

**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-N05-2014-0059-CX

CASEFILE/PROJECT NUMBER: COC76477

PROJECT NAME: Access Road to Black Mountain Parcel

LEGAL DESCRIPTION: Sixth Principal Meridian, Colorado
T. 1 N., R. 96 W.,
sec. 3, lot 4;
sec. 4, lot 1, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and E $\frac{1}{2}$ SW $\frac{1}{4}$;
sec. 9, lot 1.

APPLICANT: State of Colorado, Department of Natural Resources, Division of Parks and Wildlife

DESCRIPTION OF PROPOSED ACTION: The State of Colorado, acting by and through the Department of Natural Resources, for the use and benefit of the Division of Parks and Wildlife and the Parks and Wildlife Commission submitted an application for access to the 160 acre Black Mountain parcel. Colorado Parks and Wildlife (CPW) requests road access over an existing road that is one mile east of Rio Blanco Lake State Wildlife Area for state access between two properties CPW is acquiring from ExxonMobil, the Roselund Ranch (on State Highway 64 and the White River) and the Black Mountain parcel, which is surrounded by BLM land. The point where the road intersects with State Highway 64 is within the Roselund Ranch parcel CPW will be obtaining. The road has existed for more than 100 years. The road (if used) would be for access to the Black Mountain parcel for administrative purposes throughout the year (primarily during hunting seasons). CPW has no current plans to upgrade the existing road. If there are any future plans to upgrade the road, CPW will give advance notice to, and consult with, BLM prior to any disturbance. The existing access road is 9,655 ft long, 20 ft wide, and contains approximately 4.43 acres.

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

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

Date Approved: July 1, 1997

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

CATEGORICAL EXCLUSION REVIEW: The Proposed Action qualifies as a categorical exclusion under 516 DM 11.9, E16: “*Acquisition of easements for an existing road or issuance of leases, permits, or rights-of-way for the use of existing facilities, improvements, or sites for the same or similar purposes.*”

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

Extraordinary Circumstance	YES	NO
a) Have significant adverse effects on public health and safety.		X
b) Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.		X
c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.		X
d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
g) Have significant impacts on properties listed, or eligible for listing, in the National Register of Historic Places as determined by either the bureau of office.		X
h) Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species.		X
i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		X
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		X

Extraordinary Circumstance	YES	NO
physical integrity of such sacred sites.		
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 3/11/2014. 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	7/15/2014
Ed Hollowed	Wildlife Biologist	Special Status Wildlife Species	3/20/2014
Heather Woodruff	Range Management Specialist/Ecologist	Special Status Plant Species	3/19/2014

REMARKS:

Cultural Resources: As of 7/15/2014, there are no known cultural resources along any of the proposed road route. Portions of three Class III (100 Percent) pedestrian inventories (Frizell 1991, compliance dated 8/14/1991; Machado 2010, compliance dated 7/28/2010; and Weimer 1984, compliance dated 12/14/1984) cover portions of the road in TIN, R96W, Section 4, S½NW, which did not identify any resources in the ROW. No other segments of the access road are covered by any inventory data. If no earth moving activity is associated with the current access route, there should be no new construction related impacts to any known cultural resources. However, use of the current ROW for access may impact previously unknown cultural resources. Should Colorado Parks and Wildlife choose to do any form of maintenance and/or upgrade to the road, it is possible that previously unknown cultural resources could be impacted and/or destroyed by the maintenance activity. If at some time in the future Colorado Parks and Wildlife needs to do maintenance or upgrade work on the ROW, a cultural resources inventory and additional analysis would be required.

If previously unknown cultural resources are impacted by use of the current ROW, there is a potential for long term permanent, irreversible, and irretrievable loss of data from the regional archaeological database.

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.

