

**United States Department of the Interior
Bureau of Land Management**

**Categorical Exclusion
DOI-BLM-CO-S050-2016-0002 CX**

October 2015

**CDOT Highway 50
Wells Gulch Culvert Repair Project
COC-77439**

Location: U. S. Highway 50 Wells Gulch Northwest of Delta, Delta County, CO

**U.S. Department of the Interior
Bureau of Land Management
Uncompahgre Field Office
2465 South Townsend Avenue
Montrose, CO 81401
Phone: (970) 240-5300**



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CATEGORICAL EXCLUSION

NUMBER: DOI-BLM-CO-S050-2016-0002 CX

PROJECT NAME: CDOT Highway 50 Culvert Repair Project

CASE FILE: COC-77439

PLANNING UNIT: Uncompahgre Basin Resource Management Unit

LEGAL DESCRIPTION: Ute Principal Meridian, Colorado
T. 4 S., R. 3 E.,
sec. 17, S1/2NW1/4 and NW1/4SW1/4.

APPLICANT: Colorado Department of Transportation (CDOT)

DESCRIPTION OF PROPOSED ACTION: CDOT is planning to repair an existing culvert and restore the associated eroded slopes and scoured areas under US Highway 50, milepost 56.5, at Wells Gulch northwest of Delta in Delta County, Colorado. The existing culvert lies entirely within the highway right-of-way (ROW); however, the access to the culvert outlet area will be outside the ROW and will require temporary use areas, totaling approximately 0.71 acres. The temporary use areas would consist of an area approximately 650 feet long by 20 feet wide and containing approximately 0.298 acres along the north side of Wells Gulch to walk equipment to the work area near the highway and an area 50 foot by 100 foot and containing approximately 0.115 acres within Wells Gulch south of the main work area around the existing culvert. This includes the installation of a temporary culvert crossing in the Wells Gulch channel at the end of the BLM access road. The temporary use areas would contain approximately 0.404 acres. The culvert repair project is expected to be completed in one week during the Fall/Winter 2015. Access to the temporary use areas would be from an existing BLM road off of the Dominguez Canyon Road (approximately 650 ft. by 20 ft., containing 0.298 acres) and from the highway ROW. The temporary culvert would be removed at the end of the repair project.

Design Features:

- 1) All Colorado Hookless Cactus (CHC) located during the survey conducted prior to beginning work will be protected with an orange fence as outlined on the attached map.
- 2) No machinery, personnel or disturbance will be allowed within the fence.
- 3) The fence will be removed immediately after the completion of the work.
- 4) In order to avoid violating the Migratory Bird Treaty Act of 1918, if any trees or shrubs are to be removed or work on/under bridges is to be completed between April 1 and August 31, a survey must be completed for active nests. If an active nest(s) is found no work may be done within 50' of the nest(s) until the nest(s) becomes inactive. To avoid the survey requirement, it is recommended that all vegetation that needs to be

removed, be removed after August 31 and before April 1.

As per the CDOT-BLM et al. MOU, CDOT has completed the necessary clearances for NEPA and NHPA and the resultant consultation with U.S. Fish and Wildlife Service (FWS). The ROW will be issued under FLPMA for up to three years with the right of renewal to allow for reclamation and be subject to the stipulations attached as Exhibit A. Per 43CFR §2806.14, CDOT is rent exempt as a state governmental agency.

PLAN CONFORMANCE REVIEW: The Proposed Action is subject to and has been reviewed for conformance with the following plan (43 CFR 1610.5):

Name of Plan: Uncompahgre Basin Resource Management Plan (RMP)

Date Approved: July 1989

Decision Language: Lands cases generated by other agencies, individuals, and entities would be analyzed and processed on a case-by-case basis in accordance with guidance provided by this plan.

This project is also within the Dominguez-Escalante National Conservation Area but is within the 75 foot U.S. 50 right-of-way buffer.

CATEGORICAL EXCLUSION REVIEW: The proposed action qualifies as a categorical exclusion under 516 DM 11.9, Number E.19, which allows “for issuance of short-term (3 years or less) rights-of-way for such uses as storage sites and construction sites where the proposal includes rehabilitation to restore the land to its natural or original condition. None of the following exceptions in 516 DM 2, Appendix 2, apply.

Exclusion	YES	NO
1. Have significant adverse effects on public health and safety.	___	<u>X</u>
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, floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.	___	<u>X</u>
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.	___	<u>X</u>
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	___	<u>X</u>
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.	___	<u>X</u>
6. Be directly related to other actions with individually insignificant but cumulatively significant environmental effects.	___	<u>X</u>
7. Have significant impacts on properties listed, or eligible for listing, in	___	<u>X</u>

- the National Register of Historic Places. _____ X
8. 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
9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment. _____ X
10. Have disproportionately high and adverse effect on low income or minority populations. _____ X
11. Limit access to and ceremonial use of Indian sacred sites by Indian religious practitioners or 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

INTERDISCIPLINARY REVIEW:

<u>Name</u>	<u>Title</u>	<u>Area of Responsibility</u>
Glade Hadden	Archeologist	Cultural, Native American Religious Concerns
Ken Holsinger	Biologist	T&E, Wildlife and Migratory Birds
Nick Szuch	Lands and Minerals	Lands and Realty

REMARKS:

Cultural Resources; A cultural Resource Inventory has been conducted for this project with negative results. There are no known or anticipated National Register or otherwise eligible properties within the APE of this project and no further work is required.

