

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

CATEGORICAL EXCLUSION

HCE Properties, LLLP Access Road Renewal DOI-BLM-CO-N01-2016-0022-CX

Identifying Information

Project Title: HCE Properties, LLLP Access Road Renewal

Legal Description: Sixth Principal Meridian, Colorado

T. 5 N., R. 91 W.,
sec. 32, lot 4

The area described contain 0.12 acres in Moffat County.

Applicant: HCE Properties, LLLP

Casefile: COC058543

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: Little Snake Record of Decision and Resource Management Plan as amended by the Northwest Colorado Greater Sage-Grouse Approved Resource Management Plan Amendment.

Date Approved: October 2011 and September 2015

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

Allow for appropriate ROW routes and development sites, while identifying areas that will not be compatible with such use. Objectives for achieving these goals include:

- Provide access for the development of roads and trails, utilities, transmission lines, communication sites, and other uses in an environmentally responsible manner.

Section/Page: Section 2.17 Lands and Realty/page RMP-52

Proposed Action

Project Components and General Schedule

HCE Properties, LLLP (HCE) submitted an application for renewal of right-of-way (ROW) grant COC058543. This grant was originally issued to Ron and Terrel Chappell on October 31, 1995 for access to private property. On March 14, 2001 the ROW grant was reassigned to Thomas and Susan Mikesell. On October 24, 2005 it was again reassigned to HCE. The access road is southwest of Hamilton, extends off of Colorado State Highway 13 south, and is just to the east of Moffat County road 41.

There are no proposed improvements and no additional disturbance would be authorized by this action. The access road is approximately 225 feet long by 24 feet wide containing 0.12 acres. All applicable terms and conditions in the original grant would be carried forward and in full force and effect. This ROW would be issued for a term of 20 years.

Categorical Exclusion Review

The Proposed Action qualifies as a categorical exclusion under 516 DM 11.9, E9: *“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

Extraordinary Circumstance	YES	NO
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, and reviewed by, the Little Snake Field Office interdisciplinary team on 03/21/2016. A complete list of resource specialists who participated in this review is available upon request from the Little Snake Field Office. The table below lists resource specialists who provided additional review or remarks concerning cultural resources and special status species.

Name	Title	Resource	Date
Brian Naze	Archaeologist	Cultural Resources, Native American Concerns	04/04/2016
Shawn Wiser	Wildlife Biologist	Special Status Wildlife Species	03/25/2016
Aimee Huff	Rangeland Management Specialist	Special Status Plant Species	04/11/2016
Janell Corey	Realty Specialist	Project Lead	03/17/2016
Kathy McKinstry	Planning and Environmental Coordinator	NEPA Compliance	04/11/2016

Cultural Resources: The cultural resource records housed at LSFO were checked for information on previous surveys and recorded sites. The 225-foot-long segment of driveway on BLM land appears to be within the area surveyed by the University of Colorado in 1975 for a proposed railroad spur. No sites were discovered at the segment of driveway on BLM land. The northern portion of the driveway segment along State Highway 13 was later examined for historic and prehistoric sites during two later linear surveys along the highway. Both surveys had negative results in the area of the driveway segment. The first survey was by the consulting firm Powers Elevation for a buried phone cable. The second was by the Colorado Department of Transportation along State Highway 13.

Native American Concerns: Based on available information, the proposed right-of-way is not expected to affect sites or areas of concern to Native Americans. In historic times, the Little Snake field area was inhabited by the Utes and the Shoshone. Sites of concern to the tribes usually include burials, rock art sites, wickiups, possible vision quest sites, and possible eagle traps. No sites of the above-mentioned varieties are known at or in the vicinity of the area of the right-of-way. Also, the project is not located within an area known to be of concern to the tribes. The Milk Creek Battlefield is an area of concern to the Utes, but it is about 10 miles south of the right-of-way location. From the above information, it is concluded that the proposed right-of-way renewal will not affect sites or areas of concern to Indian people.

