

U.S. Department of the Interior
Bureau of Land Management
White River Field Office
220 E Market St
Meeker, CO 81641

DECISION RECORD

Encana Red Rock Canyon Culvert **DOI-BLM-CO-N05-2015-0085-CX**

Decision

It is my decision to implement the Proposed Action, as described in DOI-BLM-CO-N05-2015-0085-CX, authorizing the construction, operation, and maintenance of a temporary work area for installation of a culvert and future operation and maintenance of the culvert associated with road right-of-way COC54679.

BLM Required Conditions of Approval to Mitigate Impacts to Cultural and Paleontological Resources

1. The holder is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.
2. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the AO. The holder will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The holder, under guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.
3. Pursuant to 43 CFR 10.4(g), the holder 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 operator must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.
4. The holder is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for disturbing or collecting vertebrate or

other scientifically-important fossils, collecting large amounts of petrified wood (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands.

5. If any paleontological resources are discovered as a result of operations under this authorization, the holder or any of his agents must stop work immediately at that site, immediately contact the BLM Paleontology Coordinator, and make every effort to protect the site from further impacts, including looting, erosion, or other human or natural damage. Work may not resume at that location until approved by the AO. The BLM or designated paleontologist will evaluate the discovery and take action to protect or remove the resource within 10 working days. Within 10 days, the holder will be allowed to continue construction through the site, or will be given the choice of either (a) following the Paleontology Coordinator's instructions for stabilizing the fossil resource in place and avoiding further disturbance to the fossil resource, or (b) following the Paleontology Coordinator's instructions for mitigating impacts to the fossil resource prior to continuing construction through the project area.

Mitigation Measures

6. All applicable terms, conditions, and stipulations contained in the original ROW grant (COC54679) and any amendments will be carried forward and remain in full force and effect.

7. The holder will be responsible for monitoring the right-of-way for occurrence of noxious weeds for the life of the project and appropriately treating weeds present. The holder will implement an integrated weed management plan according to BLM Manual 9015-Integrated Weed Management (BLM 1992). The weed management plan will include the submission of a Pesticide Use Proposal (PUP) to the BLM for the use of herbicides appropriate for control/eradication of the known noxious and invasive species along the proposed ROW including the species listed above. The PUP will be filed in a timely manner such that weed treatment can begin in the first growing season after construction. Each fall the holder must submit a Pesticide Application Report (PAR) listing all weed treatments that occurred in association with this project.

8. The holder will notify the authorized officer at least 60 days prior to non-emergency activities that would cause surface disturbance in the right-of-way. A "Notice to Proceed" will be required prior to any non-emergency activities that would cause surface disturbance on the right-of-way. Any request for a "Notice to Proceed" must be made to the authorized officer, who will review the Proposed Action for consistency with resource management concerns such as wildlife, big game winter range, paleontology, special status species, and cultural resource protection. The authorized officer may require the completion of special status species surveys or other resource surveys. Additional measures may be required to protect special status species or other resources.

9. All disturbed areas will be promptly seeded. BLM recommends seeding with Seed Mix #1 (see below). Use seed that is certified and free of noxious weeds. It is recommended that this site be seeded between September 1 and March 15. If an alternate date of seeding is requested, contact the designated Realty Specialist prior to seeding for approval. Seed mixture rates are Pure Live Seed (PLS) pounds per acre. Drill seeding is the preferred

method of application and drill seeding depth will be no greater than ½ inch. If drill seeding cannot be accomplished, seed will be broadcast at double the rate used for drill seeding, and harrowed into the soil.

Seed Mix 1

Variety	Common Name	Scientific Name	Rate (PLS)/ac.
Rosana	Western Wheatgrass	<i>Pascopyrum smithii</i>	4.5
Critana	Thickspike Wheatgrass	<i>Elymus lanceolatus</i>	3.5
Toe Jam Creek	Bottlebrush Squirreltail	<i>Elymus Elymoides</i>	3
	Scarlet Globemallow	<i>Sphaeralcea coccinea</i>	0.5
	Sulphur Flower Buckwheat	<i>Eriogonum umbellatum</i>	1.5
	Winterfat	<i>Krascheninnikovia lanata</i>	1

10. The holder will be responsible for achieving a reclamation success rate equal to a minimum cover and composition of 80 percent of the Desired Plant Community (as defined by the ecological site, in an early-seral state) or in relation to the seed mix applied within three growing seasons after the application of seed. This community must be capable of persisting on the site without intervention and allow for successional processes consistent with achieving the seral stage on the site prior to surface disturbance.

11. Reclamation achievement will be evaluated using the Public Land Health Standards that include Indicators of Rangeland Health. If BLM determines that reclamation success is below an acceptable level, reclamation efforts must be repeated at the holder’s expense until vegetation is successfully established.

12. An archaeological monitor is required during excavations for the placement of the culvert.

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 posted on the WRFO’s on-line National Environmental Policy Act (NEPA) register on 7/6/2015. No comments or inquiries have been received.

Rationale

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E19. 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.

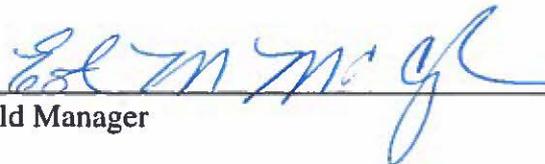
Monitoring and Compliance

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 holder will be notified of compliance related issues, and depending on the nature of the issue(s), will be provided 30 days to resolve such issues.

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 White River Field Office, 220 East Market St., Meeker, CO 81641 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


ACTING Field Manager

7/31/15
Date