

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-N05-2014-0128-CX

CASEFILE/PROJECT NUMBER: COC76714

PROJECT NAME: Rio Blanco County Existing West Johnson Draw Gravel Pit, Free Use Permit COC76714

LEGAL DESCRIPTION: T. 1 N, R. 102 W., 6<sup>th</sup> P.M.  
Section 9, NENE

APPLICANT: Rio Blanco County

DESCRIPTION OF PROPOSED ACTION:

**Background/Introduction:** The Rio Blanco County (RBC) West Johnson Draw Gravel Pit free use permit (FUP) was originally permitted in October 2004 for 100,000 cubic yards (cy) of mineral material under FUP COC68075 and expired October 1, 2014. Environmental Assessment CO-110-2004-125-EA analyzed the West Johnson Draw Gravel Pit (See Maps 1 and 2) and was signed 9/20/2004. It has been in operation since summer of 2005 and to date RBC has removed approximately 64,000 cy of material. It is located approximately one and a half miles west of Rangely, Colorado, south of RBC Road 2 (See Map 1). The access road to the pit is approximately 0.3 mile long with a locked gate located 0.2 miles from the entrance to the pit. Activity in the gravel pit is dependent on the amount of road maintenance required for the nearby county roads and typically occurs April through October. Total area of previous disturbance for the pit is approximately 10 acres. The disturbed area would be reclaimed in accordance with RBC's reclamation plan upon removal of all suitable gravel material.

**Proposed Action:** Rio Blanco County has requested a 10 year 50,000 cubic yard (cy) FUP to continue operating the West Johnson Draw Pit in accordance with their current mining plan. Material from the pit would be used for RBC road maintenance and repair. No new surface disturbance would occur for the removal of material.

Table 1 is the current seed mix for RBC's West Johnson Draw Reclamation Plan.

Table 1 Reclamation Seed Mix

Species	Variety	Pounds Pure Live Seed (PLS)/Acre
Western wheatgrass	Arriba	3.2
Thickspike wheatgrass	Critana	2.2
Streambank wheatgrass	Siberian	2.2
Russian wildrye	Vinal	2.0
Crested wheatgrass	Ephraim	2.0
	Total pounds PLS/Acre	11.6

Attached are the Conditions of Approval that currently apply to West Johnson Draw FUP COC67085. Applicable conditions would be carried forward as Conditions of Approval in free use permit COC76714.

**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 (White River ROD/RMP).

**Date Approved:** July 1, 1997

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

**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.

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;		X

Extraordinary Circumstance	YES	NO
migratory birds; and other ecologically significant or critical areas.		
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
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 White River Field Office interdisciplinary team on 9/16/2014. 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
Brian Yaquinto	Archaeologist	Cultural Resources, Native American Religious Concerns	9/29/2014
Ed Hollowed	Wildlife Biologist	Special Status Wildlife Species	9/18/2014
Matt Dupire	Ecologist	Special Status Plant Species	9/19/2014

**REMARKS:**

*Cultural Resources:* The project area was previously surveyed at the Class III level for the environmental assessment CO-110-2004-125. Since there is no new ground disturbance associated with this project no additional cultural inventory is required. As a result, no historic properties will be affected by the proposed undertaking.

*Native American Religious Concerns:* No Native American Religious Concerns are known in the area, and none have been noted by Tribal authorities. Should recommended inventories or future consultations with Tribal authorities reveal the existence of such sensitive properties, appropriate mitigation and/or protection measures may be undertaken.

*Special Status Wildlife Species:* The proposed action involves extending activity on an existing gravel operation. There have been no newly emerged, substantively different, or time-sensitive wildlife issues that are relevant to the project locale or existing project activity (e.g., over 4 miles from nearest mapped general habitat for greater sage-grouse). Although encompassed by low elevation big game severe winter range, normal pit operations do not involve periods when big game are subject to environmental or nutritional challenges (i.e., later winter through early spring). The analysis in CO-110-2004-125-EA remains appropriate and complete in the address of wildlife-related resources.

