

ROYAL GORGE RESOURCE MANAGEMENT PLAN

PLAN AMENDMENT

Amendment # 2

Subregion(s): 1 Area of Change: Wellsville Land Tenure
Change Initiated By (Title): Realty Specialist
Decision to be Changed: 1-59 & Land Ownership Adjustment Map
Other Affected Decisions:

CHANGE

(Describe exactly what is to be deleted, added, rewritten, etc.)

Delete: The application of decision 1-59 to the affected lands.

Insert: Change the map to show that the affected lands at Wellsville are available for disposal.

RATIONALE

(Describe exact rationale for above change)

The lands in question have been applied for purchase by an adjacent landowner. As these lands are part of the applicant's mining operation, it is consistent with decision 1-59: parcels considered difficult and uneconomical to manage with no significant resource values will be identified for sale. The EA analysis (COP-200-2001-0048EA) concurred with the proposal to sell the identified lands. The EA was approved in a Decision Record on February 5, 2002.

Specialists Consulted: Erik Brekke, Mike Gaylord, Dave Gilbert, Ernie Gillingham, Lindell Greer, Dan Grenard, Tom Grette, Dave Hallock, John Nahomenuk, Monica Weimer

SIGNATURE

Land Use Planner *Pete Jaramall* Date 02/10/02

Field Manager *Roy McQuiston* Date 2-11-02

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
COLORADO STATE OFFICE
2850 YOUNGFIELD STREET
LAKEWOOD, COLORADO 80215-7093

In Reply Refer To:
CO-931
1610

FEB 05 2002

Memorandum

To: Roy Masinton, Royal Gorge Field Office Manager

From: State Director, Colorado

Subject: Approval of the Wellsville Plan Amendment

This memo transmits the approved Wellsville Plan Amendment. With receipt of Mrs. Stewart's letter withdrawing her protest, all procedural requirements have now been met for approval of this plan amendment. The amendment allows for the disposal of approximately 45 acres of land that is difficult and uneconomic to manage, while providing for continued private development and expansion of gypsite and limestone crushing and milling operations. Your office should report one unit of accomplishment, using program element code DU.



Attachment as noted.

USDI/BLM Royal Gorge Field Office			
FEB 08 '02			
ROUTE	Priority	Initials	Date
Field Mgr			
Assoc Fld Mgr			
Pub Aff			
Ren-Res			RY
Non-Ren Res			
Support Serv			
Fire Mgr			
Pat			
File			



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
ROYAL GORGE FIELD OFFICE
3170 EAST MAIN STREET
CAÑON CITY, COLORADO 81212

In Reply
Refer to:
1610
(CO-200)PZ

July 13, 2001

RECEIVED
JUL 16 2001
CSO MAIL ROOM

Memorandum

To: State Director, Colorado (931)
From: Field Manager, Royal Gorge Field Office
Subject: Approval of Plan Amendment

Attached, you will find my recommendation for approval of an amendment to the Royal Gorge Resource Management Plan. The amendment is to reclassify certain lands in western Fremont County to make them available for disposal.

The attachments include: Environmental Assessment # CO-200-2001-0048EA; the combined FONSI/ Recommendation/Decision Record; and a copy of the letter to the Governor.

The Environmental Assessment found no significant impacts related to the change in land tenure classification, nor from the disposal of the subject lands.

No comments were received on the Notice of Realty Action that was published in the *Federal Register* and local papers. Letters were sent to all adjacent landowners and the Fremont County Commissioners. One response was received inquiring about access to patented mining claims adjacent to the subject lands. As the disposal lands are not the sole source of access to his land and his previous working relationship with the person wanting to purchase the public lands, this is something that can be worked out in the future. No inconsistencies with state and local plans, programs and policies were identified. The Governor's Consistency Review concludes on September 21st..

If you have any questions about this action, please contact me or call Pete Zwaneveld, Land Use Planner, at 719-269-8559.

