United States Department of the Interior
Bureau of Land Management

Decision Record
Environmental Assessment

DOI-BLM-UT-G010-2009-0327-EA

December 2009

BITTER CREEK ROADS EA

Location: T. 10,11,12 S., R. 21,22,23 E., SLM

Applicant/Address: Uintah County
152 East 100 North
Vernal Utah 84078

U.S. Department of the Interior
Bureau of Land Management
Green River District
Vernal Field Office
170 South 500 East
Vernal Utah 84078
Phone: (435) 781-4400
Fax: (435) 781-3420

BLM

DECISION RECORD
Environmental Assessment

DOI-BLM-UT-G010-2009-0327-EA

It is my decision to authorize Uintah County to receive amended Title V Rights-of-Way on existing roads described in the proposed action of EA DOI-BLM-G010-2009-0327 as modified by the attached special stipulations. I have determined that authorizing this selected alternative is in the public interest, and will minimize impacts so that no undue disturbance will occur.

The currently approved Uintah County Right-of-Way width on the Class B Bitter Creek Road (UTU-69125-09) is 66 feet on the approximately 21 miles of road, except for the 45-foot width in section 28, T. 10 S., R. 22 E., SLM, SW¼NW¼. Under the Proposed Action Alternative, the 45-foot width in the newly constructed area would be widened to 100'. The proposed temporary construction right-of-way width is 200-feet (where needed).

The as-is where-is Class D road to be known as Bitter Creek Cutoff Road, has a representative width of 30 feet. Under the Proposed Action Alternative, the permanent width for this road would be 100 feet, with a temporary construction width of 200 feet (where needed).

The total linear length of the construction area is 8,477 feet on Bitter Creek Road and 5,461 feet on Bitter Creek Cutoff Road for a total of 13,938 feet. The project would include the following surface disturbance and reclamation:

- The existing disturbed road area is approximately 16.9 acres
- The proposed new roads' footprint would be 22.4 acres (including proposed cut & fill slopes)
- The estimated new roads' disturbance would be 10.9 acres (outside of the existing roads).
- The estimated reclaimed area would be 11.3 acres. The reclaimed area is defined as all disturbed cut and fills slopes, less the area of the new road that will be used or will require future maintenance. Reclamation would occur as described in the County's Reclamation Plan (Appendix C).
- The affected roads would be closed for up to 3 months to accommodate the construction equipment. The County would notify the public through news releases. In addition, signs will be posted at major intersections as shown in Appendix E.

The roads are currently, and would continue to be used year round, for commerce (including transportation of fluids and maintenance of well site facilities), public travel, moving livestock, and recreational use. Uintah County has an active weed control program which is currently being applied to Uintah County roads. The proposed action is described in more detail below.

Bitter Creek Road #4120

Uintah County is proposing the following four actions on their existing Right-of-Way UTU-69125-09.

- Right-of-Way UTU-69125-09 is currently authorized as Rock House Road. The County proposes to rename the current Right-of-Way to Bitter Creek Road #4120. Bitter Creek Road #4120 begins in section 15, SW¼SE¼. T., 10 S., R., 21 E. and will encompass approximately 21 miles, ending in section 1, SW¼NW¼ T. 12 S., R. 23 E., SLM. A permanent width of 66 feet for UTU-69125-09 was authorized in the original grant UTU-69125-09. The 66 foot right-of-way width will stay the same on the 21 miles of road, with the exception of the 100 foot permanent width on the 8,554 foot of newly realigned road discussed in the third bullet below. This is a paperwork exercise and will have no impact on the ground.

- The County propose to remove from the existing Federal Right-of-Way the below legal description because the lands in section 21 are State of Utah lands and the lands in section 22 are part of the Glen Bench Road Right-of-Way. This is a paperwork exercise and will have no impact on the ground.

  T10S, R21E, Sec. 21, N½NE¼;
  T10S, R21E, Sec. 22, N½NW¼, SW¼SE¼.

- The County proposes to amend their existing Right-of-Way by realigning, straightening, and graveling 8,554 feet of the road for public safety and welfare purposes in the below location. The permanent Right-of-Way width on this section of road is proposed to be 100 feet. For construction purposes a temporary 200 foot Right-of-Way width would be utilized where needed for the realigning and straightening of the road to facilitate cuts, fills and drainage. For construction purposes, the road will be closed to traffic for up to three months during construction.

  T. 10 S., R. 22 E., SLM
  Sec. 27, NW¼;
  Sec. 28, N½S½.

- The County also proposes to use "MAG" (Magnesium Chloride) water to aid in dust control and strengthen the base of the road as needed. The MAG water would be obtained from a Salt Lake City Source.