*Special Status Plant Species:* There is no Threatened or Endangered plants or plant habitat present in the project area.

**MITIGATION:**

1. Applicable Conditions of Approval from COC67085 (see Attachment 1).
2. To meet WRFO reclamation goals the following seed mix should replace the current seed mix of the RBC's West Johnson Draw Gravel Reclamation Plan:

Species	Variety	Pounds PLS/Acre
Galleta Grass	Viva Florets	3
Indian Ricegrass	Rimrock	3
Bottlebrush Squirreltail	Toe Jam Creek	2.5
Western Wheatgrass	Rosana	3
Scarlet Globemallow		0.25
Annual Sunflower		2.5
Shadscale		2
	Total pounds PLS/Acre	16.25

COMPLIANCE PLAN: Compliance inspections and monitoring will be conducted by the BLM White River Field Office staff to insure compliance with mining plan and conditions of approval. 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.

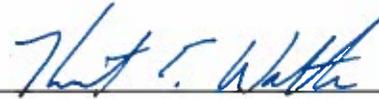
NAME OF PREPARER: Paul Daggett

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:

12/16/2014

ATTACHMENTS:

Attachment 1: Applicable Conditions of Approval from COC67085

Map 1

Map 2

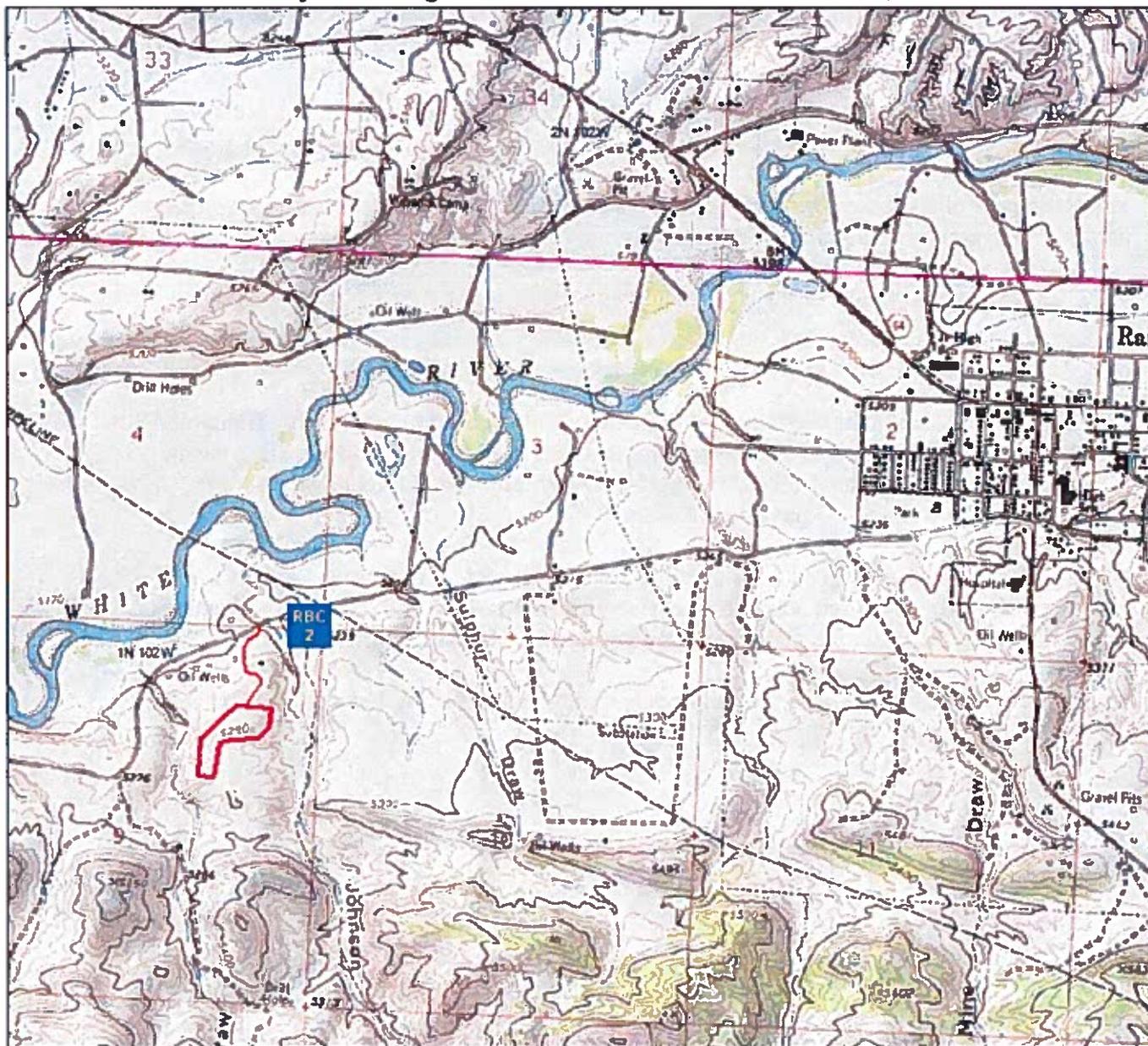
## **Attachment 1:**

### **Conditions of Approval for COC67085**

1. Fugitive dust will be controlled on the road surface and spoil piles to and to help minimize short-term impacts. If blowing dust becomes an unmanageable problem the disturbed areas will be managed to avoid dust being blown into the air.
2. Construction and operation of the pit must not conflict with the maintenance and operation of the power line.
3. The operator is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are uncovered during any project or construction activities, the operator is to immediately stop activities in the immediate area of the find that might further disturb such materials, and immediately contact the authorized officer (AO). Within five working days the AO will inform the operator as to: whether the materials appear eligible for the National Register of Historic Places the mitigation measures the operator will likely have to undertake before the site can be used (assuming in situ preservation is not necessary) a timeframe for the AO to complete an expedited review under 36 CFR 800-11 to confirm, through the State Historic Preservation Officer, that the findings of the AO are correct and that mitigation is appropriate.  
  