ENVIRONMENTAL ASSESSMENT RECORD

NUMBER: CO-200-2001-0048 EA

CASEFILE/PROJECT NUMBER: COC-64303

PROJECT NAME: Realty - Wellsville Land Sale

ECOREGION/PLANNING UNIT: Arkansas River, #1

LEGAL DESCRIPTION:

T. 49 N., R. 10 E., Section 18: Lot 19, 20, Tram Mining Claim (MS 6370)
Section 19: Lot 12,13, 14, a parcel in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Lot 11
(Approximately 45 acres)

APPLICANT: William "Bill" Tezak
Colorado Quarries, Inc.
270 S. 15th St.
Canon City, CO 81212

In Partnership with:

Joseph Lionelle
U.S. Soil
P.O. Box 926
Salida, CO 81201-0926

and

William Addison
Colorado Marble, LLC
229 Industrial Park Road
Cartersville, GA 30120

DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES:

Background: The subject lands are currently in the retention category for land tenure adjustment. In order to authorize the land sale and to be in conformance with the management plan, the decision for these lands will need to be changed to that of disposal. This requires an amendment to the Royal Gorge Resource Management Plan (RMP), approved in 1996. Amendments follow all the procedures that apply to RMPs, including scoping, review of the EA, Governor's consistency review, and a protest period. A Notice of Intent was published in the *Federal Register* on March 29, 2001.

Proposed Action: The Proposed Action is to amend the Royal Gorge Resource Management Plan and change the land tenure classification of the subject lands from retention to disposal. The proposed direct sale of approximately 45 acres to William A. Tezak would be conducted under the authority of Section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713) and the regulations at 43 CFR 2710. The land would be sold at no less than the appraised fair market value.

The patented lode mining and mill site claims surrounding the above described public lands have been utilized for various mining and milling operations for most of the past century. The two most prominent of these operations was the mining and milling of gypsite ore for the production of soil additives and the mining and milling of limestone which was utilized in sugar refining. Remnants of historical coke ovens can be found on patented claims west of the parcel, a large "A" frame structure containing a crusher utilized in milling gypsite and limestone is located to the north, U.S. Soil's mill and railroad spur loading facilities are located on land leased from the Union Pacific Railroad immediately south. A detailed government resurvey conducted in the late 1970s found that these historic activities had encroached on the encircled public land. Unauthorized use immediately adjacent to U.S. Soil's mill included the construction of buildings (warehouse and storage structures, maintenance building, office and scale house), location of various fluid storage and propane tanks, material stockpiles, and numerous trash and junk piles. Unauthorized roads connecting the mines and crusher area on the north with the mill and railroad spur to the south were also prevalent.

Upon discovery of the trespass situation, the Royal Gorge Field Office (RGFO) minerals staff requested and received a plan of operations (file # -CO-057-91-26P) under the authority of the 43 CFR 3809 regulations. These regulations are applicable to mining/milling activities on un-patented mining claims and the RGFO has since managed this operation under the authority of these regulations. The approved plan of operations and the 3809 regulations provided authorization of the facilities and activities that were located on public lands encumbered with un-patented mining claims and simultaneously they provided a mechanism to initiate a clean up program of the junk, debris, and unnecessary roads, and reclamation of some areas. The RGFO minerals staff has maintained an annual inspection program for this site that included an ongoing reclamation and clean up program.

The three business associates listed above are the current owners of the crushing and milling facilities and adjacent mines. Due to the location of minerals in the surrounding area, the existing mining and milling facilities, and historical permitting of the activities by State and local governments, it is anticipated that Wellsville will remain, and continue to be a commercial/ industrial mineral processing site. The interrelated contractual agreements of the mining associates, their ongoing mining and milling operations, and planned expansion are also a strong indicator that these activities will continue into the future. Mr. Tezak has stated that the public land is an integral part of the existing operations and planned expansion. BLM's goal in the proposed action is to dispose of a parcel of land that is difficult and uneconomical to manage and to provide for private enterprise and economic development.

