

**U.S. Department of the Interior  
Bureau of Land Management  
Little Snake Field Office  
455 Emerson Street  
Craig, CO 81625-1129**

## **CATEGORICAL EXCLUSION**

NUMBER: DOI-BLM-CO-N010-2014-0014-CX

CASEFILE/PROJECT NUMBER (optional):

PROJECT NAME: Cross Mountain Ranch Irrigation Test and Exercise of Acquired Water Rights.

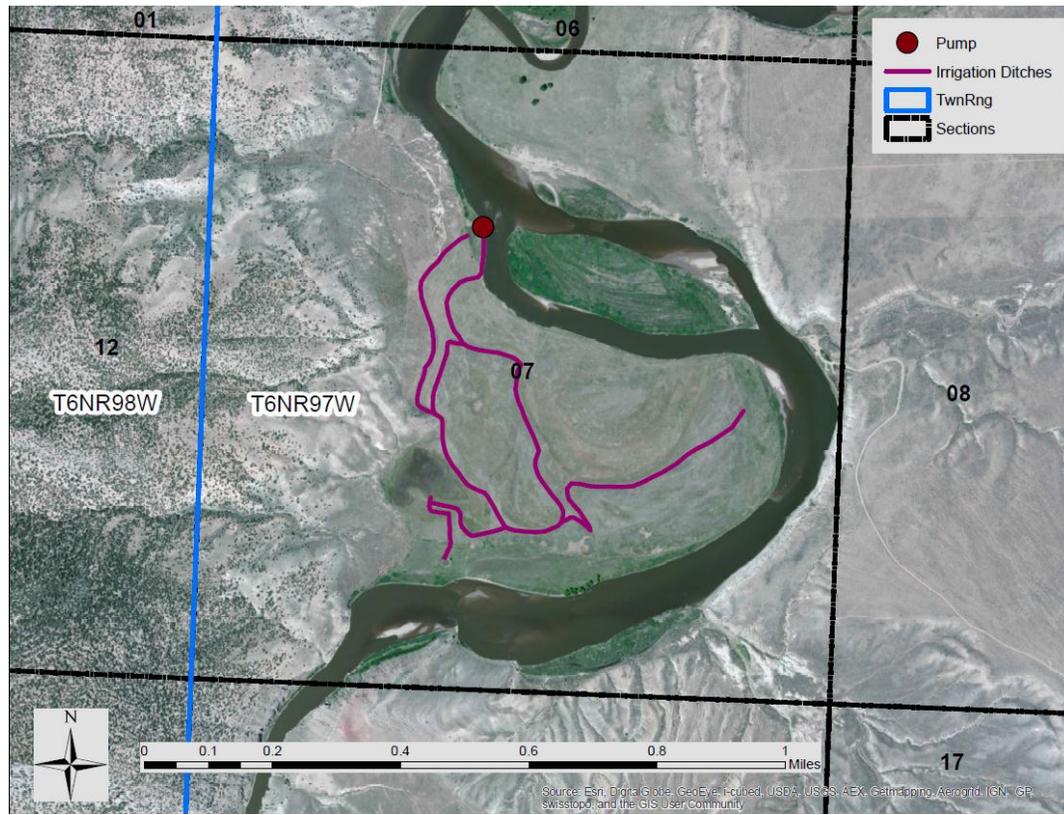
LEGAL DESCRIPTION: Moffat, County,  
6<sup>th</sup> Principal Meridian, Colorado  
T. 6 N., R. 97 W.,  
sec. 7

APPLICANT: Bureau of Land Management (BLM)

DESCRIPTION OF PROPOSED ACTION: The LSFO BLM is proposing to test the Morgan Ditch irrigation system that is a part of the Cross Mountain Ranch Parcel that was acquired by BLM in 2013. The pump, located on the west bank of the Yampa River, would be run for a period of 5-14 days, likely during April or May 2014. During this time the integrity, capacity and stability of a portion of the Morgan Ditch system (see Figure 1) would be monitored to determine where ditch maintenance is required prior to full implementation during future irrigation seasons.