If the operator wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the AO will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the operator will be responsible for mitigation cost. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction.
4. 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.
5. Application of herbicides must be under field supervision of an EPA-certified pesticide applicator. Herbicides must be registered by the EPA and application proposals must be approved by the BLM.
6. Locate and maintain sanitation facilities according to state regulations.
7. When preparing the site, all suitable topsoil should be stripped from the surface of the location and stockpiled for reclamation once the location is abandoned. When topsoil is stockpiled on slopes exceeding five percent, construct a berm or trench below the stockpile.

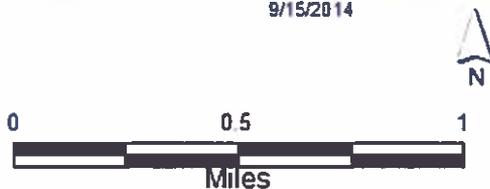
8. Sedimentation shall be diverted and/or run through catchment basins in order to protect surface waters.
9. All sediment control structures or disposal pits, will be designed to contain a 100-year, 6-hour storm event. Storage volumes within these structures will have a design life of 25 years.
10. All activity shall cease when soils or road surfaces become saturated to a depth of three inches unless otherwise approved by the Authorized Officer.
11. There shall be no mud blading of roads.
12. All above ground facilities shall be painted to blend in with the surrounding environment.
13. All disturbed areas will be contoured to blend with the natural topography. Blending is defined as reducing form, line, and color contrast associated with the surface disturbance. Matching is defined as reproducing the original topography and eliminating form, line, and color caused by the disturbance as much as possible.
14. Base road design criteria and standards on road management objectives such as traffic requirements of the proposed activity and the overall transportation plan, economic analysis, safety requirements, resource objectives, and minimizing damage to the environment.
15. Annual production from the pit will be reported to this office by January 31 each year of the permit.