In addition, Mr. Tezak and Mr. Lionelle have agreed to donate two easements to the United States that would provide needed and valuable public access to large blocks of public land in the Wellsville area. The first easement would provide access on an existing road into the Wells Gulch area; it would traverse private land described as follows:

T. 49 N., R. 10 E., N.M. P.M., Section 7: M.S. 20116 (Iron Mountain Lode)

18: Lot 2,6,W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, M.S. 5426 (Crystal Lime 1 & 2), M.S. 6430 (Brown Placer) (Approx. 0.8 miles)

The second easement, on an existing road, would secure access into the Badger Creek area; it would traverse private land described as:

T. 49 N., R. 10 E., N.M. P.M., Section 8: SW $\frac{1}{4}$ SW $\frac{1}{4}$
17: NW $\frac{1}{4}$ NW $\frac{1}{4}$ (Approx 0.3 mile)

Alternative A (No Action Alternative): Under Alternative A the Royal Gorge Resource Management Plan would not be amended and the land tenure classification for the subject lands would remain in the retention category. It would be necessary for BLM to retain a parcel of land that is difficult and uneconomical to manage and two public easements would not be acquired. Mr. Tezak and his associates would not be able to complete their planned business expansion.

NEED FOR PROPOSED ACTION: In order to authorize the sale and to be in conformance with the management plan, the land tenure decision for these lands will need to be changed to that of disposal. This requires an amendment to the Royal Gorge Resource Management Plan (RMP), approved in 1996.

PLAN CONFORMANCE REVIEW: The proposed action is subject to the following plan:

Name of Plan: Royal Gorge Resource Management Plan

Date Approved: 05/13/96

Decision Number: 1-40, 1-59 (upon amendment of the RMP)

The proposed action has been reviewed for conformance with this plan (43 CFR 1610.5, BLM 1617.3).

AFFECTED ENVIRONMENT / ENVIRONMENTAL IMPACTS / MITIGATION MEASURES:

CRITICAL ELEMENTS

AIR QUALITY: Amending the RMP to allow for the disposal of this parcel will not result in any increased air quality impacts above what might have occurred on the parcel regardless of ownership. The parcel is considered to be an "integral part of the existing operations and planned expansion" and would have impacted to the same degree. No specific mitigation is necessary.

Name of specialist: Mike Gaylord, 05-16-01

CULTURAL RESOURCES: The project area was partially inventoried in 1991 [Report CR-050-RG-91-35 (P)] and completed recently [Report CR-RG-01-59 (N)]. Two sites were recorded, but both are ineligible for the National Register of Historic Places. Therefore, the project will not impact any historic properties (defined as those eligible for the NRHP).

Name of specialist: Monica Weimer, June 14, 2001

ENVIRONMENTAL JUSTICE: There are no minority or low-income populations in or near the project area. As such, the proposal will not have a disproportionately high and adverse human health or environmental effect on minority or low-income populations.

Name of specialist: Pete Zwaneveld, 05/14/01

FLOODPLAINS, WETLANDS, & RIPARIAN ZONES (includes all information related to Standard 2): Amending the plan to dispose of this land does not impact floodplain resources. Future management of the parcel in private holdings could impact floodplain resources if the land is further disturbed and erosion accelerates. The land, however, is already disturbed and the decision to dispose will not greatly modify the situation.

Name of specialist: David Gilbert 05/11/01

INVASIVE, NON-NATIVE SPECIES: There are no known noxious weeds on the project site. The ecological site in the area is prone to invasion by Russian knapweed. The proposed action itself will have no effect on noxious weeds because a plan amendment and a sale are not surface disturbing activities.

Name of specialist: Thomas Grette 5/29/01

NATIVE AMERICAN RELIGIOUS CONCERNS: No possible traditional cultural properties were located during the cultural resources inventory (see above). There is no other known evidence that suggests the project area holds special significance for Native Americans.