The last documented use of the Morgan Ditch pump was in 2012, the year the new pump was installed. However, the last significant use of the ditch system (>1 month of use) was in 2004 - 2005. Since then, wildlife and livestock have trampled ditch banks and culverts and vegetation has established, making existing ditches and laterals too shallow. Basic maintenance would be accomplished using a mini-excavator or a small back-hoe to re-drag ditches and replace culverts and flumes where needed. The work would be within the footprint of the existing ditch system; no new disturbance would be created. Results of the test flows would be documented and used to demonstrate diligence on the 7 cubic feet per second (cfs) absolute right (1937 priority) and the 7 cfs conditional right (1996 priority) owned by BLM and currently assigned to the Morgan Ditch diversion point. See Figure 1 for the ditches proposed to be tested.

Figure 1.



**LAND USE PLAN (LUP) CONFORMANCE REVIEW:** The proposed action was reviewed for conformance (43 CFR 1610.5, BLM 1617.3) with the following plan:

**Name of Plan:** Little Snake Record of Decision and Resource Management Plan

**Date Approved:** October 2011

**Results:** The Proposed Action is in conformance with the LUP because it is specifically provided for in the following LUP goals, objectives, and management decisions:

Section 102 of FLPMA requires that public land be retained in federal ownership unless disposal of a particular parcel would serve the national interest. Guidance provided by Sections 203 and 206 of FLPMA applies to all surface land tracts identified as available for disposal under the land use allocations. Retention and acquisition of land containing significant resource values would provide for long-term protection and management of those values. Any acquired land or acquired interest in land would be managed for the purposes for which the land was acquired or in the same manner as adjacent or comparable public lands.

Goal A: Through exchange or sale, look for opportunities for consolidation of BLM lands and/or for acquiring additional lands.

Section/Page: 2.17 Lands and Realty, RMP-51

**CATEGORICAL EXCLUSION REVIEW:** The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 43 CFR Part 46.210 and qualifies as a categorical exclusion under 516 DM 2, Appendix 1, 1.7: Routine and continuing government business, including such things as supervision, administration, operations, maintenance, renovations, and replacement activities having limited context and intensity.

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 Part 46.215 applies:

Extraordinary Circumstances	YES	NO
1. Have significant adverse effects on public health and 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; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); 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 [NEPA Section 102(2)(E)].	___	__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__
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.	___	__X__
10. Have the potential for a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).	___	__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 (Executive Order	___	__X__

13007).	
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 (Federal Noxious Weed Control Act and Executive Order 13112).	___ <u>X</u> ___

INTERDISCIPLINARY REVIEW:

Title	Resource	Date
Archaeologist	Cultural Resources	3/18/14
Rangeland Mgmt Spec	T&E Plants	3/17/14
Wildlife Biologist	T&E Animals	3/11/14

CULTURAL RESOURCES:

The BLM’s clean-out and use of the Morgan Ditch irrigation system is considered an undertaking subject to compliance with Section 106 of the National Historic Preservation Act (NHPA). The BLM has the legal responsibility to consider the effects of its actions on cultural resources. BLM Manual 8100 Series; the Colorado State Protocol; and BLM Colorado Handbook of Guidelines and Procedures for Identification, Evaluation, and Mitigation of Cultural Resources provide guidance on Section 106 compliance requirements to meet appropriate cultural resource standards. In Colorado, the BLM's NHPA obligations are carried out under a Programmatic Agreement (PA) among the BLM, the Advisory Council on Historic Preservation, and the State Historic Preservation Officer (SHPO). Should an undertaking be determined to have “no effect” or “no adverse effect” by the BLM-LSFO archaeologist, the undertaking may proceed under the terms and conditions of the PA. If the undertaking is determined to have “adverse effects,” project-specific consultation is then initiated with the SHPO.

BLM-LSFO cultural program staff performed an assessment of the Morgan Ditch and associated irrigation system (5MF.7782.1). Although the Morgan Ditch is an historic feature, the ditch and associated irrigation system have been in-use, maintained, and/or modified since the date of initial construction (mid-1930s). Moreover, the current action proposes to reinstate the historic-to-modern use of the structure through maintenance/rehabilitative activities within the existing footprint.

Because the proposed action poses no disturbances or use beyond that of the existing footprint, the project may proceed with an effect determination of “*no adverse effect*.” Should clean-out and/or modification of the irrigation structures become necessary, additional cultural resources assessment and consultation may be required.

