

**U.S. Department of the Interior
Bureau of Land Management**

**Categorical Exclusion
Off Highway Vehicle Tours in Texas Creek, CO**

PREPARING OFFICE

U.S. Department of the Interior
Bureau of Land Management



Categorical Exclusion

Off Highway Vehicle Tours in Texas Creek, CO

DOI-BLM-CO-F02–2014–0056 CX

Prepared by
U.S. Department of the Interior
Bureau of Land Management
Canon City, CO

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A. Background

BLM Office:

Royal Gorge Field Office, DOI-BLM-CO-200–2014–0056 CX

Lease/Serial/Case File No.:

N/A

Proposed Action Title/Type:

Off Highway Vehicle Tours in Texas Creek, CO

Location of Proposed Action:

Texas Creek, CO, Fremont County, 6th P.M.

T. 18 S., R. 73 W., Sections 18, 19, 20, 29, 30, 31

T. 19 S., R. 73 W., Sections 6, 7

T. 48 N., R. 12 E., Sections 1, 2, 3, 4, 10, 11, 12, 13, 14, 15

T. 49 N., R. 12 E., Sections 16, 22, 23, 25, 26, 27, 34, 35

Description of Proposed Action:

The Proposed Action would allow commercially guided Off—Highway Vehicle (OHV) tours in Texas Creek through the Special Recreation Permit (SRP) process. See Figure 1 for the proposed area.

Authority to issue SRP's is found in BLM SRP Handbook H-2930-1 and 43 CFR Part 2930. Issuing an SRP is a discretionary action with final approval by the authorized officer. Applications may be denied based upon factors such as non-compliance with land use plans or designations; a moratorium on permits issued as part of a planning process; the results of an environmental analysis; other resource values; an allocation system; public health and safety concerns; applicant's past performance; or the inability of the managing office to issue, manage, and monitor the proposed use.

The Proposed Action would be for day use, guided OHV tours. Vehicles will be limited to designated roads and trails. The roads and trails within the Texas Creek Recreation Area were designated in the Arkansas River Travel Management Plan (2006). Guided tours will consist of a maximum of six clients per guide. Use of BLM public land is non-exclusive; designated routes and parking will be open and available to the public.

Fueling will not occur on BLM land and will be accomplished on private land. A safety talk is required before all rides. All riders on motorcycles or all-terrain vehicles are required to wear helmets and goggles of which, are provided by the permit holder. There is a toilet facility available at the trail-head. Due to the dry climate in Texas Creek, tours could be given year round; peak season occurs from May through August. If snow or muddy conditions exist, alternate routes will be taken to avoid those trails to prevent resource damage.

Compliance with the standard stipulations for all permits is required. All permitted activities will be monitored by the BLM for adherence to the stipulations.

