

**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-S050-2014-0008 EA

Project Name: High Mesa Gravel Mineral Materials Sale

DECISION: It is my decision to issue High Mesa Gravel, LLC a negotiated sales contract for up to 250,000 tons of mineral materials over a two-year period. The material including cobbles, pebbles, gravel and sand will be excavated over a 5.4 acre area within the previously disturbed 18 acre area, to a depth of 20 feet, as described in the environmental assessment.

Design features identified in in the EA and as Special Stipulations (attachment 1) of this decision will be followed.

MITIGATION MEASURES: There are not mitigation measures. The design features identified in the EA will reduce impacts and will be included as Special Stipulations incorporated as to the sales contract (attachment 1).

MONITORING: Stipulations contain provisions for monitoring and compliance. Compliance monitoring will occur periodically throughout the life of the project, including production verification monitoring and site restoration.

RATIONALE: The decision to allow the proposed action is in conformance with the 1989 Uncompahgre Basin Resource Management Plan. It has been made in consideration of the impacts to the affected resources.

COMPLIANCE WITH MAJOR LAWS:

The decision is in compliance with applicable laws, regulations and policy, including the Endangered Species Act, Migratory Bird Treaty Act, Clean Water Act, Clean Air Act, National Historic Preservation Act, as amended (17 Stat.91), Materials Act of 1947 (61 Stat 681), the Federal Land Policy Management Act (FLPMA) of 1976 (43 U.S.C. 1701 et seq.), and the Code of Federal Regulations (CFR) at 43 CFR 3600.

FINDING OF NO SIGNIFICAN IMPACT:

A Finding of No Significant Impact (FONSI) was prepared, based on the information contained in the EA and my consideration of criteria for significance (40 CFR 1508.27). It is my determination that, 1) the implementation of the proposed action will not have significant environmental impacts; 2) the Proposed Action is in conformance with the Uncompahgre Basin

Resource Management Plan; and 3) the Proposed Action does not constitute a major federal action having significant effect on the human environment. Therefore, an Environmental Impact Statement is not necessary.

APPEALS:

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. Appeal and stay procedures are outlined in Form CO-050-1842-1(following page).

NAME OF PREPARER: Robert Ernst

NAME OF ENVIRONMENTAL COORDINATOR: Stickbaum

DATE 3-28-2014

SIGNATURE OF AUTHORIZED OFFICIAL Barbara Sharrow
Barbara Sharrow
Field Manager
Uncompahgre Field Office

DATE SIGNED 3-31-14

Attachment:

- 1) Special Stipulations

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

**INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND
APPEALS**

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

NOTICE OF APPEAL.....	A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the <i>Notice of Appeal</i> in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a <i>Notice of Appeal</i> in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).
2. WHERE TO FILE NOTICE OF APPEAL.....	U.S. Department of the Interior, Bureau of Land Management, Uncompahgre Field Office, 2465 S. Townsend Ave., Montrose, CO 81401
WITH COPY TO SOLICITOR...	U.S. Department of the Interior, Office of the Solicitor, Rocky Mountain Region, 755 Parfet St, Suite 151, Lakewood, CO 80215
3. STATEMENT OF REASONS WITH COPY TO SOLICITOR.....	Within 30 days after filing the <i>Notice of Appeal</i> , file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the <i>Notice of Appeal</i> , no additional statement is necessary (43 CFR 4.412 and 4.413). U.S. Department of the Interior, Office of the Solicitor, Rocky Mountain Region, 755 Parfet St, Suite 151, Lakewood, CO 80215
4. ADVERSE PARTIES.....	Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the <i>Notice of Appeal</i> , (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).
5. PROOF OF SERVICE.....	Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).
6. REQUEST FOR STAY.....	Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a <i>Notice of Appeal</i> (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your <i>Notice of Appeal</i> (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the <i>Notice of Appeal</i> and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. Standards for Obtaining a Stay. Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

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43 CFR SUBPART 1821-GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF

JURISDICTION: Alaska State Office ---

-----Alaska

Arizona State Office -----

--- Arizona California

State Office -----

California Colorado State

Office----- Colorado

Eastern States Office ----- Arkansas, Iowa, Louisiana,
Minnesota, Missouri and, all
States east of the Mississippi
River

