

**United States Department of the Interior
Bureau of Land Management**

**Perovich Properties, Inc. DBA Taos Gravel Products
Torres Pit Gravel Extraction Operation**

**NE ¼ of Section 11, T 26 N, R 11 E,
Taos County, New Mexico**

Finding of No Significant Impact and Decision Record

August 2011

**Attachment: Environmental Assessment
DOI-BLM-NM-F020-2010-0023-EA**

U.S. Department of the Interior
Bureau of Land Management
Taos Field Office
226 Cruz Alta Road
Taos, New Mexico 87571
(575) 758-8851



FINDING OF NO SIGNIFICANT IMPACT

Perovich Properties, Inc. DBA Taos Gravel Products Torres Pit Gravel Extraction Operation Environmental Assessment

DOI-BLM-NM-F020-2010-0023-EA

Based on the analysis of potential environmental impacts contained in the attached Environmental Assessment (DOI-BLM-NM-F020-2010-0023-EA), and considering the significance criteria in 40 CFR 1508.27, I have determined that the Perovich Properties, Inc. DBA Taos Gravel Products Torres Pit Gravel Extraction Operation will not have a significant effect on the human environment. An environmental impact statement (EIS) is therefore not required.

Authorized Officer

Date

DECISION RECORD

Perovich Properties, Inc. DBA Taos Gravel Products Torres Pit Gravel Extraction Operation

DOI-BLM-NM-F020-2010-0023-EA

Decision

It is my decision to approve the Proposed Action, Alternative A, as described in Chapter 2 of the attached Environmental Assessment (EA) (*DOI-BLM-NM-F020-2010-0023-EA*) and authorize Perovich Properties, Inc. DBA Taos Gravel Products to extend its existing Torres Pit operation onto an additional 84 acres in the NE ¼ of Section 11, T 26 N, R 11 E, in Taos County, NM. This approval is subject to adherence with all details and constraints outlined in the EA.

Rationale for Decision

Public Participation: On March 15, 2010, a 30-day formal public scoping period was initiated. A press release was issued to Taos News on March 15, 2010 soliciting the general public to comment on the Torres Pit project. On March 18, a project brief was published in the Taos News outlining the basic project description and soliciting comments from the public. The formal scoping period closed on April 15, 2010 with no public comments received.

The proposed project was posted in the online NEPA log on April 9, 2010. A 15-day public review and comment period was provided upon completion of the EA. A notice of availability of the EA was published on the BLM website on June 20, 2011, initiating the 15-day public comment period. The notice asked that comments to be submitted within 15 days; however, comments on the EA were accepted until July 12, 2011. Also, a notice of availability letter was sent out on June 17, 2011 announcing availability of the EA on June 20, 2011 (see Section 5.2.1 of the EA).

Public involvement in the preparation of the EA, specifically public comments on the EA during the public comment period, guided revisions to the EA that provided important information that was relevant to this BLM decision. The EA was written and revised to adequately consider and address the comments provided by the public.

The following mitigations or stipulations will be applied to this decision to address the public concerns expressed. Additional requirements are presented under the Proposed Action (Alternative A) in the EA.

- All above grade earthen berms will be constructed to a height of 5 feet and interim seeded using a BLM approved seed mix in order to reduce contrasts to land and vegetation and break up the linear feature and color of the berms. All existing berms (≈20 feet high) would be reduced to 5 feet high and interim seeded.

- As the mining and processing operations migrate through the property, concurrent reclamation will be conducted on lands no longer required for mining to reduce the amount of open land exposed to wind and water erosion.
- Water will be sprayed on active work areas and unpaved roadways to reduce fugitive dust as necessary.
- Topsoil will be discreetly stockpiled and interim seeded if necessary to be used in final reclamation as a seed bed.
- A BLM approved seed mix will be used for both the interim and final reclamation seed mixes.
- As indicated, a 5-foot tall earthen berm will be placed around the active work area during construction. The berm will be used to prevent noise from traveling along the ground level. All machinery and equipment will be located within the pit (≈30 feet deep) and any temporary crusher or other noise emitting machinery will be placed within the pit (below grade) to eliminate noise emissions at or above grade.
- Best Management Practices (BMPs) will be implemented for all construction and mining related activities and operations in order to minimize environmental consequences.
- All mine safety requirements as per Mining Safety and Health Administration (MSHA) regulations and guidance will be strictly obeyed.

Mitigated Action: The Proposed Action (Alternative A) will not result in any undue or unnecessary environmental degradation. Mitigation measures applied by the BLM as described in the EA will adequately minimize or negate environmental impacts.