Native American Religious Concerns: There are none known for this project. Previous consultation with the appropriate tribal entities indicate no concerns for this area,

Threatened and Endangered Species: The federally threatened CHC has been located within proximity of the proposed action by CDOT biologists. As a result CDOT determined that the proposed action "May Affect, but is Not Likely to Adversely Affect" (MANLLA) the Colorado Hookless Cactus. CDOT has completed consultation with US Fish and Wildlife Service in accordance of section 7 of the ESA. The US Fish and Wildlife Service concurred with CDOT's determination of MANLAA on February 2, 2015 (TAILS: 06E24000-2015-I-0212) based on the implementation of design features 1-3. The design features coupled with effective reclamation of surface disturbances and appropriate weed control measures, should they be necessary, will result in no adverse effects for Colorado Hookless Cactus.

NAME OF PREPARER: Nick Szuch, Realty Specialist

NAME OF ENVIRONMENTAL COORDINATOR: Jedd Sondergard

DATE: 10/23/15

COMPLIANCE WITH NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E. 19. 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.

SIGNATURE OF AUTHORIZED OFFICIAL: Sara L Dawson

DATE SIGNED: 11/2/15

Attachments (2)

1. Exhibit A - Stipulations
2. Exhibit B - Maps

DESIGN FEATURES

1. All Colorado Hookless Cactus (CHC) located during the survey conducted prior to beginning work will be protected with an orange fence as outlined on the attached map.
2. No machinery, personnel, or disturbance will be allowed within the fence.
3. The fence will be removed immediately after the completion of the work.
4. In order to avoid violating the Migratory Bird Treaty Act of 1918, if any trees or shrubs are to be removed or work on/under bridges is to be completed between April 1 and August 31, a survey must be completed for active nests. If an active nest(s) is found no work may be done within 50' of the nest(s) until the nest(s) becomes inactive. To avoid the survey requirement, it is recommended that all vegetation that needs to be removed, be removed after August 31 and before April 1.

RIGHT-OF-WAY STIPULATIONS

1. The holder shall contact the authorized officer at least five days prior to the anticipated start of construction and/or any surface disturbing activities. The authorized officer may require and schedule a preconstruction conference with the holder prior to the holder's commencing construction and/or surface disturbing activities on the right-of-way. The holder and/or his representative shall attend this conference. The holder's contractor, or agents involved with construction and/or any surface disturbing activities associated with the right-of-way, shall also attend this conference to review the stipulations of the grant. The BLM authorized representative is Barney Buria, Environmental Protection Specialist, who can be reached at the Uncompahgre Field Office, 2465 South Townsend, Montrose, Colorado 81401 or phone at (970) 240-5333. An alternate contact is Nick Szuch, Realty Specialist, Uncompahgre Field Office, (970) 240-5322.
2. The holder shall construct, operate, and maintain the facilities, improvements, and structures within this right-of-way in strict conformity with the plan(s) of development which were approved and made part of the grant. Any relocation, additional construction, or use that is not in accord with the approved plan(s) of development, shall not be initiated without the prior written approval of the authorized officer. A copy of the complete right-of-way grant, including all stipulations and approved plan(s) of development, shall be made available on the right-of-way area during construction, operation, and termination. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health and safety or the environment.
3. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or

scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder. The holder is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts.

4. Pursuant to 43 CFR 10.4(g), the holder of this authorization must notify the authorized officer, by telephone, with 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), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.
5. Use of pesticides/herbicides shall comply with the applicable Federal and state laws. Pesticides/herbicides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides/herbicides, the holder shall obtain from the authorized officer written approval of the applicant's plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. The plan should be submitted no later than March 1 of any calendar year to cover the proposed activities for the next growing season. Emergency use of pesticides/herbicides shall be approved in writing by the authorized officer prior to such use.
6. The holder shall be responsible for weed control within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations) including pesticides/herbicides approved for use on BLM land.
7. The holder shall comply with applicable State standards for public health and safety, environmental protection and siting, construction, operation and maintenance, if these State standards are more stringent than Federal standards for similar projects.
8. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated regarding toxic substances or hazardous materials. In any event, the holder shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193). Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, section 102b. A copy of any report required or requested by any federal agency of state government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency of State government.
9. The authorized officer may suspend or terminate in whole, or in part, any construction or maintenance activities, when in his judgment, unforeseen conditions arise which result in

the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.