Bitter Creek Cutoff Road #4140

Uintah County is proposing the following actions on their Right-of-Way UTU-69125-67.

- Uintah County has proposed to rename an as-is where-is Class D road to be the Bitter Creek Cutoff Road #4140 (Right-of-Way UTU-69125-67). The total length of the road would be approximately 7,412 feet and is located as described by the below legal description. This is a paperwork exercise and will have no impact on the ground.

  T. 10 S., R. 22 E., SLM,
  sec. 26, SW¼SW¼ NE¼,N½SW¼;
  sec. 27, N½SE¼,SE¼SE¼.

- The County proposes to increase the width of their Right of Way from the representative 30-feet to facilitate cuts, fills associated with the proposed widening and straightening activities. Widening activities will begin approximately 1,951 feet east of the Bitter Creek Road #4120 in section 27, NW¼ SE¼, T. 10 S., R. 22 E., and will continue to the east for approximately 5,461 feet. A temporary construction width of 200 feet (where needed) with a permanent Right-of-Way of 100-feet is being requested. For construction purposes, the road will be closed to traffic for up to three months during construction.

- The County also proposes to use "MAG" (Magnesium Chloride) water to aid in dust control and strengthen the base of the road as needed. The MAG water would be obtained from a Salt Lake City Source.

  Authorities: "The authority for this decision is Title V of the Federal Land Policy and Management Act of October 21, 1976, as amended thru September 1999 (90 Stat. 2776; 43 U.S.C. 1761)."

  Compliance and Monitoring: As outlined in Terms/Conditions/Stipulations below.

  Terms / Conditions / Stipulations:

  Weeds:

- Vehicles and heavy equipment brought in to the project area from areas outside of the Uinta Basin shall be washed, including the undercarriage, to remove weed seeds and propagules.

- Weed-free seed and weed-free mulch shall be utilized during interim and final reclamation.

Endangered Fish:

- The best method to avoid entrainment is to pump from an off-channel location – one that does not connect to the river during high spring flows. An infiltration gallery constructed in a Service approved location is best.

- If the pump head is located in the river channel the following stipulations apply:
  a. do not situate the pump in a low-flow or no-flow area as these habitats tend to concentrate larval fishes.
  b. limit the amount of pumping, to the greatest extent possible, during that period of the year when larval fish may be present (April 1 to August 31).
  c. limit the amount of pumping, to the greatest extent possible, during the midnight hours (10pm to 2 am), as larval drift studies indicate that this is a period of greatest daily activity. Dusk is the preferred pumping time, as larval drift abundance is lowest during this time.
- Screen all pump intakes with 3/32" mesh material.
- Approach velocities for intake structures should follow the National Marine Fisheries Service's document "Fish Screening Criteria for Anadromous Salmonids". For projects with an in-stream intake that operate in stream reaches where larval fish may be present, the approach velocity should not exceed 0.33 feet per second (ft/s).
- Report any fish impinged on the intake screen or entrained into irrigation canals to the Service (801.975.3330) or the Utah Division of Wildlife Resources:

  Northeastern Region
  152 East 100 North, Vernal, UT 84078
  Phone: (435) 781-9453

Red-tailed Hawk:

- Project activities are not allowed from March 1 – August 15 to minimize impacts during Red-tailed hawk nesting. If it is anticipated that construction will occur during the given timing restriction, a BLM or qualified biologist should be notified so surveys can be conducted. If the nest is determined to be inactive, permission to proceed may be granted by the BLM Authorized Officer.

Reclamation:

- Areas no longer needed after road realignment shall be reclaimed as outlined in the County's reclamation plan (Appendix C).

- All reclaimed areas would be reseeded with the following seed mixture:

Squirreltail	Elymus elymoides	2 lbs/acre
Western wheatgrass	Pascopyrum smithii	2 lbs/acre
Siberian wheatgrass	Agropyron fragile	2 lb/acre
Scarlet Globemallow	Sphaeralcea coccinea	1 lb/acre
Shadscale	Atriplex confertifolia	3 lbs/acre
Fourwing saltbush	Atriplex canescens	2 lbs/acre

Seed shall be applied with a rangeland drill, and shall be applied between August 15 and December 15. All seed rates are in terms of Pure Live Seed. Operator shall notify the Authorized Officer when seeding has commenced, and shall retain all seed tags.

- The reclamation plan shall be applied to the new road right-of-way as well as portions on the roads that will no longer be used due to realignment.

Uintah Basin Hookless Cactus:

- Reinitiation of section 7 consultation with the Service will be sought immediately if any loss of plants or occupied habitat for the Uinta Basin hookless cactus is anticipated as a result of project activities.