Name of specialist: Monica Weimer, June 14, 2001

PRIME AND UNIQUE FARMLANDS: There are no Prime or Unique Farmlands involved in the proposed action or the alternatives.

Name of specialist: Thomas Grette 5/29/01

SOILS (includes all information related to Standard 1): Soils effected by this proposal are Rentsac very channery loam (20-56% slopes), Redcameron-Rock outcrop (20-70% slopes), Queridia gravelly sandy loam (2-8% slopes). Soil erosion risk ranges from high to very high on the soils. Additional detail information on soils is available in the NRCS Soil Survey of Fremont County.

Most of the effected lands in the proposed sale area would not be considered to be meeting

standards, primarily because principle uses of past have been for mining, storage, and other industrial type use. It is unlikely that use will change in any near future use of the lands, regardless of the action to sale lands. Activities allowed by BLM in past have included soil protection mitigation requirements, and on adjacent public lands, restoration projects have been completed that aid in moving those public lands towards meeting standards.

Sale of the parcels will remove oversight authorization on the property from the government. It is possible that water control and soil type mitigation by new private land owners will not be as stringent as might be required on public lands. By nature of the current and expected use, it is anticipated the new land owners would take steps (similar to those required in past by BLM) to reduce and limit erosion from surface. Such practices would most likely be in the form of "hardening" soils by use compaction, surfacing materials, or water directional ditches. This will decrease soil absorption capabilities of soils, and add more direct water flow into the Arkansas River. Similar activities are occurring all along the Arkansas River corridor, and this represents a very small percentage of the over all cumulative impacts that may be occurring from such activities. Some data collection toward accessing such activities has begun in the Arkansas River drainage, but no comparative studies have ever been completed to assess what impacts to down river resources might be occurring.

Since most of the use the lands to be transferred into private ownership would be on slopes of 8% or less, and parcel size is relatively small (45 acres more or less), the additional siltation in the river drainage is expected to be minor from change in ownership, and the associated possible differences in application of management.

Recommended Mitigation: No additional mitigation for the proposed action of selling the parcels is necessary. Royal Gorge RMP requirements and Health of the Land Standards practices should sufficiently off set potential changes in management of this property from public to private management. Acquisition of other properties by BLM or other agencies with primary management for watershed values will also help off set cumulative impact concerns which could exist.

Name of specialist: Ernie Lee Gillingham; 05/29/01

THREATENED AND ENDANGERED SPECIES (includes all information related to Standard 4): There are no records of T&E species or their habitat for the parcels that will be included in this action, therefore there will be no impacts.

Name of specialist: Erik Brekke, 5/7/01

VEGETATION (includes vegetation information related to Standard 3): The ecological sites found on the project site are gravelly foothill, sandy foothill, and pinyon-juniper. Dominant species present are blue grama, needle and thread, Scribner needlegrass, pinyon and juniper. The proposed action is a land sale, which by itself has no effect on vegetation.

Name of specialist: Thomas Grette 5/29/01

WASTES, HAZARDOUS OR SOLID: The proposed action will not result in the use, storage or disposal of hazardous or regulated materials on public land. Operations have been conducted and will continue to be conducted under the regulatory oversight of the Colorado Department of Health and the Environment and the Mined Land Reclamation Board. No specific mitigation is necessary.

Name of specialist: Mike Gaylord, 05-16-01

WATER QUALITY, SURFACE AND GROUND (includes all information related to Standard 5): The proposed action will not result in negative impacts to water quality that would not have occurred as a result of operations, regardless of ownership. Regulatory responsibility for compliance with water quality regulations will continue to reside with the Colorado Water Quality Control Division and normal and customary operating procedures will likely limit sediment generation and transport to surface water systems. No specific mitigation is necessary.

Name of specialist: Mike Gaylord, 05-16-01

WILDERNESS, AREAS OF CRITICAL ENVIRONMENTAL CONCERN, WILD AND SCENIC RIVERS: None of the above values are present on the proposed lands to be disposed. No impacts to these values will result from the disposal of these public lands.