Rio Blanco County Existing West Johnson Draw Gravel Pit, Free Use Permit



T. 1 N, R. 102 W., 6th P.M.  
Section 9, NENE

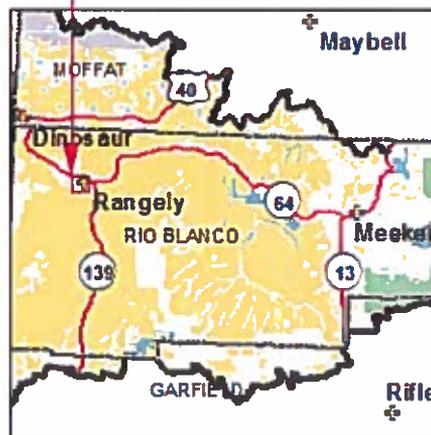
9/15/2014



- West Johnson Draw Gravel Pit
- access



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Rio Blanco County Existing West Johnson Draw Gravel Pit, Free Use Permit



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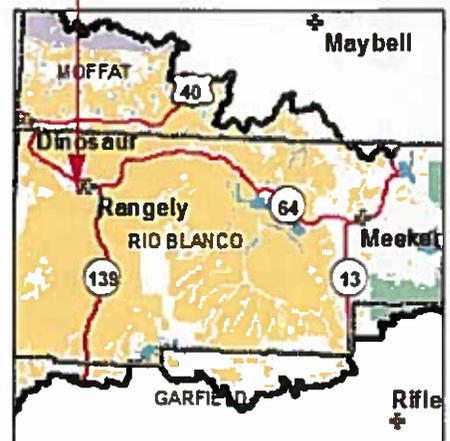
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**U.S. Department of the Interior  
Bureau of Land Management  
White River Field Office  
220 E Market St  
Meeker, CO 81641**

**DECISION RECORD**

**PROJECT NAME** Rio Blanco County Existing West Johnson Draw Gravel Pit, Free Use Permit (FUP) COC76714

**CATEGORICAL EXCLUSION NUMBER:** DOI-BLM-N05-2014-0128-CX

**DECISION**

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-N05-2014-0128-CX, authorizing the 10 year free use permit COC76714 for the existing Rio Blanco County West Johnson Draw gravel pit.

**Mitigation Measures**

1. Fugitive dust will be controlled on the road surface and spoil piles to help minimize short-term impacts. If blowing dust becomes an unmanageable problem the disturbed areas will be managed to avoid dust being blown into the air.
2. Construction and operation of the pit must not conflict with the maintenance and operation of the power line.
3. The operator is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are uncovered during any project or construction activities, the operator is to immediately stop activities in the immediate area of the find that might further disturb such materials, and immediately contact the authorized officer (AO). Within five working days the AO will inform the operator as to: whether the materials appear eligible for the National Register of Historic Places the mitigation measures the operator will likely have to undertake before the site can be used (assuming in situ preservation is not necessary) a timeframe for the AO to complete an expedited review under 36 CFR 800-11 to confirm, through the State Historic Preservation Officer, that the findings of the AO are correct and that mitigation is appropriate.

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5. Application of herbicides must be under field supervision of an EPA-certified pesticide applicator. Herbicides must be registered by the EPA and application proposals must be approved by the BLM.

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14. Base road design criteria and standards on road management objectives such as traffic requirements of the proposed activity and the overall transportation plan, economic analysis, safety requirements, resource objectives, and minimizing damage to the environment.

15. Annual production from the pit will be reported to this office by January 31 each year of the permit.

16. The following reclamation seed mix will replace the current seed mix in RBC's West Johnson Draw Reclamation Plan:

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	Total pounds PLS/Acre	16.25

**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 by listing it on the online WRFO NEPA Register on 9/18/2014. A copy of the completed Categorical Exclusion will be posted on the WRFO website.

**RATIONALE**

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, Number F10. 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.

**ADMINISTRATIVE REMEDIES**

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:**



Field Manager

**DATE SIGNED:**

12/16/2014