Multiple-Use Mandate: In accordance with its multiple-use mandate under the Federal Lands Policy Management Act of 1976 (FLPMA), which recognizes the development of mineral resources, such as sand and gravel production, as a principle use of public lands, and the mandate under the Taos RMP “to make mineral resources available for disposal and to encourage development of these resources consistent with national objectives for maintaining an adequate supply of minerals at reasonable market prices” it is appropriate and necessary for the BLM to consider this action. This action sufficiently meets the purpose and need for the action in a manner which conforms to the 1988 Taos RMP and the 2000 RGCFP, as discussed below.

Land Use Plan Conformance and Consistency

The proposed action and alternatives have been reviewed and found to be in conformance with one or more of the following BLM Land Use Plans and the associated decision(s):

-- CONFORMANCE WITH THE TAOS RESOURCE MANAGEMENT PLAN, AS AMENDED (OCT. 1988)

The following management objectives are identified in the Taos Resource Management Plan (RMP), as amended, with respect to mineral sales:

- “The objective of the minerals program is to provide the opportunity for development of mineral resources in a manner which minimizes environmental

damage and provides for the rehabilitation of affected lands” (p. 2-8) (BLM 1988).

- “It is the policy of the Bureau to make mineral resources available for disposal and to encourage development of these resources consistent with national objectives for maintaining an adequate supply of minerals at reasonable market prices. At the same time, the BLM strives to ensure that mineral development is carried out in a manner which minimizes environmental damage and provides for the rehabilitation of affected lands” (p. 2-9) (BLM 1988).
- “Federal lands are the major source of mineral materials (primarily sand and gravel) for industrial, state, and local projects in Taos, Rio Arriba, and Santa Fe Counties. The Field Office is responsible for the sale, permitting, and inspection and enforcement programs for mineral material activity” (p. 2-9) (BLM 1988).

The project area is not listed among the areas excluded from mineral leasing under the 1988 Taos RMP. The Taos RMP does identify a number of Special Management Areas (SMAs); however, the project area does not fall within or near the boundary of any SMAs or Areas of Critical Environmental Concern (ACECs) (BLM 1988).

-- CONFORMANCE WITH THE RIO GRANDE CORRIDOR FINAL PLAN (JAN. 2000)

The following management objectives are identified in the Rio Grande Corridor Final Plan (RGCFP) with respect to saleable minerals:

The RGCFP provides management guidance for public lands along 94 miles of the Rio Grande and approximately 43 miles of its tributaries in New Mexico (Taos Field Office) and in Colorado (La Jara Field Office) and amends the Taos Resource Management Plan. The plan provides direction for managing the natural resources in the corridor from La Sauses, Colorado to Velarde, New Mexico. The primary intent of the plan is to focus on resolving resource use conflicts for direct use of the Rio Grande and the immediately adjacent corridor lands (BLM 2000). Nine issues were evaluated as focal points of the plan and of those, two are particularly germane to this project.

The two issues relevant to this project are as follows:

- Issue 5: Scenic quality is threatened by human activities and development.
- Issue 7: Providing opportunities for commercial and personal uses of public land in the planning area conflicts with protecting natural and scenic resources (BLM 2000).

Issue 5: The plan mandates use of the BLM Visual Resource Management (VRM) system to assign appropriate VRM classes to public lands in the planning area. Additionally, a contrast rating system is employed to determine whether or not a project will meet VRM class guidelines and provides regulatory guidance in order to resolve conflicts (BLM 2000).

Issue 7: The Plan explicitly addresses the need to resolve conflicts between commercial and personal usage of public resources and lands in the planning area. Additionally, the Plan clarifies that the sale of mineral materials is a discretionary, not mandatory, action. Applications for the removal of common-variety mineral materials including sand and gravel are based on restrictions contained in the Taos RMP, the RGCFP, and applicable Supplemental Rules (BLM 2000). Furthermore, the RGCFP explains that opportunities for commercial uses are compatible with sustained biodiversity, a healthy ecosystem, and scenic quality (BLM 2000).

Both the 1988 Taos RMP, and the 2000 RGCFP have been reviewed, and the proposed Torres Pit Gravel Extraction Operation extension is in conformance with each land use planning document.

Opportunity to Appeal

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 Taos Field Office, 226 Cruz Alta Road, Taos, New Mexico 87571. 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, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the Authorized Officer.

Authorized Officer

Date

Attachment(s)

1. Perovich Properties, Inc. DBA Taos Gravel Products, Torres Pit Gravel Extraction Operation Environmental Assessment (DOI-BLM-NM-F020-2010-0023-EA) dated July 25, 2011.