

U.S. Department of the Interior  
Bureau of Land Management  
White River Field Office  
220 E Market St  
Meeker, CO 81641

## CATEGORICAL EXCLUSION

NUMBER: DOI-BLM-CO-110-2012-0017-CX

CASEFILE/PROJECT NUMBER: COC75240

PROJECT NAME: Mineral Material Sales Contract at Existing Ace West East Douglas Pit

LEGAL DESCRIPTION: Sixth Principal Meridian  
T. 2 S., R. 101 W.  
Section 35 NWNESE

APPLICANT: Ace West Trucking Inc.

DESCRIPTION OF PROPOSED ACTION:

**Background/Introduction:** Ace West Trucking rock pit is a source of altered siltstone/sandstone red rock material created by the burning of underlying coal seams. This material is a source for fill, road surfacing, rip rap and landscaping. It located approximately 2.8 miles east of Colorado State Highway 139 on the south side directly off Rio Blanco County Road 27(see maps 1 and 2). Total disturbance of the pit is approximately eight acres and has been in existence since 1987. The most recent contract for Ace West East Douglas Pit (COC72092) expired in 2011.

**Proposed Action:** Ace West Trucking's contract for mineral materials in their existing East Douglas Red Rock Pit is expired. They are applying for a five year sale contract of 700 cubic yards of material. Removal of the material would remain within existing disturbance and no new surface disturbance would occur.

Attached are applicable Conditions of Approval from the previous contract COC72092 that would be carried forward as Conditions of Approval for COC75240.

PLAN CONFORMANCE REVIEW: The Proposed Action is subject to and has been reviewed for conformance with (43 CFR 1610.5-3, BLM 1601.08) the following plan:

Name of Plan: White River Record of Decision and Approved Resource Management Plan (ROD/RMP).

Date Approved: July 1, 1997

Decision Number/Page: Mineral Materials/Page 2-9

Decision Language: “Facilitate the orderly and environmentally sound development of mineral material resources.”

**CATEGORICAL EXCLUSION REVIEW:** The Proposed Action qualifies as a categorical exclusion under 516 DM 11.9, Number 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”

The Proposed Action has been reviewed with the list of extraordinary circumstances (43 CFR 46.215) described in the table below.

<b>Extraordinary Circumstance</b>	<b>YES</b>	<b>NO</b>
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 either the bureau of office.		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
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.		X

INTERDISCIPLINARY REVIEW:

The Proposed Action was presented to, and reviewed by, the White River Field Office interdisciplinary team on 12/13/2011. A complete list of resource specialists who participated in this review is available upon request from the White River Field Office. The table below lists resource specialists who provided additional remarks concerning cultural resources and special status species.

Name	Title	Resource	Date
Kristin Bowen	Archaeologist	Cultural Resources, Native American Religious Concerns	01/12/2012
Lisa Belmonte	Wildlife Biologist	Special Status Wildlife Species	12/20/2011
Zoe Miller	Ecologist	Special Status Plant Species	01/26/2012

REMARKS:

*Cultural Resources:* No new ground disturbance will occur so there are no cultural concerns.

*Native American Religious Concerns:* No known concerns.

*Special Status Wildlife Species:* There are no wildlife-related issues or concerns associated with the Proposed Action.

*Special Status Plant Species:* The Proposed Action would have no conceivable influence on special status species or associated habitats.

MITIGATION: See attached Conditions of Approval

COMPLIANCE PLAN: On-going compliance inspections and monitoring will be conducted by the BLM White River Field Office staff during and after contract approval. Specific mitigation developed in this document will be followed. The operator will be notified of compliance related issues in writing, and depending on the nature of the issue(s), will be provided 30 days to resolve such issues.

NAME OF PREPARER: Paul Daggett

NAME OF ENVIRONMENTAL COORDINATOR: Heather Sauls

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, Number F (10). 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.