10. All operation and maintenance activities shall be within the authorized limits of the right-of-way granted herein.
11. All brush, grasses, and other woody material cleared from the right-of-way shall be removed from the public land and not scattered on site; unless the debris is mulched and used for reclamation as natural materials to enhance surface stability and re-vegetation efforts.
12. No burning of trash, litter, trees, brush or other vegetative material shall be allowed under this grant.
13. No operations or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support such equipment. If the equipment creates ruts in excess of four (4) inches deep, the soil shall be deemed too wet to adequately support the construction equipment. Emergency repairs to restore and maintain services are exempt; however, any damages to resources caused by emergency repairs during wet conditions will be repaired as directed by the authorized officer as soon as possible after the occurrence.
14. The holder shall disturb the minimum amount of soils and vegetation necessary for the operation and maintenance of the facility. Topsoil shall be conserved as applicable and reused as cover on disturbed areas to facilitate regrowth of vegetation. The holder shall recontour disturbed areas as necessary by grading to restore the area to approximately the original contour of the ground as directed by the authorized officer.
15. The holder shall apply the following seed mix to be used on all disturbed areas in the right-of-way. Seeding shall be repeated if a satisfactory stand is not obtained as determined by the authorized officer upon evaluation after the second growing season. BLM places the following requirements on seed mixes which are put on BLM lands:

COMMON NAME	BOTANICAL NAME	LBS. PLS/ACRE
Sand dropseed	<i>Sporobolus cryptandrus</i>	0.25
Alkali sacaton	<i>Sporobolus airoides</i>	0.5
Indian ricegrass	<i>Achnatherum hymenoides</i> "Rimrock" or "White River"	3.0
Bottlebrush Squirreltail	<i>Elymus elymoides</i> "Fish Creek" or "Toe Jam"	3.0
Galleta grass	<i>Pleuraphis jamesii</i> "Viva"	3.0
Sandberg Bluegrass	<i>Poa secunda</i> "UP" 1 st choice if not available then "High Plains"	0.5
TOTAL		10.25

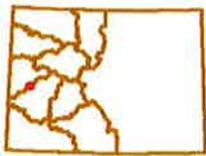
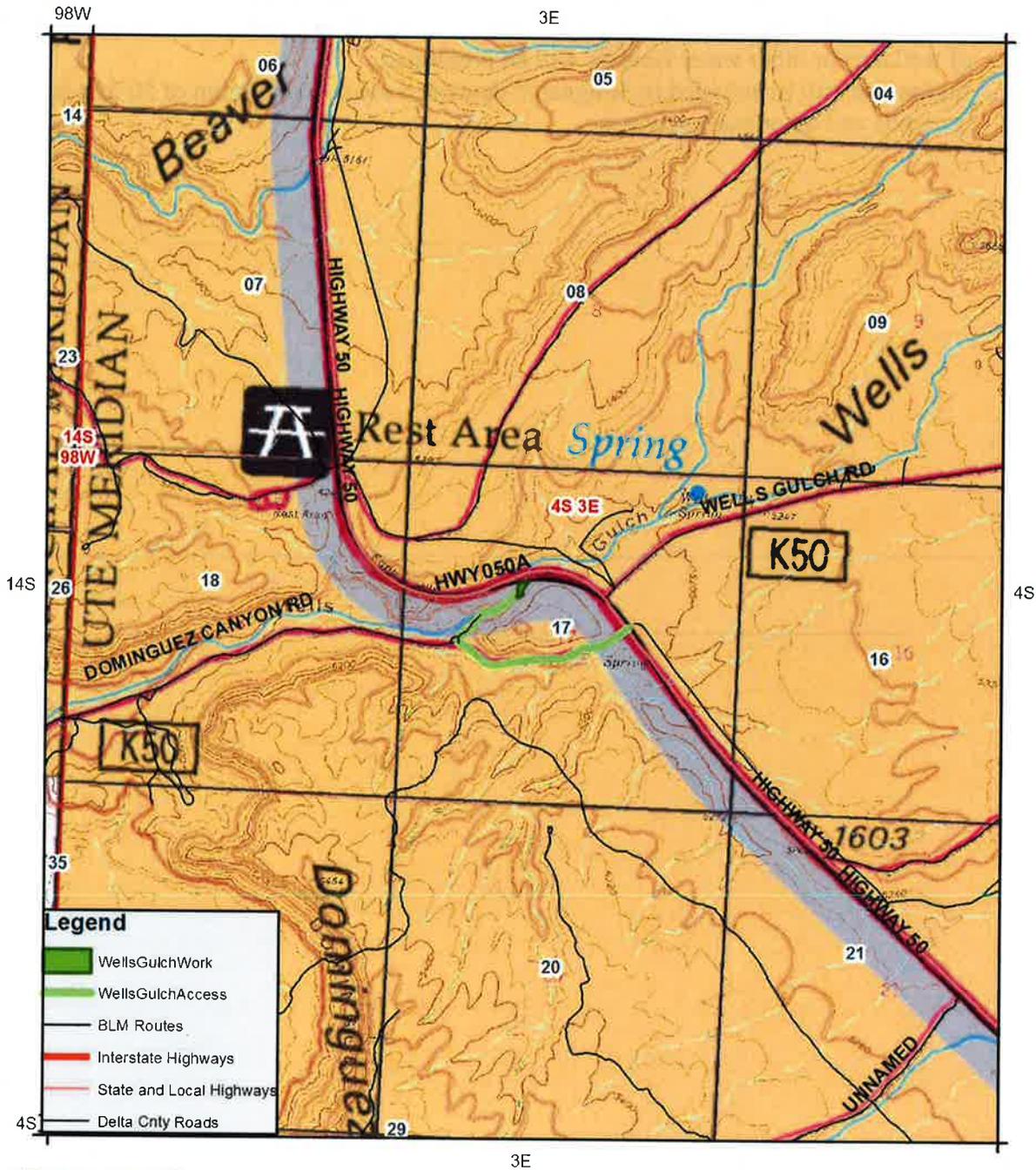
- a. All seed must comply with BLM and Colorado weed seed guidelines. There should be no prohibited species seed, and no more than allowable levels of restricted species seed. In addition, there should be no more than 0.5% total weed seed, less than 2% other seed, and no trash larger than 1/4" in length. Seed shall not be stored in burlap bags.
- b. The BLM Uncompahgre Field Office places additional local restrictions on seed to minimize cheatgrass spread. If seed tests show any *Bromus tectorum* or *Bromus*

