

## **Decision and Rationale on Action**

I have reviewed the documentation for this proposal (DOI-BLM-OR-134-2014-0004-CX), and have determined that re-issuance of a mineral material free use permit to Grant County-Department of Public Works (GC-DPW) for the Knopp Hill sand and gravel pit would be categorically excluded from NEPA. The proposed action would not create adverse environmental impacts or require the preparation of an environmental assessment (EA) or environmental impact statement (EIS). The proposed action has been reviewed against the criteria for an Exception to a categorical exclusion (listed above) as identified in CFR 46.215 and does not meet any exception. It is my decision to implement issuance of a new free use permit for mining of common variety sand and gravel (federal mineral estate) from the Knopp Hill Gravel Pit as described in the CX and shown on the attached Figures 1 and 2. These actions meet the need for action. In addition, I have reviewed the plan conformance statement and have determined that the proposed action is in conformance with the approved land use plan and that no further environmental analysis is required.

I also considered pertinent information submitted by all persons who commented either verbally or in writing during the design of project activities. There are no known adverse impacts to the human or natural environment that would occur from implementing this project.

## **Implementation Date**

This project will be implemented on or after December 1, 2014.

Linda Coates Markle	12/2/2014
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Linda Coates-Markle, Field Manager, Wenatchee Resource Area	Date
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## **Administrative Review or Appeal Opportunities**

Any party that is adversely affected and determined to be a party to the case, may appeal the implementation of the proposed action to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4. A notice of appeal must be filed in this office (at the address below) within 30 days of receipt of this decision. The appellant has the burden of showing that the decision is in error.

An appellant may also file a petition for a stay (suspension) of this decision during the time that the appeal is being reviewed by the Board pursuant to Part 4, Subpart B, 43 CFR Part 4.21. The petition for a stay must accompany the notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must be submitted to each party named in this decision, to the Interior Board of Land Appeals, and the Office of the Solicitor (see 43 CFR 4.413) at the same time the original

documents are filed with this office. The appellant has the burden of proof of demonstrating that a stay should be granted.

### **Standards for Obtaining a Stay**

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of decision pending appeal shall show sufficient justification based on the following standards:

- (a) The relative harm to the parties if the stay is granted or denied,
- (b) The likelihood of the appellant's success on the merits,
- (c) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (d) Whether the public interest favors granting the stay.

## **Categorical Exclusion Documentation**

Department of the Interior  
Bureau of Land Management, Spokane District  
1103 North Fancher Road  
Spokane Valley, WA 99212

### **A. Background**

*BLM Office: Wenatchee Field Office*

*Lease/Serial/Case File No.: FU-W-496 (WAOR68017)*

*NEPA Log Number: DOI-BLM-OR-134-2014-0004 CX*

*Proposed Action Title: Re-issue a new mineral material free use permit to Grant County-Department of Public Works for obtaining sand and gravel resources (Federal mineral estate).*

*Location of Proposed Action: T. 24 N., R. 29 E., Section 30, portion of the E1/2SW1/4, Grant County, Washington*

*Description of Proposed Action: Grant County-Department of Public Works (GC-DPW) is requesting BLM to re-issue another Mineral Material Free Use Permit for the Knopp Hill gravel pit site. On February 21, 2014, Todd Mittge, Assistant County Road Engineer for GC-DPW sent an email inquiring about renewing a free use permit for mining sand and gravel resources (private land with federal minerals reserved) since their old permit (FU-W-479) was to expire on March 1, 2014. The site has been a sand and gravel source for Grant County since the late 1950's when BLM originally permitted the site to GC-DPW in 1958. On October 7, 1993 BLM exchanged (Stevens Land Exchange) the parcel where GC-DPW was mining gravel but reserved the federal mineral estate. Figure 1 shows the general location of the permit site. The stockpile site and gravel pit are located about two miles east of Pinto Ridge Road (E. side of Grand Coulee) in Arbuckle Draw just north of County Road 31 NE (Figure 2). Although the gravel pit operations are now on private lands BLM must still re-issue another free use permit since the mineral estate was reserved to the Federal government (i.e. BLM jurisdiction).*

