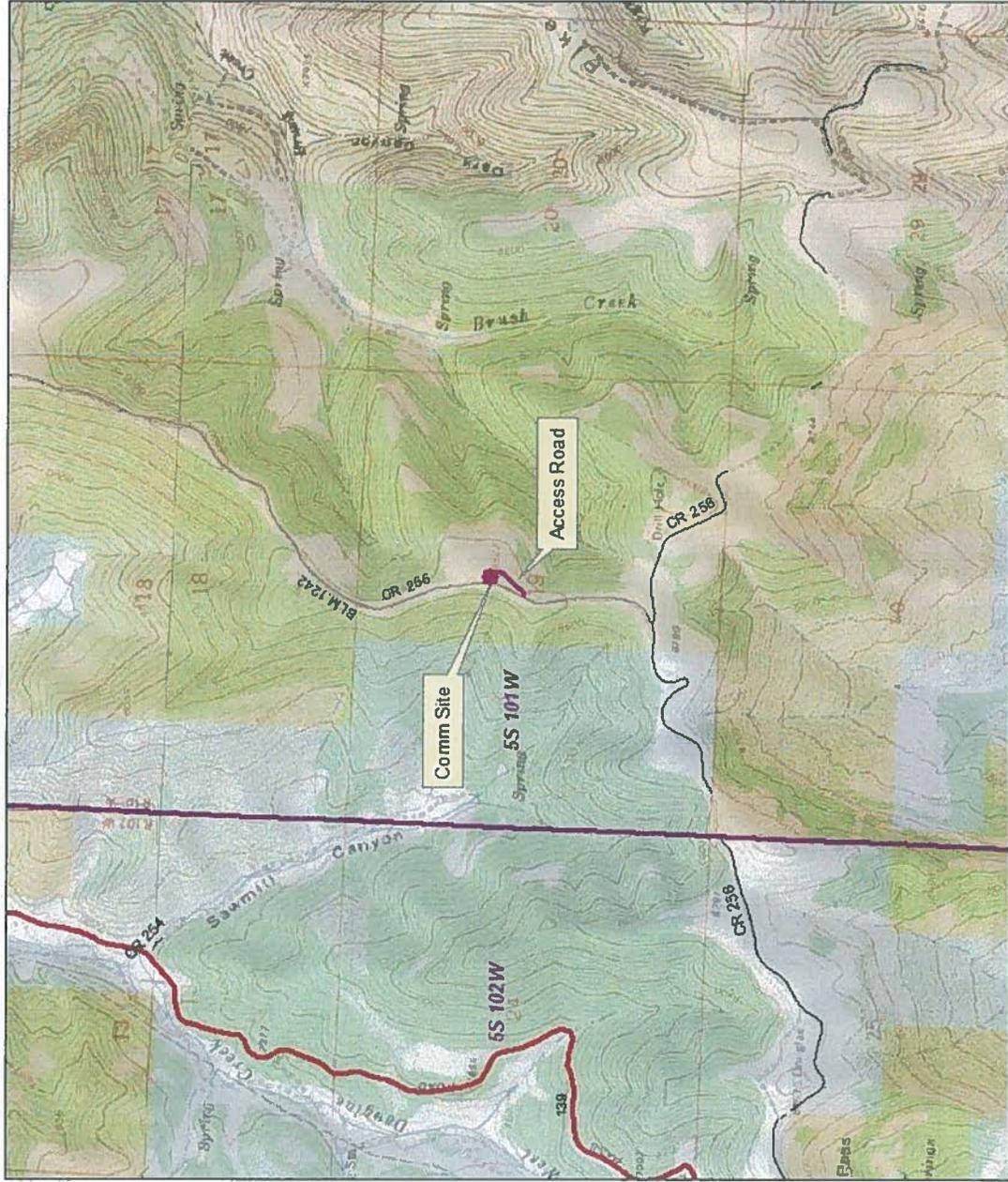
  
FOR Field Manager

DATE SIGNED: 9/11/2013

ATTACHMENTS: Exhibit A - Maps of Proposed Action

# Douglas Pass Communications Site COC34311 T5S, R101W, sec. 19

## Exhibit A



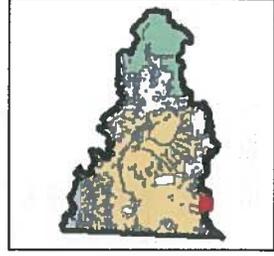
- State
- County
- BLM
- USFS
- NPS
- Other
- PLSS, Townships, GCCB 2008
- Bureau of Land Management
- National Park Service
- Private
- State
- US Forest Service



Source: BLM, USGS, CTR, GIS  
 Disclaimer: All rights reserved. This map is provided as a guide only and does not constitute a warranty. The user assumes all responsibility for the use of this map. The BLM does not warrant the accuracy of the data or the results of any use of this map. The BLM is not responsible for any damage or injury resulting from the use of this map.

