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MEMORANDUM

TO: MESA COUNTY, COLORADO

FROM: CONNER NICKLAS & TERESA SLATTERY, FALEN LAW OFFICES, L.L.C.

DATE: JANUARY 22, 2020

RE: PROPOSED LIST OF ANTICIPATED FEDERAL AGENCY DECISIONS IMPACTING MESA COUNTY, COLORADO

In preparation to update your local land use plan, below is a list of anticipated federal actions, which can help focus your data collection and policy analysis. As we work through the process, we can add anything new that comes up, but this should be a place to start.

1. U.S. FOREST SERVICE

Schedule of Proposed Actions (SOPA), Mesa County

- **Grand Mesa and Uncompahgre National Forest** – the following SOPA are listed within the Grand Mesa National Forest, specific to Mesa County for that period, January 1, 2020 through March 31, 2020:
 - *Western Area Power Administration Right-of-Way Maintenance and Reauthorization Project.* Update vegetation management activities along 278 miles of transmission lines located on NFS lands in Colorado, Nebraska, and Utah. These activities are intended to protect the transmission lines by managing for stable, low growth vegetation.
 - *Grand Mesa, Uncompahgre and Gunnison Forest Plan Revision.* The Grand Mesa, Uncompahgre and Gunnison National Forests are undergoing Forest Plan Revision. The Forest Plan is an

overarching document that guides forest management through broad direction, standards, and guidelines for years to come.

- *Burwell Spring.* Application to authorize previously constructed spring development and pipeline to serve private property inholding.
- *Enlargement of Monument Reservoir No. 1 and Hunter Reservoir.* Proposal to enlarge existing reservoir.
- *F S 260 Reroute-Kenney Creek Reservoir.* The proposed action is to reroute a .14 mile section of road that is currently steep, unsustainable, and consistently eroding located above Kenney Creek Reservoir.
- *Flowing Park Connector.* The proposed project includes construction of new 1.23 mile non-motorized single track on the Grand Mesa National Forest. This trail will connect the Flowing Park trail with the Drop off trail, creating a loop ride for mountain bikes.
- *Grand Valley Ranger District-Bull Draw Fire Fence Construction.* Approximately 10 miles of new fence will be constructed in numerous locations on the Uncompahgre National Forest, to replace/improve locations of fences burned in the Bull Draw Fire in 2018. The objective is to improve grazing management.
- *Grigware Kelso Creek Private Road Special Use Authorization.* The U.S. Forest Service proposes to issue a special use permit for an existing private road to access private property that is located within the Grand Mesa, Uncompahgre, and Gunnison National Forest.
- *Powderhorn Snowmaking Supply Line and Trail Project.* Install a snowmaking supply line from Anderson Reservoir #2 to the top terminal of Lift #1. Construct the Anderson Reservoir #2 Pump House and associated intake structure. Construct the Rim Connector Trail from Grand Mesa to Powderhorn Resort.
- *Steamboat Rocks.* The Steamboat Rock Prescribed Fire is a continuation of the Grand Junction Watershed Initiative that has been in progress since 2008.

- **White River National Forest** -- the following SOPA are listed within the White River National Forest, specific to Mesa County for that period, January 1, 2020 through March 31, 2020:
 - *Western Area Power Administration Right-of-Way Maintenance and Reauthorization Project.* Update vegetation management activities along 278 miles of transmission lines located on NFS lands in Colorado, Nebraska, and Utah. These activities are intended to protect the transmission lines by managing for stable, low growth vegetation.
 - *White River Forest Health and Fuels Management Project.* White River National Forest proposes to perform density reduction treatments in over-crowded regenerating stands of trees. Treatments would reduce the number of trees per acre to improve overall stand health.
 - *County Line Project.* The Aspen-Sopris Ranger District is proposing approximately 1600 acres of vegetation treatments along FSR 300. Additional projects identified in the area include recreation management enhancements and prescribed fire.

Sensitive Species

Colorado is part of Region 2 which encompasses five states, Colorado, Wyoming, South Dakota, Nebraska, and Kansas. The Regional Forester for Region 2, the Rocky Mountain Region has designated a number of sensitive species within Region 2 which are identified in the attached Exhibit A.