japonicus, the BLM should be consulted with for approval. No mix placed on BLM shall contain more than 150 Bromus tectorum and/or Bromus japonicus seeds per pound.

- c. BLM requires additional seed tests on seeding projects that are greater than 20 acres and/or require over 200 lbs of seed. For these seeding projects, the holder should have the seed supply company store the purchased seed prior to mixing, and pull samples to be sent to a certified laboratory, preferably Wyoming State Seed Laboratory at the following address. Seed test results must comply with the criteria listed above before seed is mixed, shipped and applied to the project area:

Wyoming State Seed Laboratory
749 Road 9
Powell, WY 82435
 - d. BLM will need copies of seed tags and test results for all seed applied regardless of project size.
 - e. Only State Certified weed free mulch shall be used.
16. It is the holder's responsibility to comply with all applicable Federal, State, and local laws and regulations existing or hereafter enacted or promulgated.
 17. For access and maintenance of facilities, the holder shall use existing roads. When existing roads are not available, the holder may use the right-of-way for access. BLM roads should not be maintained without first consulting with the authorized officer.
 18. Prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination and rehabilitation plan as necessary. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.
 19. Per the Authorized Officer (AO), the holder shall conform to the following mitigation measures to ensure the project has no effect on any federally listed or sensitive species:
 - a. Applicators, cooperators, and contractors will be trained to recognize Colorado Hookless Cactus, and will be familiar with the locations of plants within the Project Area. Without proper training a qualified biologist shall be on site during weed treatments to ensure proper plant identification. Weed application crews will be provided with maps of known CHC plant locations prior to weed treatments.
 - b. The BLM AO and Fish and Wildlife Service will be apprised of all planned herbicide treatments, within occupied habitat for CHC prior to application.
 - c. To further limit the potential for damaging CHC plants, application equipment and calibrations (i.e. spray pressure and droplet size) will be selected to deliver sprays which minimize atomized drift in situations where herbicide could potentially contact herbaceous surfaces of CHC plants.
 - d. Herbicide application records shall be provided to the BLM and USFWS within 72 hrs. of application.
 - e. Only non-ionic surfactants will be utilized within 600 feet of CHC or populations.
 - f. Seasonal timing of weed treatments will be conducted with the least potential to adversely affect CHC or populations.

- g. BMPs will be used during all phases of construction to reduce impacts from sedimentation and erosion, including the use of silt fence and other appropriate measures.
- h. No equipment staging or storage of construction materials (including fill material) will occur within 50 feet of wetlands or other water features, or within sagebrush habitats.
- i. The use of chemicals, such as soil stabilizers, dust inhibitors, and fertilizers within 50 feet of wetlands or other water features will be prohibited.
- j. Equipment will be refueled in designated contained areas, a minimum of 50 feet from wetlands and other water features.

