

U.S. Department of the Interior  
Bureau of Land Management  
Kremmling Field Office  
2103 E. Park Ave., PO Box 68  
Kremmling, CO 80459

**CATEGORICAL EXCLUSION**  
*George Stark Land Use Permit*  
**DOI-BLM-CO-N02-2015-0008-CX**

**Identifying Information**

**Project Title:** George Stark Land Use Permit

**Legal Description:** T. 1 N., R. 78 W., Section 18, Lot 4, 6<sup>th</sup> P.M., Grand County, CO.

**Applicant:** George Stark

**Casefile/Project Number:** COC-69945

**Conformance with the Land Use Plan**

The Proposed Action is subject to and is in conformance (43 CFR 1610.5) with the following land use plan:

**Land Use Plan:** Kremmling Record of Decision and Approved Resource Management Plan (ROD/RMP)

Date Approved: December 19, 1984; Updated February 1999

The Proposed Action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the regulations under BLM Manual 2920.1(A)(1), "Permits may be issued to resolve unauthorized residential occupancy pending ultimate termination via notice to vacate or a decision to sell the land. Such permits must include a provision prohibiting transfer, and other stipulations that will ensure removal of the occupancy, structures, and restoration of the site if the lands are not sold to the occupant."

**Proposed Action**

***Project Components and General Schedule***

Dr. George Stark built an unauthorized barn and septic facilities on the above described BLM-administered public land in 2005. The trespass was discovered in April, 2006.

Dr. George Stark has reapplied for a Land Use Application and Permit (Form 2920) for one year to temporarily resolve his trespass as shown on the map in Appendix A. The trespass consists of a metal barn with living quarters, well, leach field, and storage of machinery on BLM-administered public land. The permit would authorize the use of 3.75 acres of BLM-

administered public land. No other ground disturbing activities would be allowed and no additional rights are conveyed beyond those granted by the original authorization.

### Categorical Exclusion Review

The Proposed Action qualifies as a categorical exclusion under 516 DM 11.9, E., (9): Renewals and assignments of leases, permits or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations.

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 the Kremmling Field Office interdisciplinary team on January 6, 2015. It was again reviewed by the interdisciplinary team on January 20, 2015 to ensure compliance with both the old and newly proposed RMPs. A complete list of resource

specialists who participated in these reviews is available upon request. The table below lists resource specialists who provided additional review or remarks.

Name	Title	Resource	Date
Bill Wyatt	Archaeologist	Cultural Resources, Native American Religious Concerns	1/7/2015
Hannah Schechter	Recreation Planner	Recreation, Visuals	02/17/2015
Darren Long	Wildlife Biologist	Special Status Plant and Wildlife Species	1/21/2015
Annie Sperandio	Realty Specialist	Project Lead	1-5-2015
Susan Valente	Planning and Environmental Coordinator	NEPA Compliance	2/17/2015

The public land in question is not designated for disposal in the 1984 Kremmling Resource Management Plan (RMP). The Kremmling Field Office (KFO) is revising its RMP and has published a Proposed RMP and Final Environmental Impact Statement (EIS). Through this process, the land in question was identified as a retention area due to several factors including its inclusion in the Upper Colorado Special Recreation Management area, proximity to a major river corridor and its identification as part of a Greater Sage Grouse Core Area.

**Cultural Resources:** A Class III Cultural resource inventory (BLM #CR-07-02) was conducted for the trespass on two acres of BLM-administered land. One new cultural resource site 5GA686.17 a segment of historic Highway 40 was recorded with the segment determined to be not eligible to the National Register of Historic Places. The action is a no effect, there are no historic properties that are affected.

**Native American Religious Concerns:** Because the action is not an undertaking under Section 106 of the National Historic Preservation Act of 1966, as amended, tribal consultation was not initiated.