2. U.S. FISH AND WILDLIFE SERVICE

Endangered Species. According to the U.S. Fish and Wildlife Service, the following are endangered species wherever found, and are known to or are believed to occur within Mesa County:

- Humpback chub (Fish) – critical habitat in Mesa County
- Colorado pikeminnow (squawfish) (Fish) – critical habitat in Mesa County
- Bonytail (Fish) – critical habitat in Mesa County
- Razorback sucker (Fish) – critical habitat in Mesa County

Threatened Species. According to U.S. Fish and Wildlife Service, the following are threatened species wherever found, and are known to or are believed to occur within Mesa County:

- Yellow-billed Cuckoo (Bird) – critical habitat in Mesa County
- Mexican spotted owl (Bird)
- Gunnison sage-grouse (Bird) – a draft Recovery Plan for this species was approved on September 20, 2019; critical habitat in Mesa County
- Greenback Cutthroat trout (Fish)
- DeBeque phacelia (Flowering Plant) – critical habitat in Mesa County
- Colorado hookless Cactus (Flowering Plant)
- Canada Lynx (Mammal)

3. Upper Colorado River Endangered Fish Recovery Program

The Upper Colorado River Endangered Fish Recovery Program is comprised of several agencies, including the State of Colorado, Bureau of Reclamation, the Colorado River Energy Distributors Association, Colorado Water Congress, the National Park Service, The Nature Conservancy, the U.S. Fish and Wildlife Service, and was formed to recover four (4) species of endangered fish in the Colorado River and its tributaries in Colorado, Utah, and Wyoming: 1) the Humpback Chub; 2) Bonytail; 3) Colorado Pikeminnow; and 4) Razorback Sucker.

There are seven program elements to achieve the recovery of the endangered fish:

1. Instream Flow Identification and Protection
2. Habitat Restoration
3. Nonnative Fish Management
4. Propagation and Stocking
5. Research and Monitoring
6. Information and Education
7. Program Management

4. Invasive Species – Noxious Weeds

The list of noxious weeds identified by Mesa County to be present in the county is attached hereto as Exhibit B.

5. BUREAU OF LAND MANAGEMENT

Land Use Plans

National Conservation Areas

- **McInnis Canyons National Conservation Area**
 - In 2004, the Grand Junction Field Office adopted a Resource Management Plan for the Colorado Canyons National Conservation Area (CCNCA) and Black Ridge Canyons Wilderness. The CCNCA and Black Ridge RMP also governs activities in the McInnis Canyons National Conservation Area (NCA). The NCA was originally known as the CCNCA and is located in the high desert canyon country of western Colorado and eastern Utah. It contains approximately 123,420 acres of BLM-administered land near Grand Junction and includes more than 75,000 acres of the Black Ridge Canyons Wilderness. The purpose of the management plan is to provide management prescriptions for the long-range protection of the MCNCA and the Black Ridge Canyons Wilderness.
- **Dominquez-Escalante National Conservation Area**
 - On January 9, 2017, the Dominguez-Escalante National Conservation Area Record of Decision and Approved Resource Management Plan was signed. The RMP will be used to guide the BLM's management of all aspects of the conservation area for the next several decades. This includes land use decisions regarding biological resources, cultural resources, wilderness, recreation, travel management, livestock grazing, and special designations such as wild and scenic rivers.

Wilderness Areas/Study Areas

- **Black Ridge Canyons Wilderness**
 - The Black Ridge Canyons Wilderness contains a total of 75,439 acres of land managed by the BLM. 5,120 of these acres are located in Utah. The area's east-west Black Ridge is dissected by seven red rock canyons varying in length. These canyons feature geological characteristics such as spires, windows, giant alcoves and desert patina. Waterfalls can be found here during spring runoff and after summer thunderstorms. Deer, mountain lion, desert bighorn sheep, as well as golden and bald eagles make the area home. Recreational use of the area focuses upon visiting the

canyons in conjunction with calm water float trips through Ruby Canyon and hiking the canyons to view the arches in Rattlesnake and Mee Canyons. Visitors can enjoy hiking, horseback riding, hunting, backpacking, and primitive camping, as well as rafting, canoeing and kayaking on the Colorado River. In 2000 the Black Ridge Canyons Wilderness became part of the now over 109 million acre National Wilderness Preservation System.

