

**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-N05-2014-0079-CX

CASEFILE/PROJECT NUMBER: N/A

PROJECT NAME: Magnolia Air Quality/ Climate Monitoring Site

LEGAL DESCRIPTION: Sixth Principal Meridian, Colorado
T. 2 S., R. 97 W.,
Section 13, SE $\frac{1}{4}$ SE $\frac{1}{4}$

APPLICANT: Bureau of Land Management

DESCRIPTION OF PROPOSED ACTION:

Metrological information has been collected at this site since 2011 in preparation for the future siting of an air quality monitor. The area is of particular interest due to the Mesaverde Play Area, a natural gas development that underlies the Piceance Structural formation defined by the Piceance and Yellow Creek watersheds. Prevailing wind directions in this area are from the southwest to the northeast and the location is on a hill, downwind of much of the anticipated development. The hill has a 360° exposure and is close to a power line that could be a source of 240v power should the site be expanded to a climate controlled instrument shelter. Climate controlled instrument shelters are required for Federal reference air sites to house instrumentation for measuring parameters such as ozone and air-borne particles.

The Proposed Action is to install a base tower section that would be approximately six feet high and anchored by a rebar concrete structure poured into an excavated hole. The full 10 meter tower will not be installed, since the base section is sufficient to mount sensors for wind, temperature, relative humidity, barometric pressure, and a weather proof camera. The camera will be pointed to the south or southwest (specific directions will be determined with an air quality specialist). The camera will collect images to establish a baseline for visibility. There is growing interest and new tool development for quantitatively measuring visibility using the contrast and spectral energy of the images in an automated fashion. Typically visibility analysis uses relative changes; therefore, baseline image data during a period of relatively low development levels can be used to quantitatively assess visibility impacts during future development.

The base section of a 10 meter tower for metrological instruments would be installed using a rebar structure and concrete poured in an approximately 4 ft x 4 ft x 4 ft hole dug at the site. The

power for the unit will be 24v with a solar panel and a cell phone antenna or satellite dish will provide communications. The site will be protected from lightning strikes and have a small perimeter fence made from cedar slat snow fence to protect the site from livestock and wildlife.

At some future date the tower may be extended to 10 meters and a climate controlled instrument shelter may be installed, but additional NEPA will need to be done due to disturbance needed to install electrical lines and other potential impacts. This CX only includes the installation of the base tower and instrumentation as described above.

DESIGN FEATURES:

Standard cultural and paleontological resources mitigation includes the following:

1. The BLM 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.
2. 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 BLM 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 BLM, 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.
3. Pursuant to 43 CFR 10.4(g), the BLM 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 BLM must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.
4. If any paleontological resources are discovered as a result of operations under this authorization, the BLM or any of his agents must stop work immediately at that site, immediately contact the BLM Paleontology Coordinator, and make every effort to protect the site from further impacts, including looting, erosion, or other human or natural damage. Work may not resume at that location until approved by the AO. The BLM or designated paleontologist will evaluate the discovery and take action to protect or remove the resource within 10 working days. Within 10 days, the operator will be allowed to continue construction through the site, or will be given the choice of either (a) following the Paleontology Coordinator's instructions for stabilizing the fossil resource in place and avoiding further disturbance to the fossil resource, or (b) following the Paleontology

Coordinator's instructions for mitigating impacts to the fossil resource prior to continuing construction through the project area.

5. The BLM is responsible for informing all persons who are associated with BLM 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 25lbs./day, up to 250lbs./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 BLM must immediately contact the appropriate specialist.

Due to raptor nests in the vicinity the following wildlife mitigation applies:

6. To avoid premature fledging of young or inopportune absence of incubating/brooding adults, any site preparation or construction would not be authorized to take place from February 1 through August 15. (Note: An exception was granted for 2014 to begin work no earlier than July 28, 2014.)

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 2-1

Decision Language: "BLM actions shall be implemented in a manner to minimize impacts to air quality."