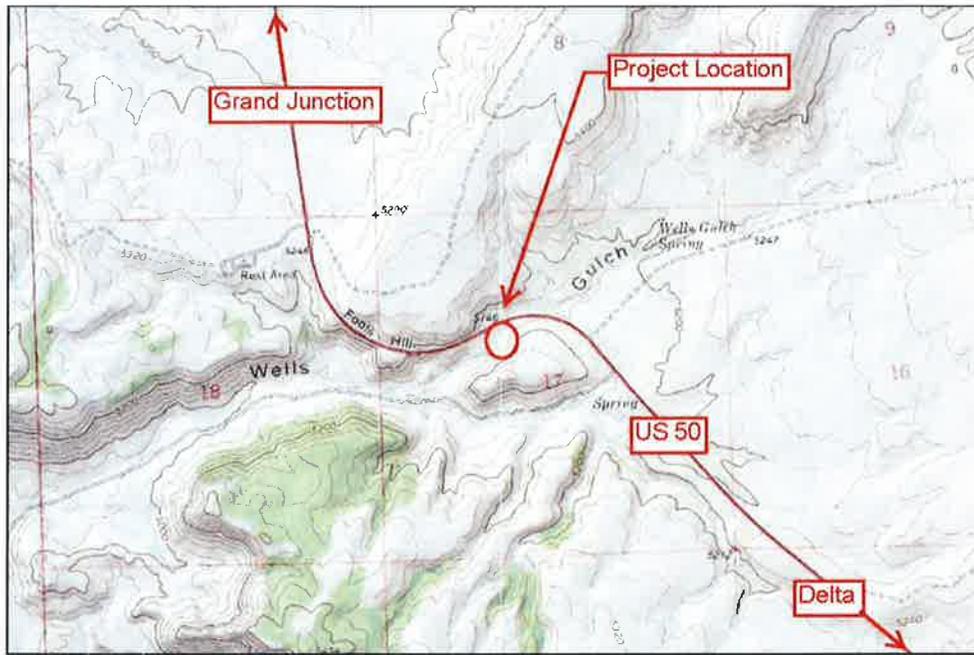


COC-77439 CDOT Wells Gulch Temp Construction Area

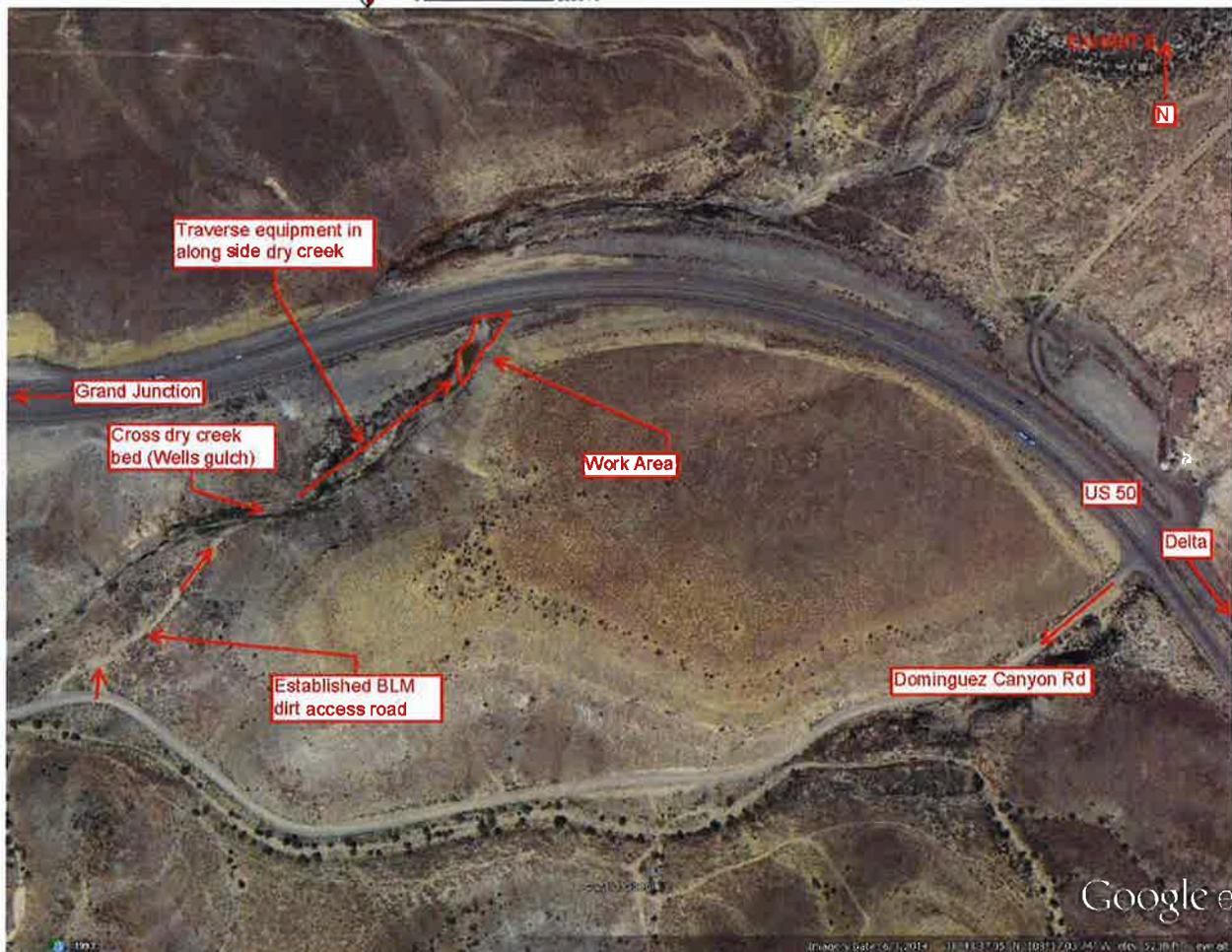
No Warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data.