- **Dominguez Canyon Wilderness**
 - The Dominguez Canyon Wilderness contains 66,280 acres of land managed by the BLM. In 2009 the Dominguez Canyon Wilderness became part of the now over 109 million acre National Wilderness Preservation System.
- **Black Ridge Canyons Wilderness Study Area**
 - This WSA was designated in 1980. It is adjacent to the Black Ridge Canyons Wilderness and located between the 100-year high water mark of the Colorado River and the southern edge of the Colorado River.
- **Demaree Wilderness Study Area**
 - This WSA was designated in 1980 and is 22,713 acres. It is located about 25 miles northwest of Grand Junction and is characterized by four large, north-to-south canyons that dissect the high desert terrain between East Salt Creek and West Salt Creek.
- **Dominquez Canyon Wilderness Study Area**
 - This WSA was designated in 1980 and is 3,033 acres. It is located primarily on Steamboat Mesa, approximately 29 miles southwest of Grand Junction, 15 miles west of Delta, and is within the Dominquez-Escalante National Conservation Area.
- **Little Book Cliffs Wilderness Study Area**
 - This WSA was designated in 1980 and is 29,298 acres. It is located 10 miles northwest of Grand Junction and is characterized by gently-sloping plateaus and four major canyons: Main Canyon, Coal Canyon, Cottonwood Canyon, and Spring Canyon.
- **The Palisade Wilderness Study Area**
 - This WSA was designated in 1980 and is 26,766 acres. It is located 60 miles south and Grand Junction, immediately north of

Gateway. It is characterized by steep cliffs and deep rugged canyons, rolling out to flat, desert valley bottoms.

- **Sewemup Wilderness Study Area**
 - This WSA was designated in 1980 and is 19,656 acres. It is located approximately 11 miles south of Gateway and is formed of sandstone cliffs, which almost entirely surround the Sewemup Mesa.
- In 2015, as part of the land use planning process of the Uncompahgre Resource Management Plan, the BLM assessed public lands within the Uncompahgre RMP Planning Area to determine whether wilderness characteristics were present outside of designated wilderness, existing wilderness study areas, and the congressionally-designated Tabeguache Area. Of the eight areas studied, seven were determined to have wilderness characteristics. Including an area adjacent to the Sewemup Mesa Wilderness Study Area which is located partially in Mesa County. Although the additional 7,650 acres studied appear to be in Montrose County, this highlights the continuing study of additional wilderness areas in and around Mesa County.

Minerals

- Also, in 2015, the Colorado River Valley Field Office approved a Resource Management Plan. This plan guides the management of BLM lands and federal mineral estates which are administered by the Colorado River Valley Field Office. This does not create measures which directly impact private, state, or other federal lands, unless they overlay federal minerals, but since these lands are interspersed with BLM lands, they would be influenced or indirectly impacted by the BLM land management decisions under the Resources Management Plan.
- In November, 2016, the Final Environmental Impact Statement for Oil and Gas Leasing on Lands Administered by the White River National Forest was approved. Oil and gas leasing of federal minerals underlying the National Forest System lands is a collaborative process between the U.S. Forest Service and the BLM. The U.S. Forest Service is responsible for the land availability decisions, while the BLM is responsible for issuing and managing oil and gas leases. The Final Environmental Impact Statement identifies the conditions of leases and informs federal actors' decisions regarding the leases.

General

- On June 28, 2019, the Uncompahgre Field Office released its Proposed RMP/Final EIS. The document is intended to provide a framework for the future management direction and appropriate use of BLM-administered lands in Mesa County. It contains both land-use planning decisions and implementation decisions to guide the BLM's management of the public lands covered by the document.