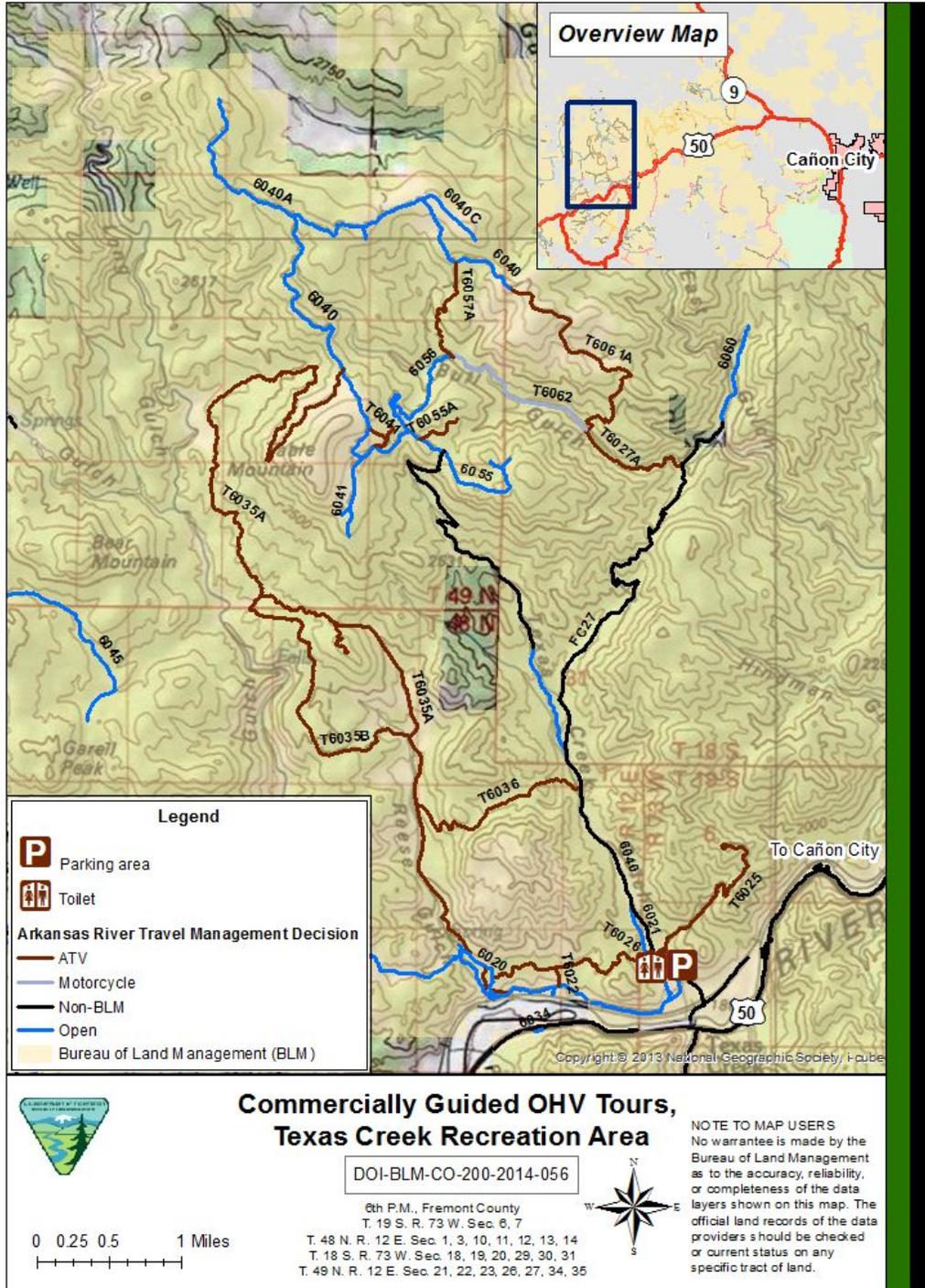


Figure 1.1.

B. Land Use Plan Conformance

Land Use Plan Name:

Name of Plan: Royal Gorge Resource Management Plan

Date Approved: 05/13/96

Decision Number: 1-82

Decision Language: 1-82 Recreation will be managed to provide for a variety of recreational opportunities and settings; additional opportunities for mountain biking, hiking, off-highway vehicle use, interpretation and horseback riding.

C. Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 2, Appendix 1, or 516 DM 11.9,

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 516 DM 2 apply.

CATEGORICAL EXCLUSION REVIEW: This proposed action is listed as a Categorical Exclusion in DOI Departmental Manual Part 516 Chapter 11. 9H (1). None of the following exceptions in 516 DM 2, Appendix 2, apply.