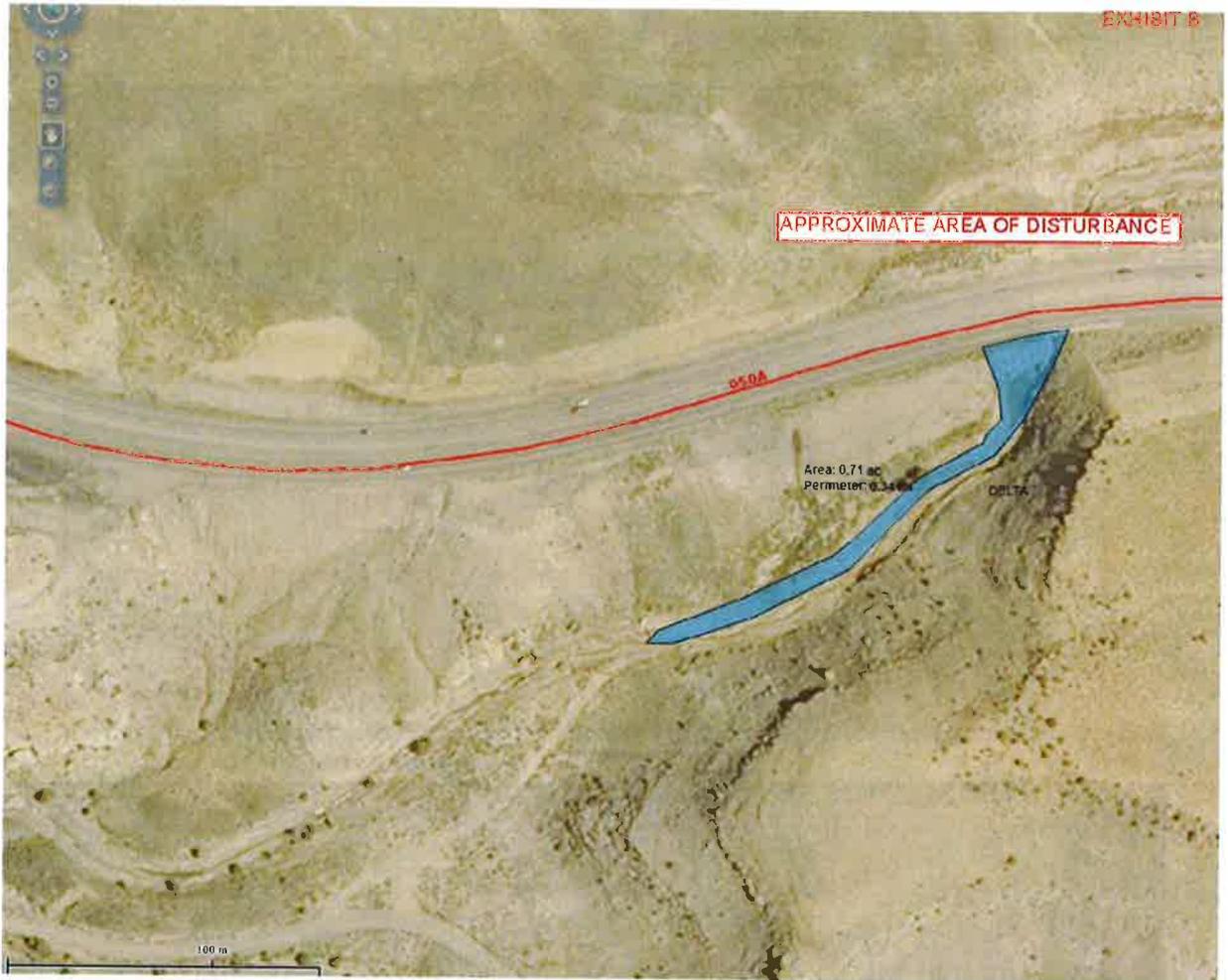


Date: 10/22/2015
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Map provided by MyTopo.com









1 ACCESS "ROAD"

2 CROSSING AREA
(SEE NEXT SHEET)





Maintenance suggested placing fabric down over banks and into channel and placing temporary culvert and riprap to make crossing the narrow channel with equipment possible. Culvert, riprap and fabric will be removed immediately upon completion of work and removal of equipment.

3 ACROSS CHANNEL START OF ACCESS FOR EQUIPMENT TO GET TO WORK AREA



Maintenance would like to "walk" equipment back to work area and cause as little disturbance as possible. Shrubs will be trimmed down and minimal to no grading will be required to move equipment to work area. Access road and finished slope will be seeded with BLM approved seed mix and mulched for permanent stabilization.