### **B. Land Use Plan Conformance**

Land Use Plan Name: Spokane Resource Management Plan

Date Approved/Amended: Approved 1987/Amended 1992

*Option 1 (conforms with LUP): The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s): "Salable minerals, including common varieties of sand, gravel, and stone, will continue to be made available for local governments and the general public." (ROD/RMP page 29)*

OR

*(Option 2: not explicitly provided for in the LUP) The proposed action is in conformance with the applicable LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions):*

**C. 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.F(10) Disposal of mineral materials such as sand, stone, gravel, pumice, pumicite, cinders, and clay, in amounts not exceeding 50,000 cubic yards or disturbing more than 5 acres, except in riparian areas.

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, as shown in the following table:

<b>CX EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION</b> The proposed categorical exclusion action will:	<b>YES</b>	<b>NO</b>
(a) Have significant impacts on public health or safety.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
This is an existing gravel pit where Grant County has removed sand and gravel for road maintenance. Access to the site is on private lands and a gate is locked when county personnel are not present. Equipment is only kept onsite during active operations (every 5-10 years), is not left unattended, and is serviced by a portable maintenance truck. No petroleum products (diesel fuel & lubricants) are kept onsite. Operations do not involve blasting. The closest residence is about one mile to the west of the site.		
(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 (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>The area was surveyed for cultural resources in 1991 as part of a large land exchange; an historic refuse pile was identified, but was determined to be ineligible for listing in the NRHP. The WA State SHPO concurred with this determination at the time. The lands were subsequently put into private ownership. The BLM has no jurisdiction on any cultural resources that might be found on this parcel.</p> <p>The mining operations (gravel pit) is not within the vicinity of a park, recreation or refuge lands (migratory birds), wilderness area, wild and scenic river(s), national natural landmark (NPS-NNL), or national monument. See Figure 1. The free use permit authorization area is located on lands (private) that are dry and contain no wetlands nor is the area a source for public drinking water (watershed), and is not within a floodplain. The principal land use is for gravel mining with some livestock grazing (open range) within the vicinity. The topsoil is somewhat thin (less than 4 inches) and thus is not considered to be prime farmland.</p>		
(c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].	<input type="checkbox"/>	<input checked="" type="checkbox"/>

See (b) above. No conflicting alternative uses. Site has been used as a gravel pit source for 50 years. Authorization (issuance of the free use permit) for continued use of federal minerals (sand and gravel resources) is for maintenance of local county roads.		
(d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Use of petroleum products (diesel fuel & lubricants) will only be kept onsite in a self-contained maintenance truck during gravel mining/screening operations (once every 5-10 years). No petroleum products are kept on site for use by Grant County in conjunction with occasional onsite gravel operations (hauling from gravel stockpiles).		
(e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
This action would not set a precedent.		
(f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
This authorization is for continued use of federal minerals (sand and gravel resources). No other actions within the area in combination would cause cumulative significant environmental effects.		
(g) Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
See section b), as it pertains to cultural resources.		
(h) Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
No listed or proposed species or designated critical habitat occur in or around the project area.		
(i) Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The authorization of renewing the mineral material free use permit for federal minerals will not violate any laws, regulations, codes, etc.		
(j) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The impacts associated with the issuance of the free use permit would be localized to the area immediately surrounding the gravel pit. The closest residences (ranches) are 1.5, 2, and 3.5 miles to the west, north and east respectively of the gravel pit. Coulee City, Washington, is the closest community which is about 6 miles northwest of the gravel pit. Authorization of the permit will not impact the community of Coulee City and will not effect low income or minority populations.		
(k) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).	<input type="checkbox"/>	<input checked="" type="checkbox"/>

During Native American Indian and WA State Historic Preservation Officer (SHPO) consultation there was no documentation that the gravel pit or vicinity was used as an Indian ceremonial area or sacred site(s). See section (b).		
(1) 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 (Federal Noxious Weed Control Act and Executive Order 13112).	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Extraction of federal minerals will occur in an established gravel pit. No new lands disturbance is proposed limiting the encroachment of noxious weeds or invasive plants. Grant County-Department of Public Works will control any weeds at the site in accordance with the county weed board.		