NEPA Projects

- *DNA and CX determinations*
 - In addition to what would be considered pending major federal actions requiring a full EA or EIS evaluation, there are a number of recent actions that were determined to qualify for either DNA or CX classifications. A DNA is a determination that an action is adequately analyzed in an existing NEPA document and conforms to the approved land use plan. Accordingly, there is no additional NEPA and the BLM relies on the existing NEPA documents. A CX is an agency determination that the action does not have a significant effect on the quality of the human environment (individually or cumulative) and for which neither an EA nor an EIS is required. While these are not believed to be pending actions, we offer some examples to highlight the type of activities occurring in Mesa County.
 - Weed and invasive species removal; vegetation maintenance
 - Recreation permits for guided mountain bike and motorized tours, river trips, day camping, hunting
 - Completion of deferred route designations
 - Approval of work areas for removal of gas pipelines
 - Fence relocations
 - Transfers of grazing preferences; renewals of grazing permits
 - Road reclamation in sage-grouse habitat

Analysis & Document Preparation

- *March 2020 Competitive Oil and Gas Lease Sale*
 - Sale of oil and leases for twenty-seven parcels comprising 22,493.14 acres within the White River Field Office (WRFO), Little Snake Field Office (LSFO), Kremmling Field Office (KFO), and Grand Junction Field Offices (GJFO) for 15 days from October 1 to October 15, 2019. Due to litigation filed October 10, 2019, parcels

8512, 8536, and 8537 in GJFO, would be deferred from the lease for a total of 1882.29 acres.

Preparation and Planning

- *Devil's Canyon Cabin Rehabilitation*
 - A preliminary EA was issued in October 2017. The proposed project for the rehabilitation of the Devils Canyon Cabin located in McInnis Canyons National Conservation Area. The historic resource is a shepherding line cabin that was probably constructed by John G. Beard and his ranch hands in the 1920s or 30. Although it has been modified over the years, the cabin retains the distinctive characteristics of historic period architecture found in the area and is associated with ranching and the broader economic development and settlement of the Grand Valley. Because of these characteristics, the site is determined eligible for listing on the National Register of Historic Places (NRHP). No other similar buildings or structures with the same associations have survived in the Devils Canyon area.

- *PSCo Power Line Rights-of-Way Amendments*
 - Public Service Company of Colorado (PSCo) has applied to amend power line right-of-way (ROW) grants COC 108739, COC 55993, and COC 13928 that were issued prior to the Federal Land Management Policy Act. The Proposed Action is to issue power line ROW grants that would replace pre-FLPMA grants and to allow for replacement of poles as well as installation of new poles. In addition, authorization to use existing access roads to access the existing power line for construction and maintenance activities.

- *Emery telecom Fiber Optic Line*
 - Emery Telecom has requested a ROW to construct and operate a fiber optic cable across public land managed by the Bureau of Land Management from the Colorado-Utah state line to Grand Junction, Colorado, in Mesa County. Installation and operation of the proposed cable would provide up-to-date communication facilities along the Interstate (I) -70 corridor. In addition, Colorado Department of Transportation (CDOT) commuter link cameras would be fed from the proposed fiber optic cable. Total length for the proposed fiber optic cable would be approximately 166,265 feet, or 31.49 miles. Of the total length, approximately 67,730 feet (41%), or 12.83 miles, of the route would travel over federal lands

administered by the BLM. The applicant requests a permanent ROW of 10 feet in width with a temporary construction work area of 25 feet (12.5 feet on each side). This ROW will be located within CDOT's ROW. The fiber optic cable would be installed south of I-70 from the Utah state line until reaching Ute PM, T.1 N., R. 3 W., Section 10 east of Loma, Colorado, where it would cross I-70 to the north side to avoid where the Colorado River encroaches I-70 on its south side. The route remains on the north side of I-70 into Grand Junction.

There would also be a 2,200 foot aerial cross-county spur to provide a connection with an existing cell tower east of Rabbit Valley. Additional facilities would include flush-mounted, buried, 24 by 36 by 36-inch hand holes that would be used for splicing, pulling cable, and providing access for maintenance. Hand holes would be installed by a backhoe or mini-excavator at intervals of approximately 13,300 feet along the route. A hand hole would be placed near the bottom of a communication pole, where necessary, and fitted with a 2-inch riser that would allow the cable to move up and down the pole. A hand hole would also be placed at reel ends and CDOT camera locations. Each hand hole would be fitted with a 20,000-pound traffic-rated cover. Trenches, bore pits and hand holes would be compacted to avoid future settling.