Table 1.1. Exclusion Criteria

Exclusion Criteria	YES	NO
1. Have significant impacts on public health or safety.		X
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; lands with wilderness characteristics; 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
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.		X
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.		X
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.		X

Exclusion Criteria	YES	NO
9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		X
10. Have a disproportionately high and adverse effect on low income or minority populations.		X
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites.		X
12. 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

Table 1.2. Interdisciplinary Team Review

INTERDISCIPLINARY TEAM REVIEW			
NAME	TITLE	AREA OF RESPONSIBILITY	Initials/date
Matt Rustand	Wildlife Biologist	Terrestrial Wildlife, T&E, Migratory Birds	MR, 1/25/2012
Jeff Williams	Range Management Spec.	Range, Vegetation, Farmland	JW, 2/2/2012
John Lamman	Range Management Spec.	Range, Vegetation, Farmland, Weeds	JL, 01/25/2012
Dave Gilbert	Fisheries Biologist	Aquatic Wildlife, Riparian/Wetlands	DG, 01/25/2012
Stephanie Carter	Geologist	Minerals, Paleontology, Waste Hazardous or Solid	SSC, 01/31/12
Melissa Smeins	Geologist	Minerals, Paleontology	MJS, 1/26/2012
John Smeins	Hydrologist	Hydrology, Water Quality/Rights, Soils	JS, 1/26/12
Ty Webb	Prescribed Fire Specialist	Air Quality	TW, 1/27/12
Tony Mule'	Cadastral Surveyor	Cadastral Survey	AM, 2/9/12
Kalem Lenard	Outdoor Recreation Planner	Recreation, Wilderness, LWCs, Visual, ACEC, W&S Rivers,	KL, 1/26/2012
Ken Reed	Forester	Forestry	KR, 1/30/2012
Michael Troyer	Archaeologist	Cultural, Native American	MDT 9/2/14
Vera Matthews	Realty Specialist	Realty	VM, 2/9/12

REMARKS:

Cultural Resources: Although cultural resources were found near the area of potential effect [see report CR-RG-14-133 (P)], no sites determined to be eligible for the National Register of Historic Places (NRHP) were found. Therefore, the proposed project will have no impact on any historic properties (those eligible for the NRHP).

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.

Threatened and Endangered Species: The action will be limited to existing trails and roads that have been designated in the travel management area; therefore, the permitted use will not be above what is currently allowed to the public. There are no records of any federally listed or BLM sensitive species within or near the project area. The Proposed Action will not result in impacts to TES species.

Wastes, Hazardous or Solid: Since the activity involves oil or fuel transfer or storage, an adequate spill kit and shovels are required to be onsite during tours. The permit holder will be responsible for adhering to all applicable local, State and Federal regulations in the event of a spill, which includes following the proper notification procedures in BLM's Spill Contingency Plan.

Minerals: There are a number of mining claims that were filed in this area during 2011. There is a likely possibility that exploration will take place in the future. Coordination and workability in the future may be needed, as applicable.

Realty: The following authorizations are located within the use area. It is anticipated that the proposed action will not adversely affect these authorizations.

- 1) Public Water Reserve 107
- 2) COC 44142 Fremont County Roads
- 3) COC 38702 Qwest Corp telephone right of way
- 4) COC 0125740 Qwest Corp telephone right of way
- 5) COC 15910 Federal road reservation under 44LD513
- 6) COD 0 46246 Federal Aid HWY Section 17
- 7) COC 93736 Railroad right of way
- 8) COC 61253 Marrs Park and Fernleaf Gulch Home Owners
- 9) COC 21457 Easement Deed to US
- 10) COC 36850 Sangre De Cristo Electric powerline right of way

D. Approval and Contact Information

COMPLIANCE PLAN Compliance with the standard stipulations for recreation permits is required. The Proposed Action for commercial ATV tours will be monitored by the BLM for adherence to the stipulations.

NAME OF PREPARER: Janine L. Prout

SUPERVISORY REVIEW: Melissa K.S. Garcia

NAME OF ENVIRONMENTAL COORDINATOR: /s/ Martin Weimer

DATE: 9/8/14

DECISION AND RATIONALE: I have reviewed this Categorical Exclusion and have decided to implement the Proposed Action.

This action is listed in the Department Manual as an action that may be categorically excluded. I have evaluated the action relative to the 10 criteria listed above and have determined that it does not represent an exception and is, therefore, categorically excluded from further environmental analysis.

SIGNATURE OF AUTHORIZED OFFICIAL: _____

Keith E. Berger, Field Manager

DATE SIGNED: _____