Name of specialist: John Nahomenuk, 6/6/01

WILDLIFE, AQUATIC (includes wildlife information related to Standard 3): Amending the plan to dispose of this land does not directly impact aquatic resources as this is an upland site. Future management of the parcel, if in private holdings, could impact distant aquatic resources if land is further disturbed and erodes. The land, however, is already disturbed and a later decision to dispose will not greatly modify the situation.

Name of specialist: David Gilbert 05/11/01

WILDLIFE, TERRESTRIAL (includes wildlife information related to Standard 3): The area to be disposed of is presently developed for use as a minerals processing facility. This facility has been in existence for many years and the BLM public lands contain buildings and roads in addition to other areas of disturbance. Wildlife use of the parcels is very low due to the human impacts associated with destruction of habitat and the constant human activity in the area. Impacts to wildlife will be minimal as a result of this action.

Name of specialist: Erik Brekke, 05/08/01

NON-CRITICAL ELEMENTS

FOREST MANAGEMENT: This action will not affect Forest Management. The area to be traded out of public ownership is not forest or woodlands.

Name of specialist: Jim Cunio 6/6/01

GEOLOGY AND MINERALS: The proposed action lists important information regarding the history of this site and it does not need to be repeated in this section. A mineral report was prepared to analyze mineral potential and surface interference questions. The following mitigation recommendations were developed in that report.

- The 3809 and 3715 case-files would be closed upon completion of the sale. The site would continue to be managed under state of Colorado mined land reclamation permit.
- An easement that would allow walk in access would be provided in the northern part of the disposal parcel.
- The mineral estate would be retained (based on previous management decision)
- Adjudication of existing mining claims would need to be completed prior to the sale of the surface estate.

Name of specialist: Daniel Grenard, 05/29/01

HYDROLOGY AND WATER RIGHTS: The proposed action will not negatively impact either of these resources. No specific mitigation is necessary.

Name of specialist: Mike Gaylord, 05-16-01

LAND STATUS/REALTY AUTHORIZATIONS/ACCESS: The lands identified for disposal are unreserved public domain. The parcel contains portions of 4 rights-of-way granted by BLM; three powerlines (COC-018025, COC-022171, COC-0128242) and one road (COC-044142 - Fremont County Road). The lands would be patented subject to these rights-of-way. The two easements provided by the proponents of the sale would insure public access to a large block of public land that is used extensively for recreation..

Name of specialist: Lindell Greer 6/26/01

NOISE: The subject area currently receives a higher than average level of noise due to a variety of activities in the subject area. These include vehicles on roads, mining and related actions, and residential noises. The Proposed Action to amend the RMP will not change the noise situation but the disposal of the land will lead to a slight increase in noise levels from mining related activities. No major short-term, long-term or cumulative changes in noise levels are anticipated. No mitigation is identified.

Name of specialist: Pete Zwaneveld, 05/14/01

RANGE MANAGEMENT: The public land to be disposed of in the proposed action is a part of the Maverick Gulch allotment. If the land is fenced after it becomes private property, the movement of cattle to other parts of the allotment may be restricted. It may be necessary, in the long term to construct a cattle trail to facilitate livestock movements.

Name of specialist: Thomas Grette 5/29/01

RECREATION: Disposal of these lands may displace some dispersed recreation use such as camping, hiking, and hunting. The benefits to the public in acquiring legal access to larger blocks of public lands outweigh the loss of recreation on the parcel to be disposed of. Recreation opportunities will be enhanced through this lands action. Some short-term impacts to those who have traditionally used the small parcel to be disposed of will occur. Legal access to the larger blocks of public lands will be a positive long-term benefit. No cumulative impacts will occur from this action.