SIGNATURE OF AUTHORIZED OFFICIAL:



Field Manager

DATE SIGNED:

05/22/2012

ATTACHMENTS:

Conditions of Approval

Map 1

Map 2

## Conditions of Approval

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 BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the 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.
3. Pursuant to 43 CFR 10.4(g) the holder of this authorization must notify the AO, 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.
4. All activities must remain within permitted boundaries.
5. The release of any chemical, oil, petroleum product, produced water, or sewage, etc, (regardless of quantity) must be reported by the operator, to the Bureau of Land Management WRFO Hazardous Materials Coordinator at (970) 878-3800.
6. All sale material is to be removed by end of contract and the disturbed pit area re-contoured/reseeded within 6 months of contract termination.
7. Fall seeding must be completed after September 1, and prior to prolonged ground frost.
8. Following seed mix implement for reclamation:

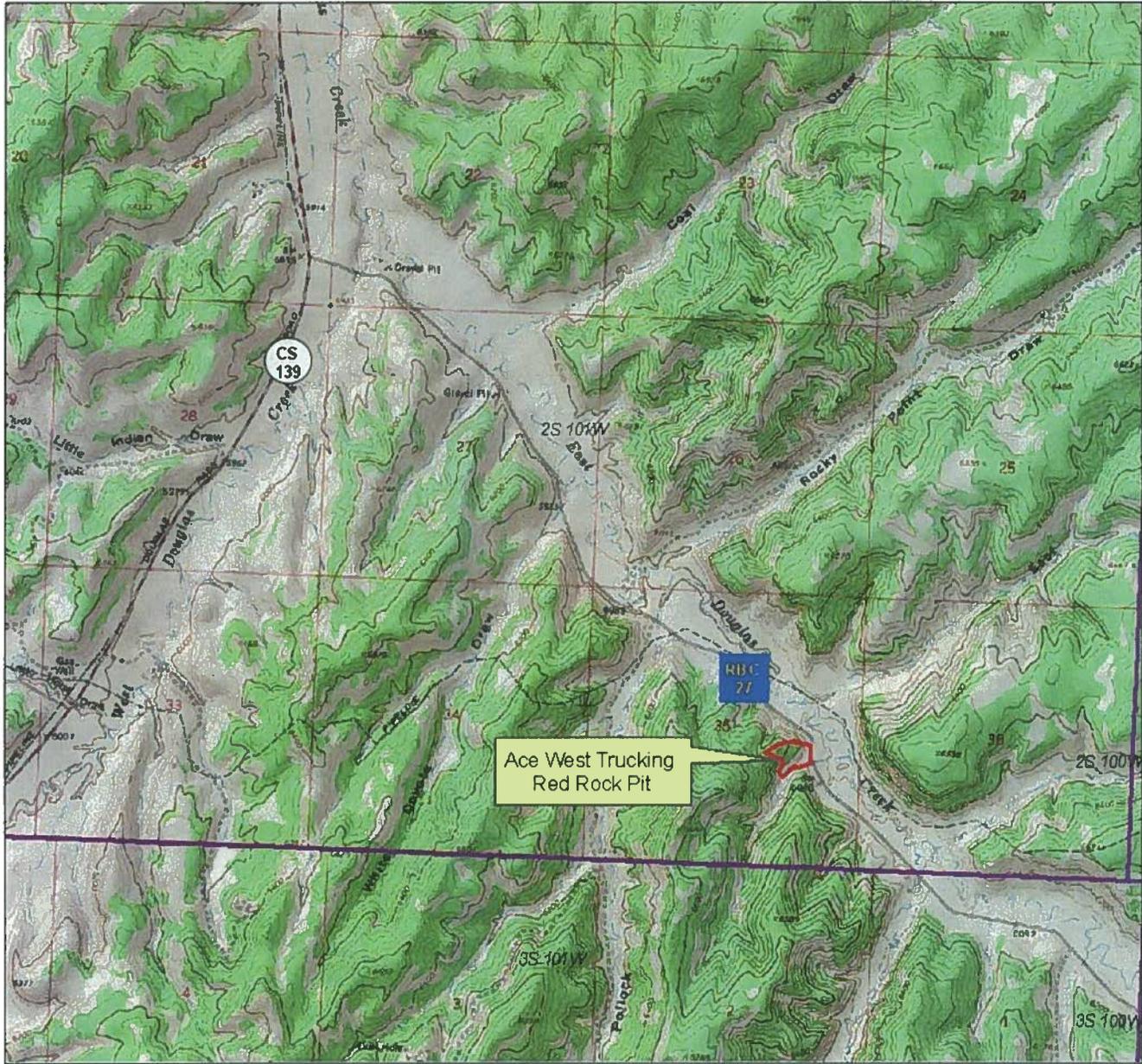
Species		PLS/acre
Western Wheatgrass	Arriba	3
Thickspike Wheatgrass	Critana	2
Streambank Wheatgrass	Sodar	2
Fourwing saltbrush	Wytana/Rincon	2