Mitigation

BLM Required Mitigation Measures to Cultural and Paleontological Resources

1. The applicant would be responsible for informing all persons who are associated with the project that they would 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 Bureau of Land Management (BLM) Little Snake Field Office (LSFO) Archaeologist would be notified immediately. Work could not resume at that location until approved by the Authorized Officer (AO). The applicant would 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 would 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 applicant, under guidance of the BLM, would implement the mitigation in a timely manner. The process would be fully documented in reports, site forms, maps, drawings, and photographs. The BLM would forward documentation to the SHPO for review and concurrence.
3. Pursuant to 43 CFR 10.4(g), the applicant should 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 would stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.
4. The applicant would be responsible for informing all persons who are associated with the project operations that they would 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 applicant or any of his agents should 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 could not resume at that location until approved by the AO. The BLM or designated paleontologist would evaluate the discovery and take action to protect or remove the resource within ten (10) working days. Within ten (10) days, the operator would be allowed to continue construction through the site, or would 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.

Extraordinary Circumstance	YES	NO
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

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Threatened and Endangered Wildlife Species:

Threatened and Endangered Plant Species:

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Mitigation Measures

6. All applicable terms, conditions, and stipulations contained in the original ROW grant and any amendments should be carried forward and remain in full force and effect. No new construction would be authorized.
7. The holder should construct, operate, and maintain the facilities, improvements, and structures within this ROW in strict conformity with the plan(s) of development which was (were) approved and made part of the original grants. Any relocation, additional construction, or use that is not in accord with the approved plan(s) of development, should not be initiated without the prior written approval of the AO. A copy of the complete ROW grants, including all stipulations and approved plan(s) of development, should be made available on the ROW area during construction, operation, and termination. Noncompliance with the above would be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health and safety or the environment.
8. The holder should not initiate any construction or other surface disturbing activities on the ROW without the prior written authorization of the AO. Such authorization should be a written notice to proceed issued by the AO. Any notice to proceed should authorize construction or use only as therein expressly stated and only for the particular location or use therein described. Any proposal involving additional surface disturbance requires an application to the BLM for analysis and authorization. New stipulations for construction would be applied to projects subject to the regulations and policies existing at the time of the authorization.
9. The holder would notify the authorized officer at least sixty (60) days prior to non-emergency activities that would cause surface disturbance in the ROW. A "Notice to Proceed" would be required prior to any non-emergency activities that would cause surface disturbance on the ROW. Any request for a "Notice to Proceed" must be made to the AO, who will review the Proposed Action for consistency with resource management concerns such as wildlife, big game winter range, paleontology, sage grouse, special status species, and cultural resource protection. The AO may require completion of special status species surveys or other resource surveys. Additional measures may be required to protect special status species or other resources.
10. The ROW should terminate without further action or notice on the part of the Bureau if at any time subsequent to its effective date, the access road authorized is no longer necessary for the holder to access private property.
11. The grant would not relieve you of your responsibility to obtain other required federal, state, or local permits.
12. The holder of the ROW would agree to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation, and Liability

Act of 1980, 42 U.S.C 9601, et.seq. or the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901, et. seq.) on the ROW (unless the release or threatened release is wholly unrelated to the ROW holder's activity on the ROW). This agreement would apply without regard to whether a release is caused by the holder, its agent, or unrelated third parties.

13. No hazardous materials/waste or trash should be disposed of on the public lands. If a release does occur, it should be reported to the LSFO immediately (970) 826-5000. Any spills will be cleaned up to applicable standards.
14. Control of noxious weeds would be required through successful vegetation establishment and/or herbicide application. It would be the responsibility of the lease operator to insure compliance with all local, state, and federal laws and regulations, as well as labeling directions specific to the use of any given herbicide.
15. A Pesticide Use Proposal (PUP) would be approved prior to application of herbicides and/or other pesticides on Federal surface; contact the LSFO to obtain a PUP form to request this authorization. Submit the PUP two (2) months in advance of planned application. In the event you elect to apply herbicide or other pesticide as described and authorized on the approved PUP, you would report this use within 24 hours on BLM form titled Pesticide Application Record.
16. The holder should seed all disturbed areas, using an agreed upon method suitable for the location. Seeding should be repeated if a satisfactory stand is not obtained after the second growing season.
17. The holder would be required to use the reclamation practices necessary to reclaim all disturbed areas. Reclamation would ensure surface and subsurface stability, growth of self-generating, permanent, vegetative cover and compatibility with post land use. The vegetation should be diverse and of the same seasonal growth as adjoining vegetation. Post land use would be determined by the AO but normally would be the same as adjoining uses.
18. Final Reclamation Standard:

The original landform should be restored for all disturbed areas including, roads, pipelines, and utility corridors.