4a EQUIPMENT ACCESS ROUTE



4b EQUIPMENT ACCESS ROUTE



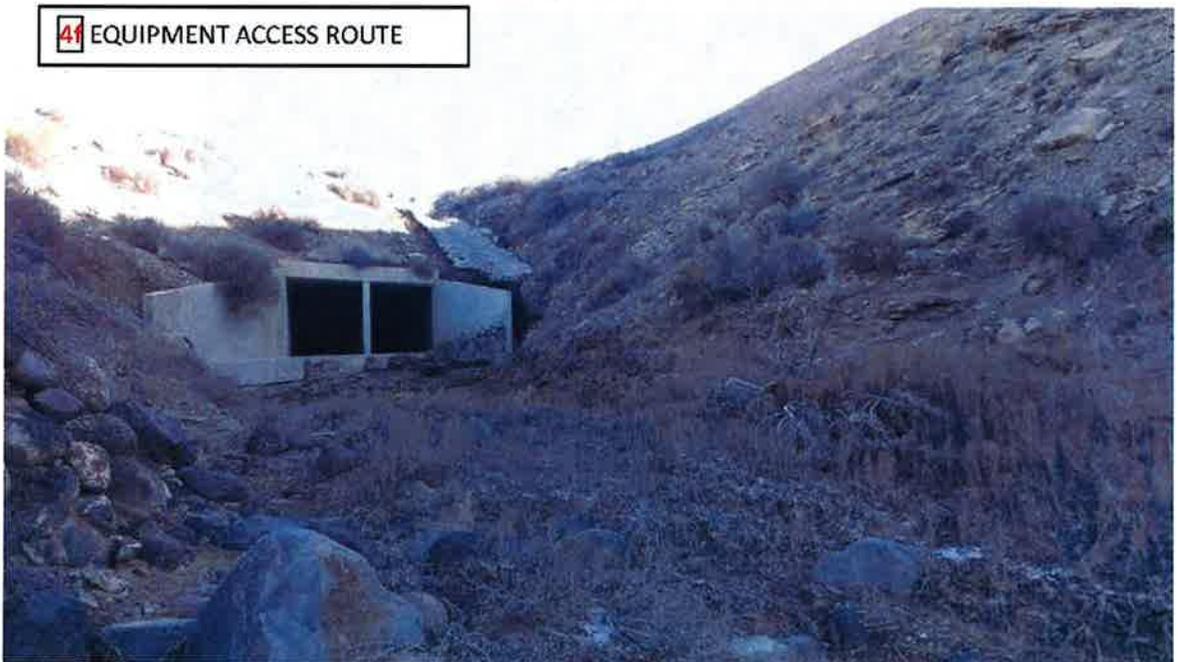


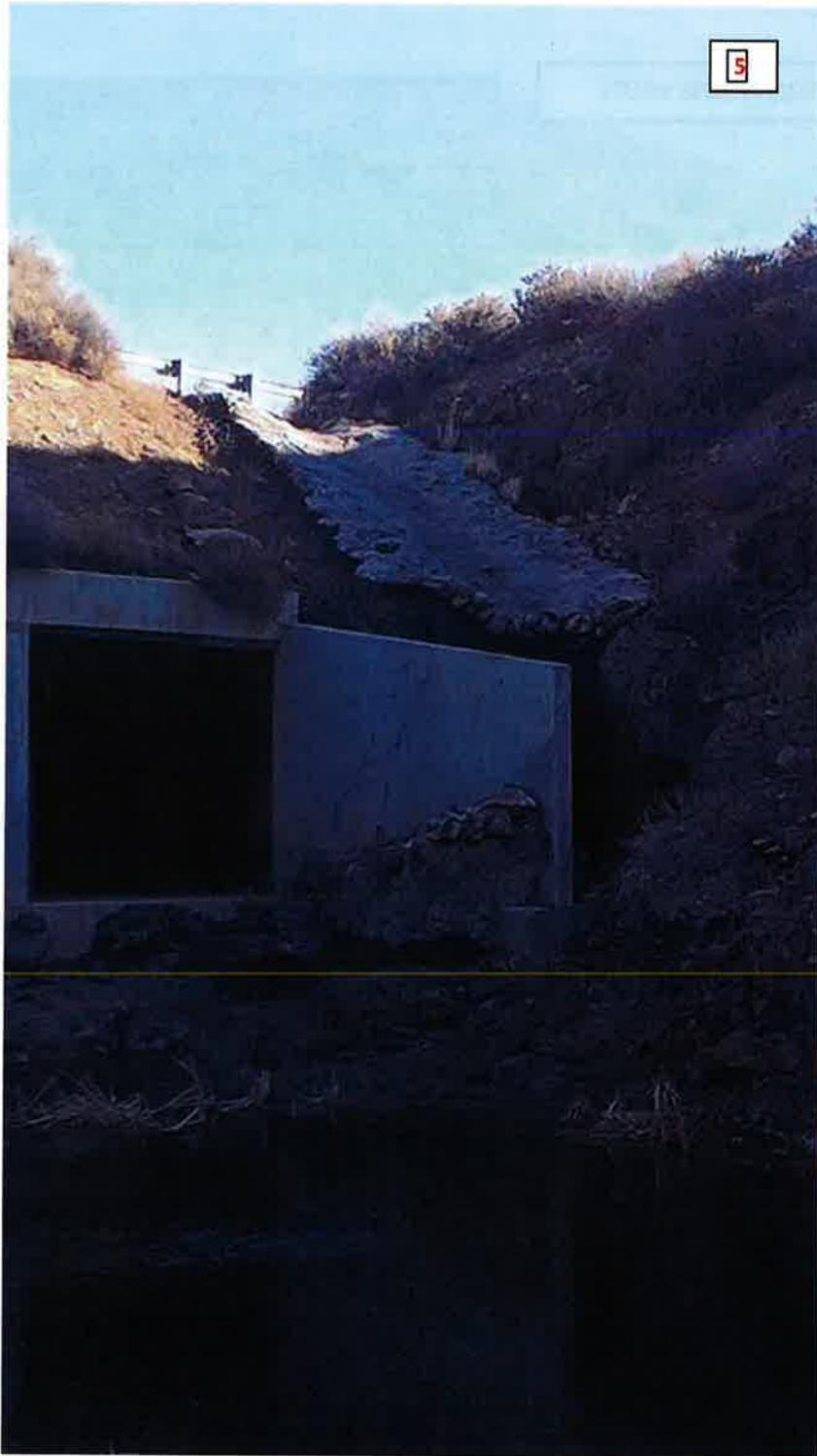


4e EQUIPMENT ACCESS ROUTE



4f EQUIPMENT ACCESS ROUTE





EROSION ON SLOPE ABOVE
HEADWALL AND WINGWALLS

5

EXHIBIT B

SLOPE ERODED
COMPLETELY AWAY
BEHIND WINWALL AND
RUNDOWN COMPROMISED

SCOUR UNDER WINGWALL



SCOUR HOLE

EXHIBIT B

6 (LOOKING SOUTH)
CHANNEL BLOCKED WITH
SEDIMENT, ROCKS AND
DEBRIS FROM FLOODING





6 CHANNEL BLOCKED WITH SEDIMENT, ROCKS AND DEBRIS FROM

Maintenance would clear channel to restore natural drainage pattern. All removed sediment and debris will be hauled off site and disposed of. Maintenance will also pick up and remove any other debris within the work area that was deposited due to the stormevent/slope failure.

**U.S. Department of the Interior
Bureau of Land Management
Uncompahgre Field Office
2465 South Townsend Avenue
Montrose, CO 81401**

Decision Record

(DOI-BLM-CO-S050-2016-0002 CX)

PROJECT NAME: CDOT Highway 50 Culvert Repair Project

DECISION: It is my decision to issue a ROW to CDOT for temporary use areas associated with a culvert repair project on Highway 50 near Milepost 56.5 at Wells Gulch.

The ROW will contain a total of approximately 0.71 acres. The temporary use areas will consist of an area approximately 650 feet long by 20 feet wide and containing approximately 0.298 acres along the north side of Wells Gulch to walk equipment to the work area near the highway and an area 50 foot by 100 foot and containing approximately 0.115 acres within Wells Gulch south of the main work area around the existing culvert. This includes the installation of a temporary culvert crossing in the Wells Gulch channel at the end of the BLM access road. The temporary use areas will