**F: Signature**

Linda Coates-Markle

12/2/2014

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(Authorizing Official Signature)

\_\_\_\_\_  
(Date)

Name: Linda Coates-Markle

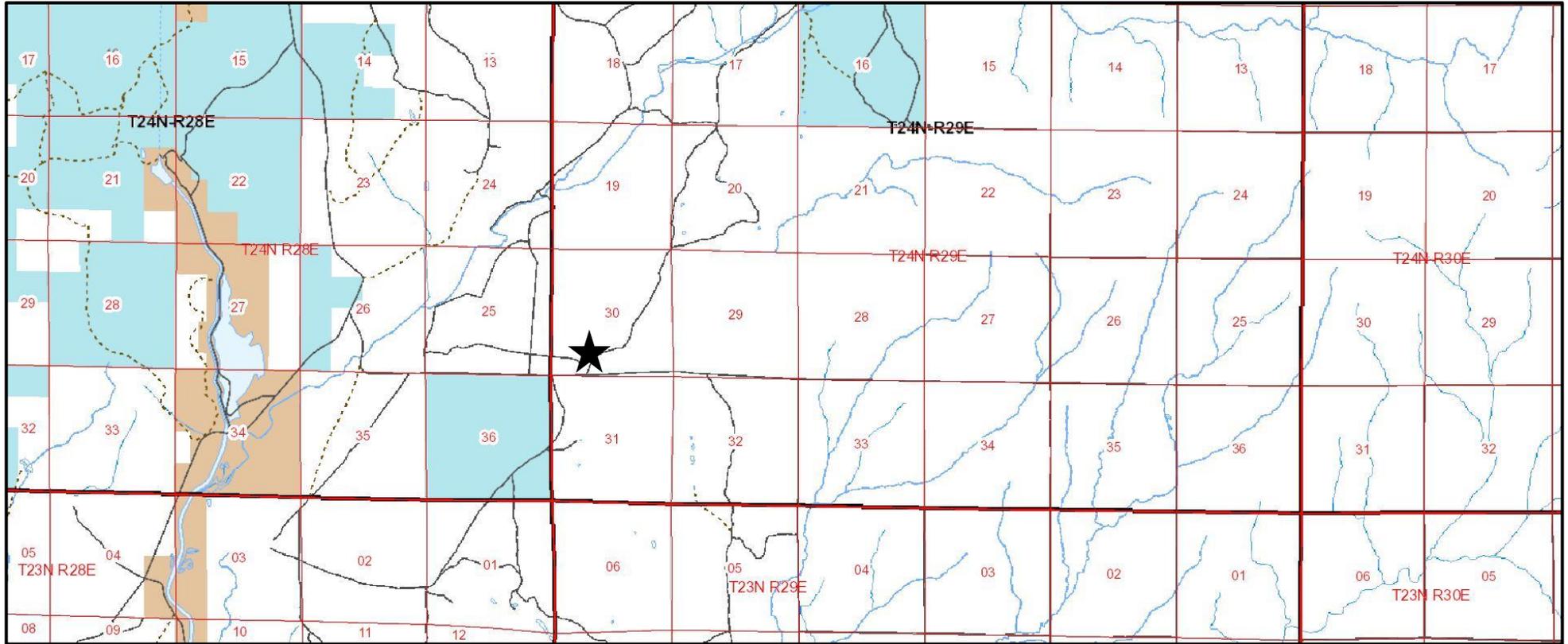
Title: Field Manager

**G. Contact Person**

For additional information concerning this CX review, contact Brent Cunderla - Wenatchee Field Office Geologist

**Note:** A separate decision document must be prepared for the action covered by the CX.

General Land Ownership – Knopp Pit Site  
Grant County Department of Public Works  
(Federal Minerals Only-No BLM Surface)



Free Use Permit Site Location



USBR



WA-DNR



Private

Scale: 0.75 inches = 1 mile



Mile



North

Map of Gravel Pit and Stockpile Area – Knopp Pit Site  
Grant County – Department of Public Works  
T. 24 N., R. 29 E., Section 30, portion of E½SW¼  
Google Earth Image (7-12-2013)



Scale: 1 inch = 330 feet