- *Public Safety Temporary Closure Area Near Airport*
 - The Bureau of Land Management Grand Junction Field Office is proposing to temporary close portions of public land near the Grand Junction Regional Airport during special events to increase public safety. The purpose of the Proposed Action is to provide an adequate safety buffer for aerobatic maneuvers and/or dignitary visits.

The Proposed Action is to install signs to inform the public of temporary area closures during the Grand Junction Air Show and dignitary visits. The primary purpose and first closure would be from noon on October 8, 2017 through 6pm on October 11, 2017 to enforce a safety buffer for aerobatic maneuvers associated with the Grand Junction Air Show. The Grand Junction Air Show is held every two years in the fall.

The signs would be approximately two feet by one foot and mounted on a wire sign holder that would be placed on the ground.

They would be placed at the actual closure boundary, which extends approximately from 27¼ Road to 29 Road for 2,700 feet to the northeast from the centerline of the runway. The signs would be removed at the end of the event. The legs of the sign holders are approximately ¼-inch thick. The signs would be set on the ground. No surface disturbance would be necessary for placement of the signs.

- *Several livestock grazing permits are being considered for renewal*

Decision and Appeal

- *Rabbit Valley Camping*
 - ROD issued July 24, 2019. The proposed action is to develop approximately 70-75 campsites in the Rabbit Valley Planning Area, which is currently heavily used for underdeveloped-dispersed camping.
- *Sieber – Snyder Pinyon and Juniper Removal*
 - This project has an indicated start date of June 11, 2018. The proposed action is to maintain and restore large, continuous patches of sagebrush for suitable wildlife habitat and sagebrush obligated species, while limiting the establishment and spread of invasive species. Removal of pinyon and juniper trees that are within sagebrush ecosystems reduces the risk of uncharacteristically severe and/or frequent wildfires. It is expected that the work will be conducted in phases treating approximately 300 acres per phase. The first 300 acres are expected to be treated in the fall of 2018 and will take one to two weeks' time to complete depending on crew size and weather. The Sieber Canyon project area is 1,290 acres of BLM managed public land and the Snyder Creek area is 89 acres of BLM managed public land and 95 acres of private land.
- *Lands End Communication Site Tower*
 - The EA for this project was issued in November, 2018. The proposed project is the construction of a new communications facility within the Lands End Communications Site. Would include a tower between 150-160 feet in height, a 14 foot by 20 foot concrete equipment building, and a 45 kW backup power generator with two 1,000 gallon propane tanks. The project also includes the renewal of an expired ROW for an existing buried telephone line.

- *Public Service Company Pipeline ROW (Amendment)*
 - FONSI issued on February 16, 2017. ROW to be amended to allow for the replacement and enlargement of a lateral pipeline. The project also included the abandonment of the older pipeline.
- *Grand Junction Regional Airport Land Conveyance and Runway Improvement Project*
 - FONSI issued on March 15, 2018. The project was to convey 188.04 acres of BLM-managed public lands to the Grand Junction Regional Airport Authority in association with its runway improvement project to enhance aviation safety.

Wild Horses and Burros

- **Little Book Cliffs Wild Horse Range**
 - The Little Book Cliffs Wild Horse Range is located in northwest Colorado, about 8 miles northeast of Grand Junction. It is 36,113 acres and is characterized by four major canyon systems falling to gentle sloping plateaus covered in sagebrush and pinon juniper. The AML for this area 90-150.

Sensitive Species

A list of sensitive species identified by the BLM is attached hereto as Exhibit C. The majority of Mesa County is within the Grand Junction Field Office (GJ in chart), but small areas are included in the White River (WR in chart) and Uncompahgre (UN) Field Offices.