Livestock Grazing:

- Range permittee will be notified by the county of this proposed action so he has adequate time to make arrangements for temporary road closures.

PLAN CONFORMANCE AND CONSISTENCY:

The selected alternative would be in conformance with the Vernal Field Office RMP/ROD (October 31, 2008). The RMP/ROD decision allows for processing applications, permits, operating plans, mineral exchanges, leases on public lands in accordance with policy and guidance and allows for management of public lands to support goals and objectives of other resources programs, respond to public requests for land use authorizations, and acquire administrative and public access where necessary (RMP/ROD p. 86). It has been determined that the selected alternative would not conflict with other decisions throughout the plan.

This decision is also consistent with the Uintah County General Plan amended in 2007. (See Chapter 1 of the EA).

Alternatives Considered:

Alternative B – No Action

No other alternatives were considered because these are existing Class B and D roads. The No Action Alternative was not selected because it was not the best alternative to address the County's safety concerns.

Rationale for Decision:

The decision to authorize the Title V Right-of-Way has been made in consideration of the environmental impacts of the proposed action. This decision has been made after considering impacts to resources within the Vernal Field Office while accommodating Uintah County's desire to upgrade the existing Class D, unmaintained road.

Identification of issue(s) for this assessment was accomplished by considering any resources that could be affected by implementation of one of the alternatives. Public involvement consisted of posting the proposal on the Utah BLM Environmental Notification Bulletin Board on July 10, 2009.

A public comment period was held from November 23 2009 through December 08, 2009. Two public comment letters were received. The comments were addressed in Chapter 5 of the EA.

Protest/Appeal Language:

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulation 43 CFR 2801.10 or 43 CFR 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your 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 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 (see 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 regulation, 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.

Stephanie J. Howard
Authorized Officer

12/22/09
Date

Attachments: Stipulations, Reclamation Plan,

Stipulations:

UTU-69125-09

Bitter Creek Road #4120

UTU-69125-67

Bitter Creek Cutoff Road #4140

Weeds:

- Vehicles and heavy equipment brought in to the project area from areas outside of the Uinta Basin shall be washed, including the undercarriage, to remove weed seeds and propagules.
- Weed-free seed and weed-free mulch shall be utilized during interim and final reclamation.

Endangered Fish:

- The best method to avoid entrainment is to pump from an off-channel location – one that does not connect to the river during high spring flows. An infiltration gallery constructed in a Service approved location is best.
- If the pump head is located in the river channel the following stipulations shall apply:
    a. do not situate the pump in a low-flow or no-flow area as these habitats tend to concentrate larval fishes.
    b. limit the amount of pumping, to the greatest extent possible, during that period of the year when larval fish may be present (April 1 to August 31).
    c. limit the amount of pumping, to the greatest extent possible, during the midnight hours (10pm to 2 am), as larval drift studies indicate that this is a period of greatest daily activity. Dusk is the preferred pumping time, as larval drift abundance is lowest during this time.
- Screen all pump intakes with 3/32" mesh material.
- Approach velocities for intake structures shall follow the National Marine Fisheries Service's document "Fish Screening Criteria for Anadromous Salmonids". For projects with an in-stream intake that operate in stream reaches where larval fish may be present, the approach velocity shall not exceed 0.33 feet per second (ft/s).
- Report any fish impinged on the intake screen or entrained into irrigation canals to the Service (801.975.3330) or the Utah Division of Wildlife Resources:

Northeastern Region
152 East 100 North, Vernal, UT 84078
Phone: (435) 781-9453

Red-tailed Hawk:

- Timing restrictions are allowed from March 1 – August 15 to minimize impacts during Red-tailed hawk nesting. If it is anticipated that construction will occur during the given timing restriction, a BLM or qualified biologist shall be notified so surveys can be conducted. If the nest is determined to be inactive, permission to proceed may be granted by the BLM Authorized Officer.

Reclamation:

- Areas no longer needed after road realignment shall be reclaimed as outlined in the county's reclamation plan (Appendix C).

- All reclaimed areas shall be reseeded with the following seed mixture:

Squirreltail	Elymus elymoides	2 lbs/acre
Western wheatgrass	Pascopyrum smithii	2 lbs/acre
Siberian wheatgrass	Agropyron fragile	2 lb/acre
Scarlet Globemallow	Sphaeralcea coccinea	1 lb/acre
Shadscale	Atriplex confertifolia	3 lbs/acre
Fourwing saltbush	Atriplex canescens	2 lbs/acre

Seed shall be applied with a rangeland drill, and shall be applied between August 15 and December 15. All seed rates are in terms of Pure Live Seed. Operator shall notify the Authorized Officer when seeding has commenced, and shall retain all seed tags.