Paleontological resources: The proposed ROW lies in an area generally mapped as the Wasatch formation (Tweto 1979), which the BLM has categorized a Potential Fossil Yield Classification (PFYC) 5 formation indicating that it is known to produce scientifically noteworthy fossil resources, particularly vertebrate fossils (c. Armstrong and Wolny 1989, Doi 1989). Currently the only likely impacts to fossil resources might be due to erosion which primarily affects the smaller more fragile fossil that might be present. However should any road maintenance or upgrading be required, there is the potential to damage or destroy fossils, particularly the smaller more fragile fossils that are commonly found in this particular formation. If upgrading is desired or necessary, additional inventory, analysis, and possibly monitoring will be required for the ROW. The current loss of data, if any, is not considered unacceptable at the current time.

Special Status Wildlife Species: The proposed right-of-way skirts the margin (i.e., within 100 meters) of a mesa that has persisted in supporting a remnant breeding population of greater sage-grouse (Endangered Species Act candidate for listing) for decades. Although the Proposed Action is located within 0.75 mile of a CPW-documented lek at its nearest point, perhaps owing to the small number of birds, suboptimal habitat base (e.g., xeric, low elevation Wyoming big sagebrush communities of limited expanse), and insular nature (six intervening miles of inappropriate vegetation and geography) of the mesa, the associated habitat has been categorized by CPW as Preliminary General Habitat. The Proposed Action would not be expected to change the status or frequency of vehicle use on this historic route and, to a degree subordinate to a number of other open routes crossing the mesa, would have no further influence on grouse use functions. There are no other special status wildlife species that are known to occur or derive important benefit from the vicinity of the Proposed Action.

Special Status Plant Species: There are no special status plant species issues or concerns associated with 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.
- Doi, Kentaro
Geology, and Paleontology of Two Primate Families of the Raven Ridge, Northwestern Colorado and Northeastern Utah. University of Colorado, Boulder, Colorado.
Unpublished Master's Thesis on file at WRFO, Meeker, Co.
- Frizell, Elizabeth, and Jon P. Frizell

1992 A Class III Cultural Resource Inventory of the Northern Geophysical Seismic Line 134 Rio Blanco County, Colorado. North Platte Archaeological Services, Casper, Wyoming. (91-98-04: OAHP # RB.LM.R127)

Machado, Meghan

2010 Class III, Kellog Gulch Division Fence, Rio Blanco County, Colorado. White River Field Office, Bureau of Land Management, Meeker, Colorado. (10-10-17: OAHP #RB.LM.NR2177)

Tweto, Ogden

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

Weimer, Martin

1984 Report of Examination for Cultural Resources: Blacks Gulch Roller Chop. White River Resource Area, Bureau of Land Management, Meeker, Colorado. (84-10-68: OAHP RB.LM.NR2404)

MITIGATION:

1. 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.
2. 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.
3. 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.
4. 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 holder will be responsible for eradication of noxious weeds that occur on site using materials and methods approved in advance by the Authorized Officer.
5. 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.

6. 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.

7. 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.

8. The holder is responsible for informing all persons who are associated with project operations that they will be subject to prosecution for disturbing or collecting vertebrate or other scientifically-important 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.

9. The holder shall notify the authorized officer at least 60 days prior to non-emergency activities that would cause surface disturbance in the right-of-way. A "Notice to Proceed" shall be required prior to any non-emergency activities that would cause surface disturbance on the right-of-way. Any request for a "Notice to Proceed" must be made to the authorized officer, who will review the Proposed Action for consistency with resource management concerns such as wildlife, big game winter range, paleontology, special status species, and cultural resource protection. The authorized officer may require the completion of special status species surveys or other resource surveys. Additional measures may be required to protect special status species or other resources.

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 holder will be notified of compliance related issues, 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: Ester McCullough

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, E16. 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

