

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-110-2013-0116-CX

CASEFILE/PROJECT NUMBER:

PROJECT NAME: Highway 64 Drift Fence

LEGAL DESCRIPTION: Sixth Principal Meridian, Colorado
T. 2N., R. 101W.,
Sec. 26, NW $\frac{1}{4}$ NW $\frac{1}{4}$

APPLICANT: Tuffy Sheridan

DESCRIPTION OF PROPOSED ACTION: The BLM grazing permittee for the Spring Creek grazing allotment proposes to construct approximately 60 meters of four strand barbed wire fence to prevent livestock access to State Highway 64 (see Map 1). The proposed fenceline would begin where the current fenceline along the highway right-of-way (ROW) terminates and runs generally east to a rock rim. The existing fence terminates in an area that currently allows livestock to easily access the roadway. Livestock accessing the highway pose a risk to public safety; there has been at least one documented incident of a livestock/vehicle collision in this area. The fence will be designed and constructed to accommodate wildlife (wildlife friendly) with a top wire maximum height of 42 inches above ground, second wire 30 inches above ground (12 inch spacing between first and second wire), third wire 22 inches above ground and bottom wire 16 inches above ground.

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 2-25

Decision Language: Rangeland improvements will be identified in activity plans. Range improvements are necessary to control livestock use and improve rangeland condition.

CATEGORICAL EXCLUSION REVIEW: The Proposed Action qualifies as a categorical exclusion under 516 DM 11.9, J8: *Installation of minor devices to protect human life (e.g., grates across mines)*.

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 08/20/2013. 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 Wolfe	Archaeologist	Cultural Resources, Native American Religious Concerns	12/04/2013
Lisa Belmonte	Wildlife Biologist	Special Status Wildlife Species	08/27/2013
Baili Foster	Seasonal Ecologist	Special Status Plant Species	08/26/2013

REMARKS:

Cultural Resources: The entire project area was inventoried at the Class III (intensive) level (Wolfe 2013). No cultural resources were identified within the proposed project area. Therefore there will be “no effect” to historic properties.

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 concerns or issues with the Proposed Action.

Special Status Plant Species: There are no special status plant species concerns associated with the Proposed Action.

MITIGATION: The possibility for inadvertent discoveries of cultural resources always exists. Therefore the following standard mitigation is required:

1. The permittee is responsible for informing all persons who are associated with the allotment 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 permittee must immediately contact the appropriate BLM representative.
2. Pursuant to 43 CFR 10.4(g), the permittee 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 permittee must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.

REFERENCES:

Wolfe, Michael

2013 Class III Cultural Resource Inventory of the Highway 64 Drift Fence, in Rio Blanco County, Co. SHPO # RB.LM.NR2384 (WRFO #13-10-14). Manuscript on file at WRFO-Meeker, Colorado.

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: Tyrell Turner

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, J8. 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.