contain approximately 0.404 acres. The culvert repair project is expected to be completed in one week during the Fall/Winter 2015. Access to the temporary use areas will be from an existing BLM road off of the Dominguez Canyon Road (approximately 650 ft. by 20 ft., containing 0.298 acres) and from the highway ROW. The temporary culvert will be removed at the end of the repair project.

The ROW will be issued under FLPMA for up to three years with the right of renewal to allow for reclamation, and be subject to the stipulations attached as Exhibit A.

MITIGATION MEASURES: The proposed design features and all stipulations shown in Exhibit A of the Categorical Exclusion (CX) will be followed.

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. 19. 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.

COMPLIANCE WITH MAJOR LAWS and CONFORMANCE WITH LAND USE PLAN:

The decision is in compliance with applicable laws, regulations and policy, including the Endangered Species Act, Migratory Bird Treaty Act and National Historic Preservation Act. It is also in conformance with the Uncompahgre Basin RMP.

PUBLIC COMMENT:

The BLM informed the public about this project by listing it on the online Uncompahgre NEPA Register and a copy of the completed Categorical Exclusion will be posted on the NEPA website.

ADMINISTRATIVE REMEDIES:

If you are adversely affected by this decision, within 30 days of receipt of this decision you have the right of appeal to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR §4.400.

NAME OF PREPARER: Nick Szuch, Realty Specialist

NAME OF ENVIRONMENTAL COORDINATOR: Jedd Sondergard

DATE 10/23/15

SIGNATURE OF AUTHORIZED OFFICIAL Sam K Dawson

DATE SIGNED 11/2/15

Attachments (2)

1. Exhibit A - Stipulations
2. Exhibit B - Maps