Name of specialist: John Nahomenuk, 6/6/01

TRANSPORTATION: The parcels to be traded/sold do not affect the transportation system of the RGFO. However, in providing access by means of this trade, we will resolve a long standing problem, that of legal public access to the Badger Creek Basin.

The public has long used these roads and the action to accept these easements will finally make this totally legal without litigation. This is great resource management.

Name of specialist: Jim Cunio 6/6/01

VISUAL RESOURCES: The proposed lands to be disposed are located in a Class II visual area. Disposal of these lands will result in less VRM II lands in the river corridor. Visual quality of these lands will most likely be degraded if a mining operation occurs on these lands. VRM guidance will not apply to the lands once in private ownership. The scenic quality of these lands may be impacted by this lands action.

Name of specialist: John Nahomenuk, 6/6/01

PERSONS/AGENCIES CONSULTED:

Fremont County Commissioners
Bill Tezak
Adjacent landowners

BLM STAFF INVOLVED:

Roger Underwood	Staff Leader-Nonrenewable Resources
Erik Brekke	Wildlife Biologist
Tom Grette	Rangeland Management Specialist
John Nahomenuk	Outdoor Recreation Planner
Mike Gaylord	Haz-Mat Coordinator
Dan Grenard	Geologist
Ernie Gillingham	Surface Reclamation Specialist
Lindell Greer	Realty Specialist

FONSI

CO-200-2001-0048 EA

The environmental assessment, analyzing the environmental effects of the proposed action, has been reviewed. The approved mitigation measures result in a finding of no significant impact on the human environment. Therefore, an environmental impact statement is not necessary to further analyze the environmental effects of the proposed action.

RECOMMENDATION AND RATIONALE

It is my recommendation that this plan amendment and land sale, as described in the Proposed Action, be approved with the below listed mitigation. Amendment of the Royal Gorge Resource Management Plan is needed to allow for the disposal of the affected lands. No significant issues came up in the analysis of this plan amendment and land sale. The amendment of the plan and subsequent land sale will resolve a long standing problem on the use of these lands. The acquisition of the easements will allow for better use of adjacent public lands. The public interest will be well served by this action.

Native American consultation, pursuant to the regulations of the National Historic Preservation Act [specifically 36 CFR 800.2(c)(3)], was completed and no negative comments were received. As there are no Threatened & Endangered species in the project area, no consultation was conducted with the Fish & Wildlife Service.

MITIGATION MEASURES:

1. Close the 3809 and 3715 case-files upon completion of the sale. The site would continue to be managed under state of Colorado mined land reclamation permit.
2. Retain the mineral estate (based on a previous management decision).
3. Existing mining claims on the tract will be abandoned or quit claimed to the government prior to the sale of the surface estate.
4. The parcel contains portions of 4 rights-of-way granted by BLM; three powerlines and one road. The lands will be patented subject to these rights-of-way.

REMARKS: A public access easement (walk in) in Wells Gulch is desirable for a potential future interpretive trail.

COMPLIANCE PLAN: RGFO realty staff will oversee compliance.

NAME OF PREPARERS: Lindell Greer, Realty Specialist
Pete Zwaneveld, Land Use Planner

Runderwood 6-26-2001

NAME OF ENVIRONMENTAL COORDINATOR: Pete Zwaneveld

DATE SIGNED: 06/28/01

SIGNATURE OF RECOMMENDING OFFICIAL:

Roy T. Masanta
7-13-01

DATE SIGNED:

ATTACHMENTS: Map

DECISION AND RATIONALE

CO-200-2001-0048 EA

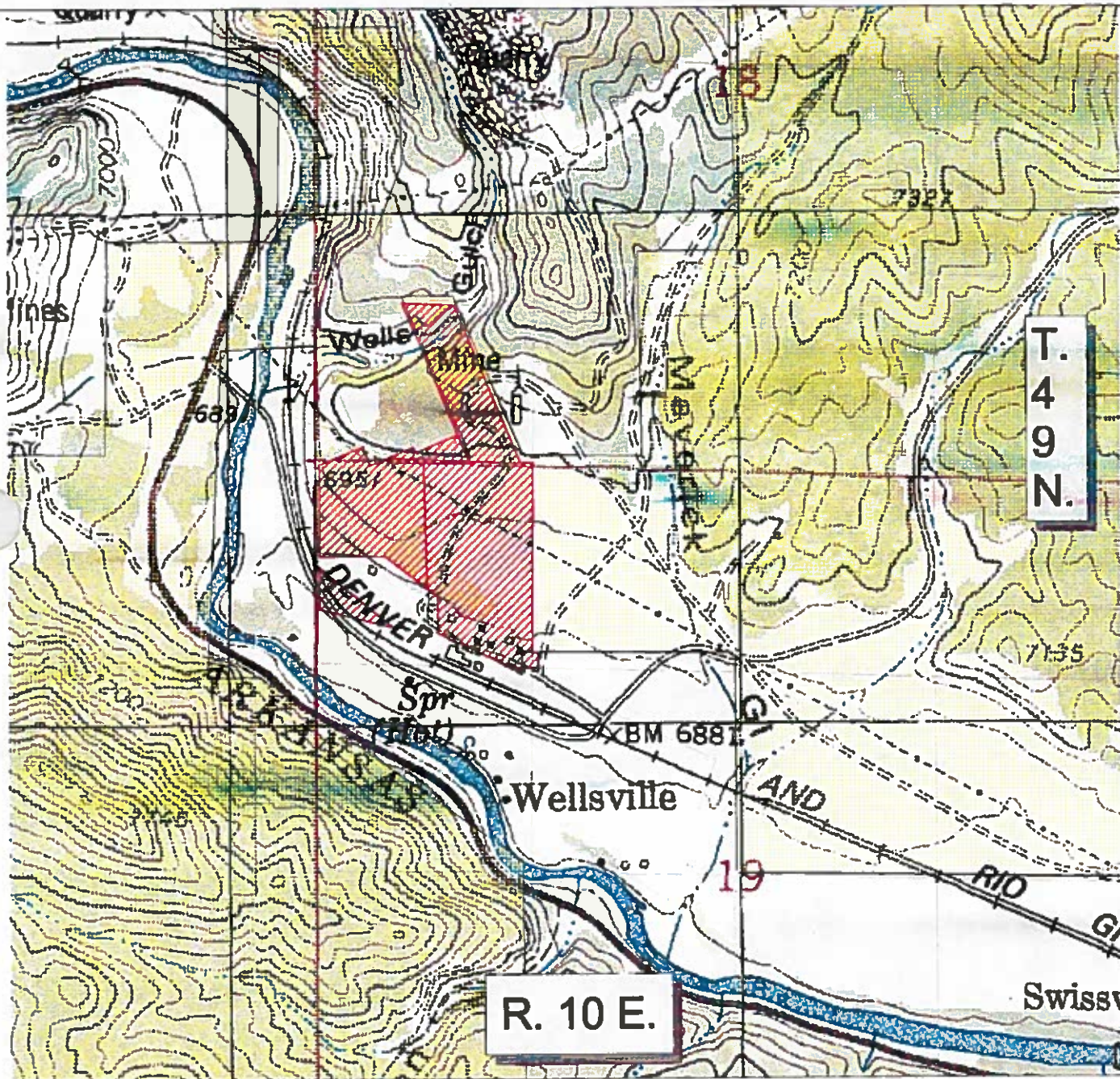
It is my decision to approve the amendment to the Royal Gorge Resource Management Plan, as described in the Royal Gorge Field Manager's recommendation.

SIGNATURE OF AUTHORIZED OFFICIAL:

DATE SIGNED:

[Signature]
2-9-02

Wellsville Project Area



R. 10 E.

T. 49 N.

Project Area



land Sale Area



Public Land Survey Lines



land Status

Bureau of Land Management



Private Lands

0.2 0 0.2 0.4 Miles