Idaho State Office ----- Idaho

Montana State Office----- Montana, North Dakota and South Dakota

Nevada State Office ----- Nevada

New Mexico State Office---- New Mexico, Kansas, Oklahoma and Texas

Oregon State Office----- Oregon and Washington

Utah State Office----- Utah

Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at

the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

(Form 1842-1, September 2006)

Special Stipulations to COC - 76390

1. The operator agrees to comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the operator 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 access road or on facilities authorized under this sales permit. 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 (CERCLA). A copy of any report required or requested by any Federal agency or 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 or State government. No hazardous materials/hazardous wastes, trash or other solid waste shall be disposed of on public lands. With proper management, impacts of hazardous chemicals and wastes should be minimal.
2. If cultural or paleontological resources are discovered during mining operations under this contract permit, the operator shall immediately notify the Uncompahgre Field Office Manager and shall not disturb such discovered resources until the Uncompahgre Field Office Manager issues specific instructions.
 - a. Pursuant to 43CFR10.4(g), the BLM authorized officer must be notified, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43CFR10.4 (c) and (d), activities must stop in the vicinity of the discovery and the discovery must be protected for 30 days or until notified to proceed by the authorized officer.
 - b. If in connection with operations under this contract, the operator, his contractors, subcontractors, or the employees of any of them, discovers, encounters or becomes aware of any objects or sites of cultural or paleontological value or scientific interest such as historic or prehistoric ruins, graves or grave markers, fossils, or artifacts, the operator shall immediately suspend all operations in the vicinity of the cultural or paleontological resource and shall notify the BLM authorized officer of the findings (16 U.S.C. 470h-3, 36CFR800.112). Operations may resume at the discovery site upon receipt of written instructions and authorization by the authorized officer.
 - c. Within 5 working days after notification, the Uncompahgre Field Office Manager shall evaluate any cultural resources discovered and shall determine whether any action may be required to protect or to preserve such discoveries.

3. Pit operation and reclamation will be in accordance with the approved CDRMS permit for the High Mesa Pit.
 - a. The Uncompahgre Field Office shall be contacted five (5) days prior to the commencement of reclamation.
 - b. Reclamation of the site will be considered successful when the soil is stable and the re-vegetated plant community is 75% of the surrounding cover unless the surface owner determines that a lesser vegetative cover meets his needs.
4. Control of noxious weeds will be required through successful vegetation establishment and/or herbicide application. If applications of herbicide are prescribed, however, it is the responsibility of the 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.
5. When excessive dust conditions exist, dust abatement measures including but not limited to watering or magnesium chloride application would be used to reduce or eliminate dust caused by operations. The operator's existing, State of Colorado permitted, Golden Eagle Water Company system is sufficient to fill the water trucks necessary to comply with any dust abatement requirements. Allowing for a maximum estimate of 5,000 gallons of water pumped from the Gunnison River per day for dust abatement, the project would use 3 acre-feet of water over the anticipated 6-month project operation period.
6. Channel runoff from the access road will be re-routed to the drainage to the north instead of the existing routing to the south. The natural drainage to the north is flatter in slope and more capable of carrying storm water runoff from the access road.
7. The operator is permitted to extract gravel only in the area approved in the CDRMS permit unless otherwise stipulated by the BLM. Any amendments or revisions to the CDRMS permit must be submitted to the Uncompahgre Field Office Manager at the time of the revision.
8. The pit boundaries will be identified by visible boundary markers and checked by the BLM authorizing officer or their representative prior to any surface disturbance.
9. No hazardous materials/hazardous wastes, trash or other solid waste shall be disposed of on public lands. If a release does occur, it shall be reported to this office immediately.
10. Quarterly production reports will be reported to the Authorized Officer unless waived. Production verification and compliance inspections will be conducted regularly until the project is completed.
11. The permittee agrees to the employment of any other practices as prescribed by the Uncompahgre Field Office Manager which will enhance and protect the public interests and which may be prescribed after due investigation of the circumstances.

12. The operator must obtain all necessary approvals from other federal, state, and local agencies before proceeding.
13. Channel runoff from the access road will be re-routed to the drainage to the north instead of the existing routing to the south. The natural drainage to the north is flatter in slope and more capable of carrying storm water runoff from the access road.