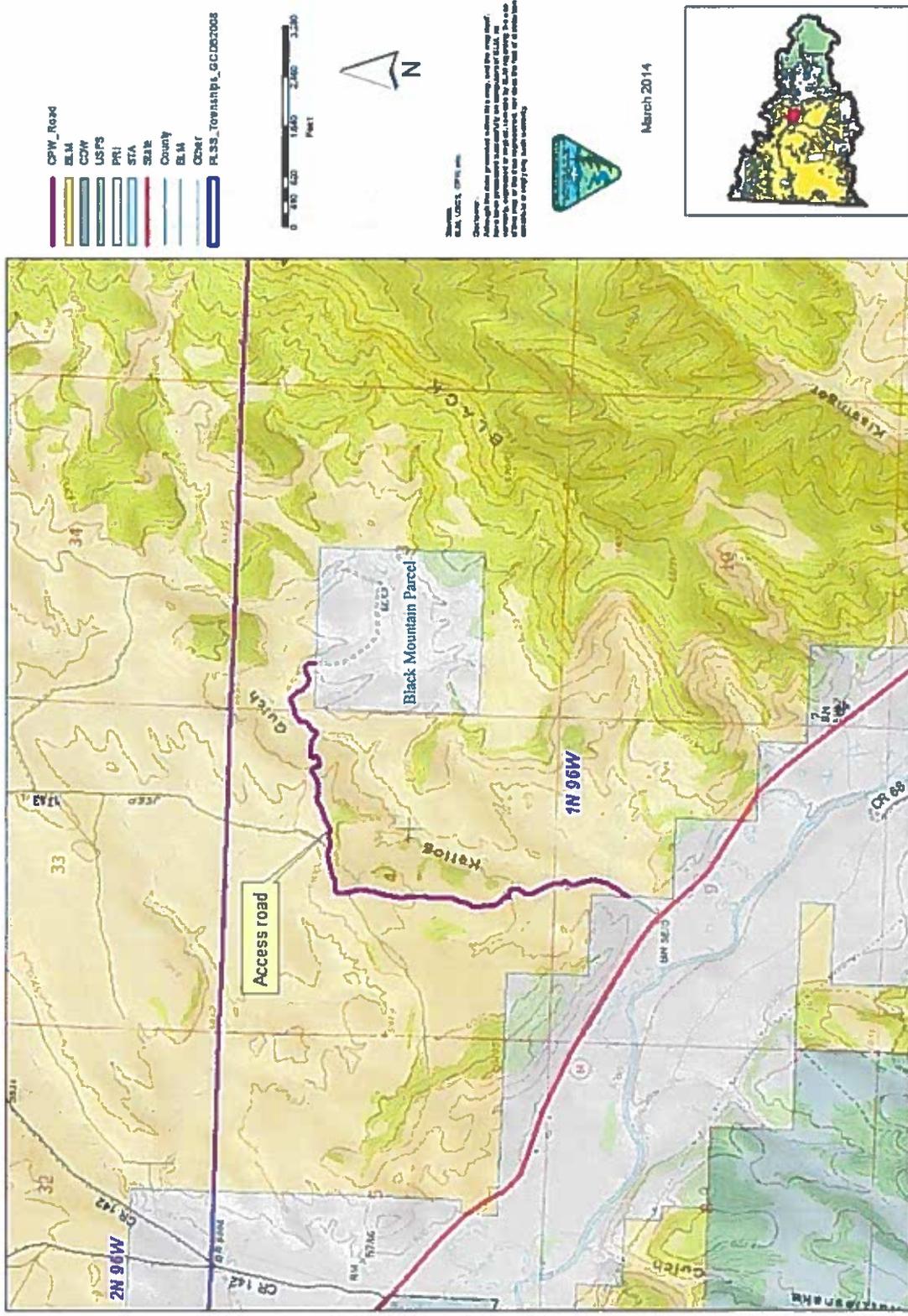
DATE SIGNED:

07/31/2014

ATTACHMENTS: Exhibit A - Map of Proposed Action

Access Road to Black Mountain Parcel T1N, R96W

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: Access Road to Black Mountain Parcel

CATEGORICAL EXCLUSION NUMBER: DOI-BLM-CO-110-2014-0059-CX

DECISION

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-2014-0059-CX, authorizing the use of an existing access road to private property for administrative purposes.

Mitigation Measures

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.

7. 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.

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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 3/12/2014 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, E16. This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances

potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply.

ADMINISTRATIVE REMEDIES

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

SIGNATURE OF AUTHORIZED OFFICIAL:



Field Manager

DATE SIGNED:

07/31/2014