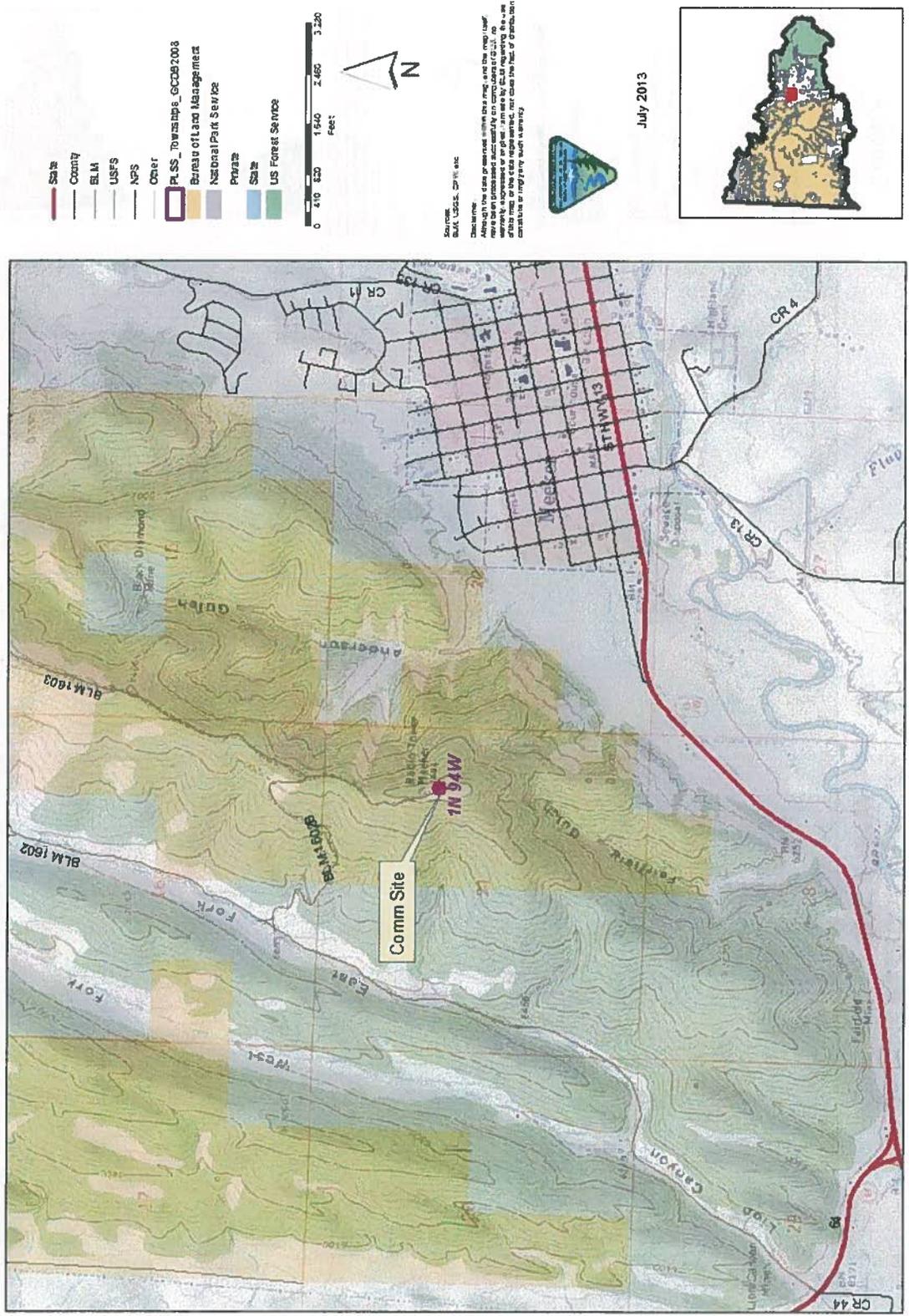


July 2013



**Lobo Mountain Communications Site COC48517  
T1N, R94W, sec. 21**

**Exhibit A**



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

**DECISION RECORD**

**PROJECT NAME:** Renewal of Lobo Mountain and Douglas Pass Comm Sites

**CATEGORICAL EXCLUSION NUMBER:** DOI-BLM-CO-110-2013-0107-CX

**DECISION**

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-110-2013-0107-CX, authorizing the issuance of communications use leases COC34311 and COC48517 for continued use of the existing Douglas Pass communications site and associated access road and the existing Lobo Mountain communications site.

**Mitigation Measures**

1. All applicable terms, conditions, and stipulations contained in the original ROW grants shall be carried forward and remain in full force and effect. No new construction is authorized.
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. The inspection will result in the development of an acceptable termination and rehabilitation plan submitted by the holder. This plan shall include, but is not limited to, removal of facilities, drainage structures, and surface material; recontouring; topsoiling; or seeding. The Authorized Officer must approve the plan in writing prior to the holder's commencement of any termination activities.
3. The holder shall conduct all activities associated with the operation and termination of the right-of-way within the authorized limits of the right-of-way.
4. Any proposal involving additional surface disturbance outside of the existing right-of-way disturbance requires an application to the BLM for analysis and authorization. New stipulations for construction would be applied to projects subject to the regulations and policies existing at the time of authorization.
5. New construction authorized by an amendment to an existing communications use authorization must also meet the R-56 standards.
6. The holder shall monitor all disturbed and reclaimed areas through final abandonment for the presence of invasive, non-native, and/or noxious plant species. The applicant will be responsible for eradication of noxious weeds that occur on site using materials and methods approved in advance by the Authorized Officer.

7. The holder shall notify the AO at least 180 days prior to non-emergency activities that would cause surface disturbance in the ROW. The BLM will determine if a cultural resource inventory, treatment, or mitigation is required.

8. A "Notice to Proceed" shall be required for any non-emergency activities that would cause surface disturbance on the ROW. Any request for a "Notice to Proceed" should be made to the AO, who shall review the Proposed Action for consistency with resource management concerns such as wildlife, big game winter range, paleontology, threatened and endangered species, and cultural resource protection. Additional measures may be required to protect these resources.

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12. Pursuant to 43 CFR 10.4(g), the holder 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 holder 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 8/6/2013 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, E9. This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply.

**ADMINISTRATIVE REMEDIES**

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

**SIGNATURE OF AUTHORIZED OFFICIAL:**

  
FOR Field Manager

**DATE SIGNED:** 9/11/2013