 - A self-sustaining, vigorous, diverse, native (or otherwise approved) plant community should be established on the site, with a density sufficient to control erosion and non-native plant invasion and can reestablish wildlife habitat or forage production. At a minimum, the established plant community would consist of species included in the seed mix and/or desirable species occurring in the surrounding natural vegetation. No single species would account for more than 30 percent total vegetative composition unless it is evident at higher levels in the adjacent landscape. Permanent vegetative cover would be determined successful when the basal cover of desirable perennial species is at least 80 percent of the basal cover of the adjacent undisturbed area. Plants should be resilient as evidenced by well-developed root systems and flowers. Shrubs

should be well established and in a "young" age class at a minimum (therefore, not comprised mainly of seedlings that may not survive until the following year).

Erosion features should be equal to or less than surrounding area and erosion control should be sufficient so that water naturally infiltrates into the soil and gullyng, head cutting, slumping, and deep or excessive rilling (greater than 3 inches) is not observed.

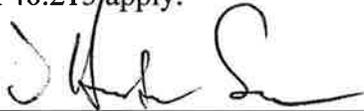
The site should be free of State- or county-listed noxious weeds, debris and equipment, and contaminated soil. The final inspection for final reclamation success and approval would be subject to an interdisciplinary review.

19. At least ninety (90) days prior to termination of the ROW, the holder should contact the AO to arrange a joint inspection of the ROW. The inspection would result in the development of an acceptable termination and rehabilitation plan submitted by the holder. This plan should include, but is not limited to, removal of facilities, drainage structures, and surface material; recontouring; topsoiling; or seeding. The AO must approve the plan in writing prior to the holder's commencement of any termination activities.

20. The holder should conduct all activities associated with the operation and termination of the ROW within the authorized limits of the ROW.

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, E9. 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.



Field Manager

4/15/16
Date

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

DECISION RECORD

HCE Properties, LLLP Access Road Renewal DOI-BLM-CO-N01-2016-0022-CX

Decision

It is my decision to implement the Proposed Action as described in DOI-BLM-CO-N01-2016-0022-CX, renewing the COC058543 grant for a 20-year term.

BLM Required Terms and Conditions to Mitigate Impacts to Cultural and Paleontological Resources

1. The applicant 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 Bureau of Land Management (BLM) Little Snake Field Office (LSFO) Archaeologist will be notified immediately. Work may not resume at that location until approved by the Authorized Officer (AO). The applicant 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 applicant, 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.
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5. If any paleontological resources are discovered as a result of operations under this authorization, the applicant 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 ten (10) working days. Within ten (10) days, the operator 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.

Terms and Conditions

6. All applicable terms, conditions, and stipulations contained in the original ROW grant and any amendments shall be carried forward and remain in full force and effect. No new construction will be authorized.
7. The holder shall construct, operate, and maintain the facilities, improvements, and structures within this ROW in strict conformity with the plan(s) of development which was (were) approved and made part of the original grants. 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 AO. A copy of the complete ROW grants, including all stipulations and approved plan(s) of development, shall be made available on the ROW 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.
8. The holder shall not initiate any construction or other surface disturbing activities on the ROW without the prior written authorization of the AO. Such authorization shall be a written notice to proceed issued by the AO. Any notice to proceed shall authorize construction or use only as therein expressly stated and only for the particular location or use therein described. Any proposal involving additional surface disturbance requires an application to the BLM for analysis and authorization. New stipulations for construction will be applied to projects subject to the regulations and policies existing at the time of the authorization.
9. The holder will notify the AO at least sixty (60) days prior to non-emergency activities that would cause surface disturbance in the ROW. A "Notice to Proceed" will be required prior to any non-emergency activities that would cause surface disturbance on the ROW. Any request for a "Notice to Proceed" must be made to the AO, who will review the Proposed Action for consistency with resource management concerns such as wildlife, big game winter range, paleontology, sage grouse, special status species, and cultural resource protection. The AO may require completion of special status species surveys or other resource surveys. Additional measures may be required to protect

special status species or other resources.