Prepare seedbed by disking or ripping following the natural contour. Drill seed on contour at a depth no greater than 1/2 inch. In areas that cannot be drilled, broadcast at double the

seeding rate and harrow seed into soil. Certified seed is recommended.

9. The White River Resource Field Manager will be notified at least 24 hours prior to commencing reclamation work.
10. Annual or noxious weeds will be controlled on all disturbed areas as directed by the White River Resource Area Manager. Method of control shall be by an approved mechanical method or an Environmental Protection Agency (EPA) registered herbicide. All herbicide application proposals must be approved by the BLM. Application of herbicides must be under direct field supervision of an EPA certified pesticide applicator.
11. Keep road inlet and outlet ditches, catch-basins, and culverts free of obstructions, particularly before and during spring runoff. Routine machine-cleaning of ditches should be kept to a minimum during wet weather. Leave the disturbed area in a condition that provides drainage with no additional maintenance.
12. The operator is responsible for obtaining all applicable permits from the state or local governments.

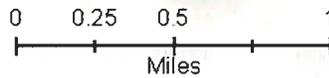
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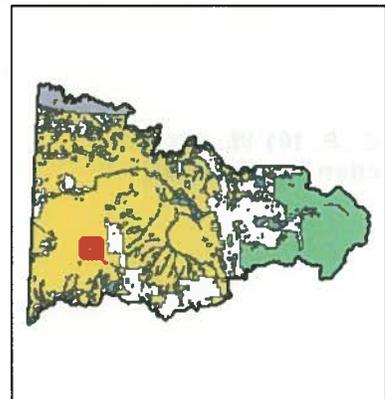


12/12/2011



Sources:  
BLM, USGS, CDOW, etc.

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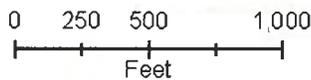
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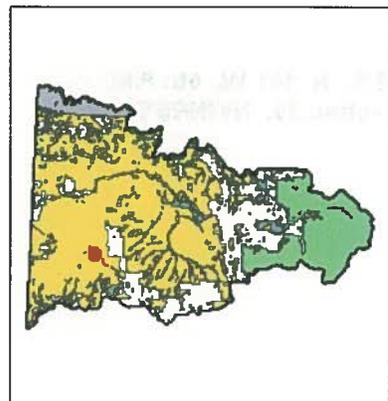


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**DECISION RECORD**

**PROJECT NAME:** Mineral Material Sales Contract at Existing Ace West East Douglas PIT

**CATEGORICAL EXCLUSION NUMBER:** DOI-BLM-CO-2012-0017-CX

**DECISION**

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-2012-0017-CX, authorizing Mineral Material Sales Contract COC75240.

**Mitigation Measures**

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 BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the 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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12. The operator is responsible for obtaining all applicable permits from the state or local governments.

#### **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 1997 White River Record of Decision/Approved Resource Management Plan.

#### **PUBLIC INVOLVEMENT**

The BLM informed the public about this project on 12/14/2011 by listing it on the online WRFO NEPA Register. A copy of the completed Categorical Exclusion will be posted on the WRFO website.

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.

**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 30 days of the decision, a Notice of Appeal must be filed in the office of the Authorized Officer at White River Field Office, 220 East Market St., Meeker, CO 81641 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 30 days after the Notice of Appeal is filed with the Authorized Officer.

**SIGNATURE OF AUTHORIZED OFFICIAL:** *Lunt E. Walter*  
Field Manager

**DATE SIGNED:** *05/22/12*