**Recreation:**

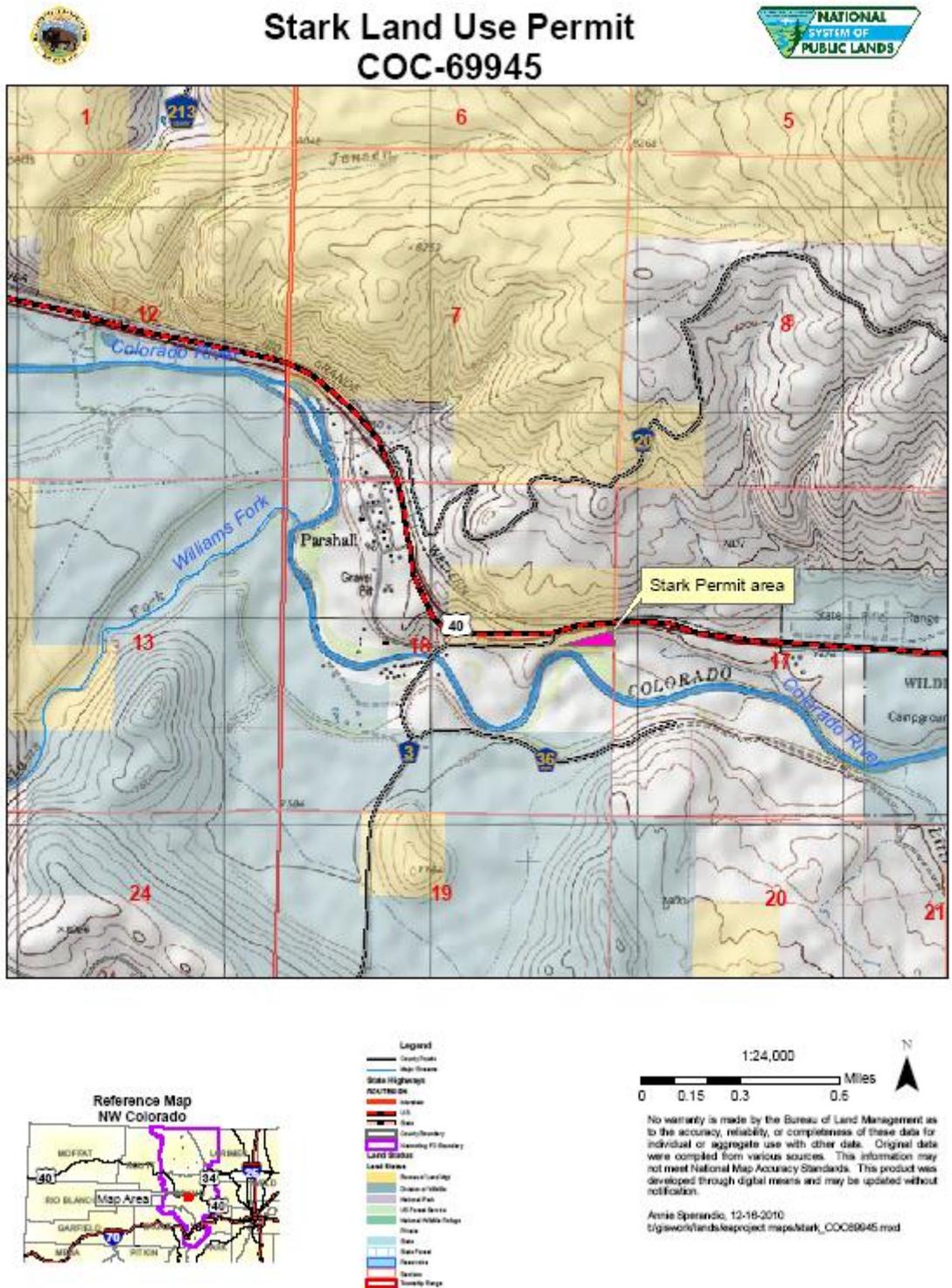
- Upper Colorado Special Recreation Special Recreation Management Area Proposal:** This area is proposed in the Resource Management Plan Revision to be included in the Upper Colorado River Special Recreation Management Area. It falls into the Recreation Management Zone (RMZ) 1- Parshall to Kremmling. The objectives for this area are to allow wade fishing, scenic touring and wildlife viewing. The proposed recreation setting characteristics (RSCs) are to manage the area primarily as Middle to Front County, any characteristic landscape modifications would not be visually obvious or evident, and maintain and improve river access trails, develop and maintain additional facilities if necessary for resource protection. This is one of seven BLM public access points to the Colorado River between Parshall and Kremmling. Public access to the river must continue to be allowed under this permit.

**Threatened and Endangered Plant and Wildlife Species:**

- Greater Sage-Grouse (*Centrocercus urophasianus*):** This grouse is currently designated as a BLM sensitive species and candidate for listing under the Endangered Species Act



Appendix A. Figures



**U.S. Department of the Interior, Bureau of Land Management  
Kremmling Field Office  
2103 E. Park Ave, PO Box 68, Kremmling, CO 80459**

**Decision Record  
George Stark Land Use Permit  
DOI-BLM-CO-N02-2015-0008-CX**

**Decision**

It is my decision to implement the Proposed Action as described in DOI-BLM-CO-N02-2015-0008-CX, authorizing the renewal of permit COC-69945. No other ground disturbing activities will be allowed and no additional rights are conveyed beyond those granted by the original authorization.

**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 2015 Kremmling Record of Decision/Approved Resource Management Plan.

**Public Involvement**

This project will be posted on the BLM online National Environmental Policy Act (NEPA) register after its completion. [https://www.blm.gov/epl-front-office/eplanning/lup/lup\\_register.do](https://www.blm.gov/epl-front-office/eplanning/lup/lup_register.do)

**Rationale**

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E(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 43 CFR 46.215 apply.

**Administrative Remedies**

This decision shall take effect immediately upon the date it is signed by the Authorized Officer and shall remain in effect while any appeal is pending unless the Interior Board of Land Appeals issues a stay (43 CFR 2801.10(b)). 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 Kremmling Field Office, 2103 E. Park Ave, PO Box 68, Kremmling, CO 80459 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**

/s/ Stephanie Odell  
Field Manager

2/17/2015  
Date