10. The ROW shall terminate without further action or notice on the part of the Bureau if at any time subsequent to its effective date, the access road authorized is no longer necessary for the holder to access private property.
11. The grant does not relieve you of your responsibility to obtain other required federal, state, or local permits.
12. The holder of the ROW agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C 9601, et.seq. or the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901, et. seq.) on the ROW (unless the release or threatened release is wholly unrelated to the ROW holder's activity on the ROW). This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.
13. No hazardous materials/waste or trash shall be disposed of on the public lands. If a release does occur, it shall be reported to the LSFO immediately (970) 826-5000. Any spills will be cleaned up to applicable standards.
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15. A Pesticide Use Proposal (PUP) will be approved prior to application of herbicides and/or other pesticides on Federal surface; contact the LSFO to obtain a PUP form to request this authorization. Submit the PUP two (2) months in advance of planned application. In the event you elect to apply herbicide or other pesticide as described and authorized on the approved PUP, you must report this use within 24 hours on BLM form titled Pesticide Application Record.
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17. The holder is required to use the reclamation practices necessary to reclaim all disturbed areas. Reclamation will ensure surface and subsurface stability, growth of self-generating, permanent, vegetative cover and compatibility with post land use. The vegetation will be diverse and of the same seasonal growth as adjoining vegetation. Post land use will be determined by the AO but normally will be the same as adjoining uses.
18. Final Reclamation Standard:
The original landform has been restored for all disturbed areas including, roads, pipelines, and utility corridors.

- A self-sustaining, vigorous, diverse, native (or otherwise approved) plant community is established on the site, with a density sufficient to control erosion and non-native plant invasion and can reestablish wildlife habitat or forage production. At a minimum, the established plant community will consist of species included in the seed mix and/or desirable species occurring in the surrounding natural vegetation. No single species will account for more than 30 percent total vegetative composition unless it is evident at higher levels in the adjacent landscape. Permanent vegetative cover will be determined successful when the basal cover of desirable perennial species is at least 80 percent of the basal cover of the adjacent undisturbed area. Plants must be resilient as evidenced by well-developed root systems and flowers. Shrubs must be well established and in a “young” age class at a minimum (therefore, not comprised mainly of seedlings that may not survive until the following year).
- Erosion features are equal to or less than surrounding area and erosion control is sufficient so that water naturally infiltrates into the soil and gulying, head cutting, slumping, and deep or excessive rilling (greater than 3 inches) is not observed.
- The site is free of State- or county-listed noxious weeds, debris and equipment, and contaminated soil. The final inspection for final reclamation success and approval will be subject to an interdisciplinary review.

19. At least ninety (90) days prior to termination of the ROW, the holder shall contact the AO to arrange a joint inspection of the ROW. The inspection will result in the development of an acceptable termination and rehabilitation plan submitted by the holder. This plan shall include, but is not limited to, removal of facilities, drainage structures, and surface material; recontouring; topsoiling; or seeding. The AO must approve the plan in writing prior to the holder’s commencement of any termination activities.
20. The holder will conduct all activities associated with the operation and termination of the ROW within the authorized limits of the ROW.

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 2011 Little Snake Record of Decision and Resource Management Plan as amended by the 2015 Northwest Colorado Greater Sage-Grouse Approved Resource Management Plan Amendment

Public Involvement

This project was posted on the LSFO’s on-line National Environmental Policy Act (NEPA) register on 03/21/2016. 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, E9 “Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations.” 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

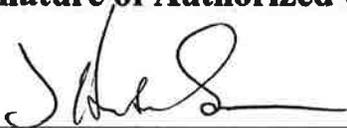
On-going compliance inspections and monitoring will be conducted by the BLM Little Snake Field Office staff during any and after construction. Specific mitigation developed in this document will be followed. The holder will be notified of compliance related issues, and depending on the nature of the issue(s), will be provided thirty (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 thirty (30) days of the decision, a Notice of Appeal must be filed in the office of the Authorized Officer at Little Snake Field Office, 455 Emerson St., Craig, CO 81625, 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 thirty (30) days after the Notice of Appeal is filed with the Authorized Officer.

Signature of Authorized Official



Field Manager

4/15/16

Date