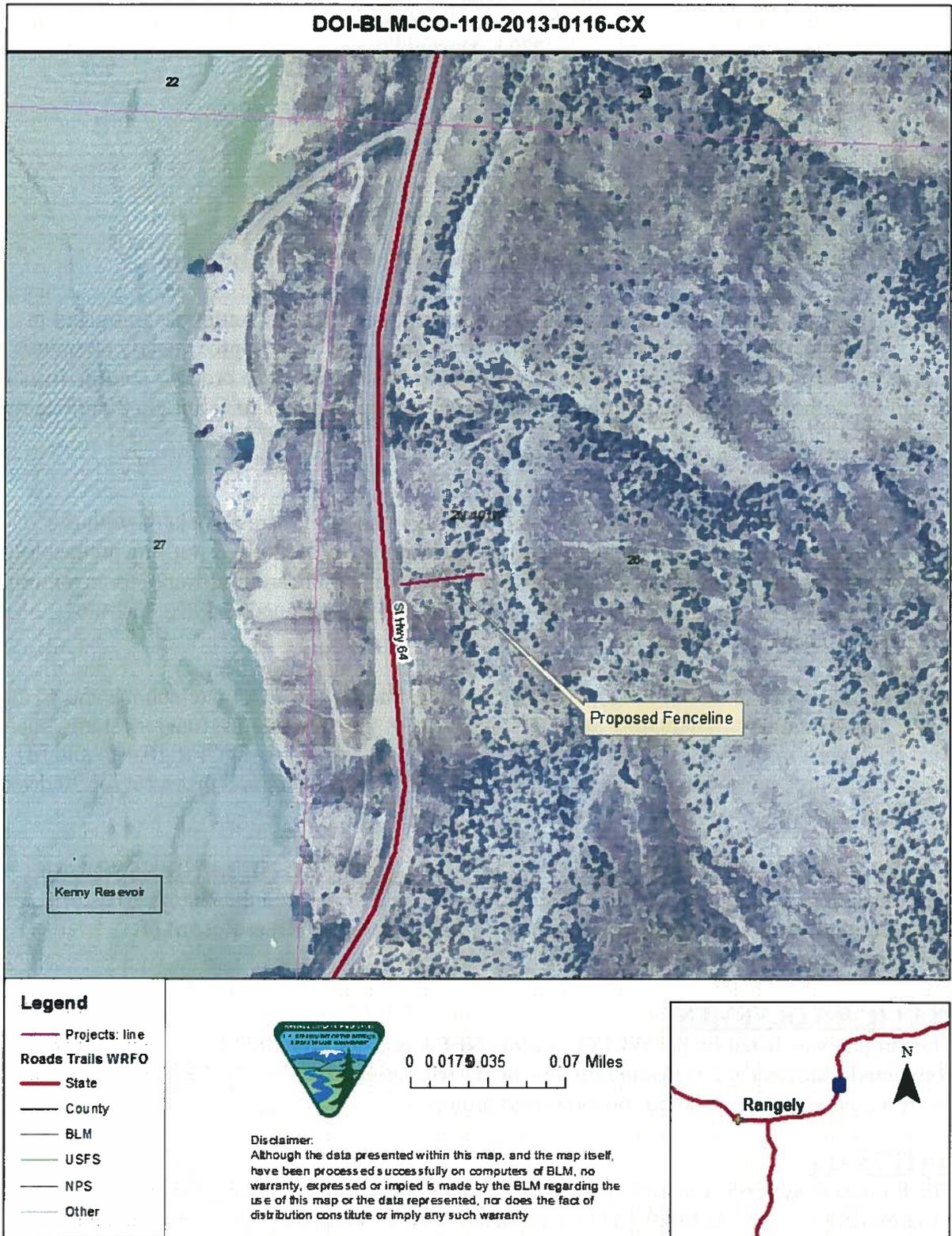
SIGNATURE OF AUTHORIZED OFFICIAL:


Acting Field Manager

DATE SIGNED: 12/16/13

ATTACHMENTS: Map 1: Location and layout of proposed feneline

Map 1: Location and layout of proposed fence line



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Meeker, CO 81641**

PROPOSED DECISION

PROJECT NAME: Highway 64 Drift Fence

CATEGORICAL EXCLUSION NUMBER: DOI-BLM-CO-110-2013-0116-CX

DECISION: It is my proposed decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-110-2013-0116-CX, authorizing the construction of approximately 60 meters of four strand barbed wire fencing as described in the Proposed Action in order to confine livestock within the authorized grazing allotment and prevent livestock access to Colorado State Highway 64.

Mitigation Measures

1. The permittee is responsible for informing all persons who are associated with the allotment 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 permittee must immediately contact the appropriate BLM representative.
2. Pursuant to 43 CFR 10.4(g), the permittee 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 permittee 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

This project was listed on the WRFO's online NEPA register on 8/26/2013. A copy of the completed Categorical Exclusion will also be posted online. As of 12/15/2013, the WRFO has not received any inquires about the proposed project.

RATIONALE

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, J8. 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. The proposed fence project will improve public safety by keeping livestock off of a busy state highway.

RIGHT OF PROTEST AND/OR APPEAL

Any applicant, permittee, lessee or other interested parties 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:


Acting Field Manager

DATE SIGNED:

12/16/13