CATEGORICAL EXCLUSION REVIEW: The Proposed Action qualifies as a categorical exclusion under 516 DM 11.9, J9: "*Construction of small protective enclosures, including those to protect reservoirs and springs and those to protect small study areas.*" The Proposed Action also qualifies as a categorical exclusion under 43 CFR 46.210(e): "*Nondestructive data collection, inventory (including field, aerial, and satellite surveying and mapping), study, research, and monitoring activities.*"

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;		X

Extraordinary Circumstance	YES	NO
national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.		
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 5/20/2014. 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
Mike Selle	Archaeologist	Cultural Resources, Native American Religious Concerns	5/22/2014
Ed Hollowed	Wildlife Biologist	Special Status Wildlife Species	6/19/2014
Justina Thorsen	Biological Technician - Plants	Special Status Plant Species	5/23/2014

REMARKS:

Cultural Resources: The proposed tower location has been inventoried at the Class III (100 percent pedestrian) level (Elkins 2012 compliance dated 5/2/2012) with no cultural resources identified on the surface. Subsurface remains cannot be completely ruled out and any excavations that impact previously unidentified subsurface remains could result in a long term permanent, irreversible, irretrievable impact to the regional cultural resource 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 tower location is located in an area generally mapped as the Uintah Formation (Tweto 1979) which the BLM has categorized as a Potential Fossil Yield Classification (PFYC) 5 formation meaning it is known to produce scientifically noteworthy fossil resources (Armstrong and Wolny 1989). Any excavations into the underlying sedimentary rock formation to construct the tower base could, potentially, impact scientifically noteworthy fossil resources. Any impacts to fossil resources resulting from this project would represent a long term, permanent, irreversible, and irretrievable loss of scientific data from the regional paleontological database.

Special Status Wildlife Species: The proposed project location is located on an exposed ridgeline within 165 meters of an occupied red-tailed hawk nest site and 650 meters of a golden eagle nest complex. The project would be encompassed by both no-surface-occupancy and timing limitation buffers recommended by the CPW and the U.S. Fish and Wildlife Service. The structure, as proposed (i.e., 6-foot high, 3-foot square base), would not be expected to elicit a strong avoidance response by either species and would not be likely to detract from the continued utility of these rock outcrops for nesting. Due to the relatively low intensity nature of, and brief timeframe required for, foundation excavation/base installation conducted relatively late in the nesting sequence (no earlier than July 28, 2014), there is very low risk of adversely affecting red-tailed hawk nest attendance or fledging success (i.e., resulting in mortality of nestlings). Although the status of the golden eagle nest site were not determined, based on these same factors as moderated by cross-canyon separation of nearly 0.5 mile, installation of the proposed foundation and base would have no reasonable likelihood of prompting disturbance capable of substantially interfering with normal breeding, feeding, or sheltering behavior that would reduce productivity attributable to the breeding effort (Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c).

Special Status Plant Species: The project area is approximately 500 meters from potential habitat for threatened plant species and was surveyed by the BLM in 2014. Surveys were completed during the blooming season and no threatened or sensitive plants were observed. There are no special status plant 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.

Elkins, Melissa

2012 Class III Cultural Resource Inventory of Proposed Seismic Line Reroutes and Associated Facilities for ExxonMobil Corporation's 2009 Piceance 3D Seismic Survey, Rio Blanco County, Colorado: Final. Metcalf Archaeological Consultants, Inc., Eagle, Colorado. (12-54-01: OAHP # RB.LM.R1278)

Tweto, Ogden

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

COMPLIANCE PLAN: On-going compliance inspections and monitoring will be conducted by the BLM White River Field Office staff during and after construction.

NAME OF PREPARER: Bob Lange

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 43 CFR 46.210(e) and 516 DM 11.9, J9. This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply.

SIGNATURE OF AUTHORIZED OFFICIAL:


Acting Field Manager

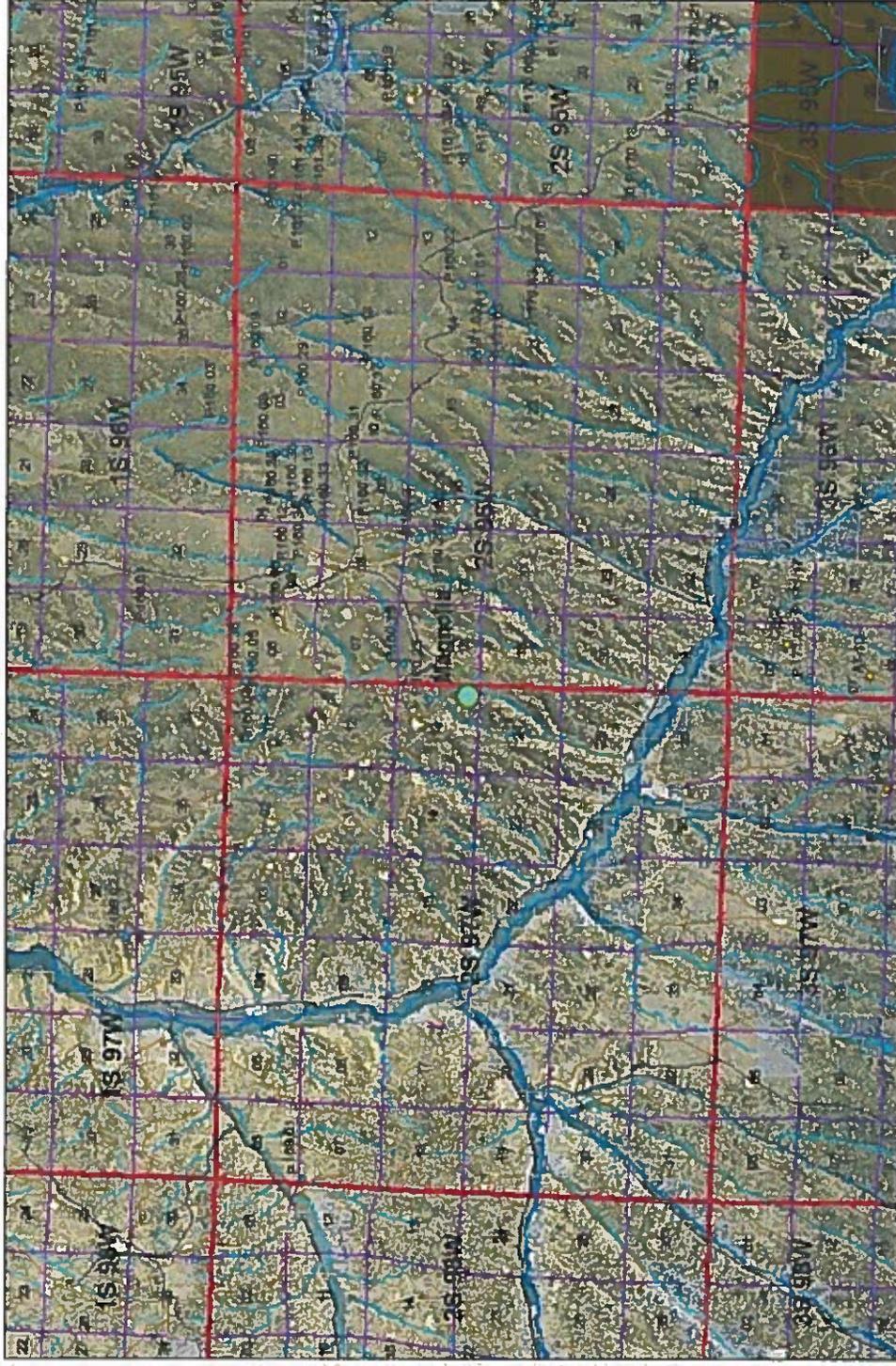
DATE SIGNED:

7/18/14

Magnolia Air Quality/Climate Site

BUREAU OF LAND MANAGEMENT
BLM U.S. CO. COOR. SIG.

Disclaimer:
Although the data presented in this map, map, and the map data it contains were prepared by BLM, the data were not collected by BLM. The data were obtained from a third party and are provided as is. BLM does not warrant the accuracy or completeness of the data, nor does BLM assume any liability for any errors or omissions in the data or for any damages, including consequential or special damages, arising from the use of the data.



Map 1: Location with springs, water features, aerial photos and the Public Land Survey System as a backdrop.

Magnolia Air Quality/Climate Site

Source:
BLM, USGS, CDOT, et al.

Disclaimer:
Although the planning team has used the best available data, the BLM cannot guarantee the accuracy of the information presented. The BLM is not responsible for any errors or omissions, or for any consequences arising from the use of the information. The BLM is not responsible for any damages, including consequential, arising from the use of the information.



Map 2: Zoomed in on the location showing other disturbance from roads and oil and gas development.

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DECISION RECORD

PROJECT NAME: Magnolia Air Quality/ Climate Monitoring Site

CATEGORICAL EXCLUSION NUMBER: DOI-BLM-CO-N05-2014-0079-CX

DECISION

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-N05-2014-0079-CX, authorizing the construction, operation, and maintenance of and air quality/climate study site at the Magnolia location.

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 5/28/2014 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 43 CFR 46.210(e) and 516 DM 11.9, J9. This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply.

ADMINISTRATIVE REMEDIES

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

SIGNATURE OF AUTHORIZED OFFICIAL:

Est M M: G/L
Acting Field Manager

DATE SIGNED:

7/18/14