6. Impaired Waters

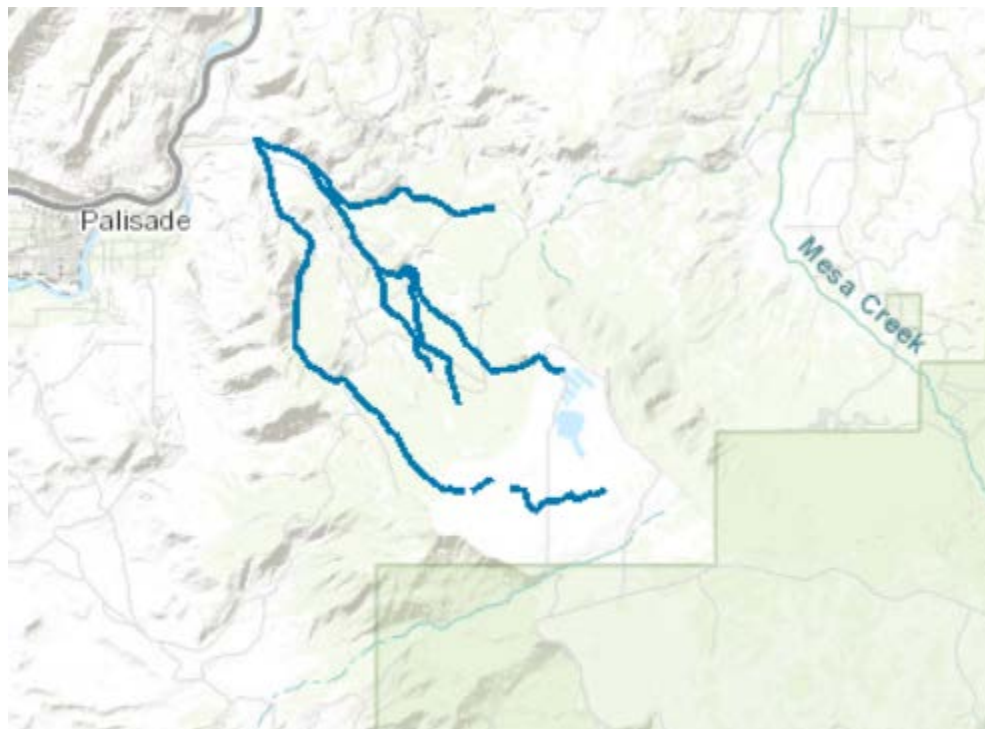
The Clean Water Act (CWA) contains several sections which require states to report on the quality of their waters. Section 305(b) (State Water Quality Assessment Report) requires a comprehensive biennial report; and Section 303(d) requires, from time to time, a list of a state's water quality-limited waters needing total maximum daily loads (TMDLS).

The Colorado Department of Public Health and Environment provides information, including an interactive map, related to water quality. The Map of Stream Water Quality Standards is available [here](#). The Colorado Department of Public Health and Environment has identified impaired waters in and

around the area of Grand Junction, Mesa, Collbran, and Gateway, Colorado as well as to the east of the Sewemup Mesa Study Area.

7. Outstanding Waters

The Colorado Outstanding Waters located in Mesa County are depicted in the map below. These are located to the east of Palisade and north/northwest of the Grand Mesa National Forest.



8. NATIONAL PARK SERVICE

- The Old Spanish National Historic Trail traverses Arizona, California, Colorado, Nevada, New Mexico, and Utah. The trail passes through Mesa County near Grand Junction, Colorado.
- *National Register of Historic Places Listings.* The following are listed within the National Register of Historic Places Listings in Mesa County:
 - Archeological Site 5ME82
 - Black Bridge
 - Bloomfield Site
 - Cayton Guard Station

- Clifton Community Center and Church
- Coates Creek Schoolhouse
- Colorado National Monument Visitor Center Complex
- Colorado River Bridge
- Convicts' Bread Oven
- Crissey, Herbert and Edith, House
- Cross Land and Fruit Company Orchards and Ranch
- De Beque House
- Denver and Rio Grande Western Railroad Depot
- Devils Kitchen Picnic Shelter
- Fifth Street Bridge
- Fruita Bridge
- Fruita Museum
- Grand Valley Diversion Dam
- Handy Chapel
- Hotel St. Regis
- IOOF Hall
- Kettle-Jens House
- Land's End Observatory
- Loma Community Hall
- Margery Building
- North Seventh Street Historic Residential District
- Phillips, Harry and Lilly, House
- Pipe Line School
- Rim Rock Drive Historic District
- Saddlehorn Caretaker's House and Garage
- Saddlehorn Comfort Station
- Saddlehorn Utility Area Historic District
- Serpents Trail
- U.S. Post Office