- The reclamation plan shall be applied to the new road right-of-way as well as portions on the roads that will no longer be used due to realignment.

Uintah Basin Hookless Cactus:

- Reinitiation of section 7 consultation with the Service will be sought immediately if any loss of plants or occupied habitat for the Uinta Basin hookless cactus is anticipated as a result of project activities.

Livestock Grazing:

- Uintah County shall notify the Range permittee of the proposed action so they have adequate time to make arrangements for temporary road closures.

Reclamation Plan:
December 07, 2009

UTU-69125-09 Bitter Creek Road
UTU-69125-67 Bitter Creek Cutoff Road

Plans for Reclamation of the Surface

Upon completion of construction, the right of way will be re-seeded after August, 15th, and prior to ground frost due to BLM stipulations as proposed in the Green River District Reclamation Guidelines.

Topsoil will be spread evenly over the areas and seeded with an advantageous seed mixture approved by the Authorizing Officer of the BLM.

Seed will be drill seeded to a depth of ¼" – ½". Seed tags will be kept on hand, and turned into the BLM upon completion of the seeding.

Due to the erosive nature of the soils in the POD, certified weed free straw mulch shall be used to provide protection from erosion as well as conserving soil moisture, holding seed, and moderating soil temperatures in order to aid germination.

Soils with little or no organic matter may require soil amendments. Amendments will be addressed on a site specific basis to account for slope, aspect, exposure, and soil type.

On steep slopes where severe erosion may occur, and the use of machinery is not safe or practical, seed will be hand broadcast and raked into the soil. Seed will be applied at twice the rate of drill seeding.

The slope will be stabilized using materials specifically designed to prevent erosion in order to allow permanent establishment of vegetation.

These materials will include, but are not limited to erosion control blankets, hydro-mulch, or soil amendments such as erosion control polymer as out lined in the proponents "**Stormwater Pollution Prevention** Plan

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

November 2009

ENVIRONMENTAL ASSESSMENT AND BIOLOGICAL ASSESSMENT

DOI-BLM-UT-G010-2009-0327-EA

BITTER CREEK ROADS EA

Location: Salt Lake Meridian, T. 10,11,12 S, R. 21,22,23 E SLM

Applicant: Uintah County

U.S. Department of the Interior

Bureau of Land Management

Vernal Field Office

170 South 500 East

Vernal Utah 84078

Phone: (435) 781-4400

Fax: (435) 781-3420

TABLE OF CONTENTS

CHAPTER 1 INTRODUCTION AND NEED FOR THE PROPOSED ACTION

INTRODUCTION

This Environmental Assessment (EA) has been prepared to analyze Uintah County's proposal to improve the Bitter Creek Road #4120 and the Bitter Creek Cutoff Road #4140. Uintah County has proposed this project facilitate management of their County Road system. They propose to realign, straighten, and gravel the subject roads for public safety and welfare purposes.

The EA is a site-specific analysis of potential impacts that could result with the implementation of a proposed action or alternatives to the proposed action. The EA assists the BLM in project planning and ensuring compliance with the National Environmental Policy Act (NEPA), and in making a determination as to whether any "significant" impacts could result from the analyzed actions. "Significance" is defined by NEPA and is found in regulation 40 CFR 1508.27. An EA provides evidence for determining whether to prepare an Environmental Impact Statement (EIS) or a statement of "Finding of No Significant Impact" (FONSI). A Decision Record (DR), which includes a FONSI statement, is a document that briefly presents the reasons why implementation of the selected alternative would not result in "significant" environmental impacts (effects) beyond those already addressed in the Vernal Field Office RMP/ROD (October 31, 2008). If the decision maker determines that this project has "significant" impacts following the analysis in the EA, then an EIS would be prepared for the project. If not, a Decision Record may be signed for the EA approving the alternative selected.

PURPOSE AND NEED FOR THE PROPOSED ACTION

The BLM's purpose is to avoid or reduce impacts on sensitive resource values associated with the project area and prevent unnecessary or undue degradation of the public lands. The BLM's need is to consider approval of the proposed project consistent with the Federal Land Management and Policy Act, and the BLM's multiple-use mandate.

CONFORMANCE WITH BLM LAND USE PLAN(S)

The proposal would be in conformance with the Vernal Field Office RMP/ROD (October 31, 2008). The RMP/ROD decision allows for processing applications, permits, operating plans, mineral exchanges, and leases on public lands in accordance with policy and guidance and allows for management of public lands to support goals and objectives of other resources programs, respond to public requests for land use authorizations, and acquire administrative and public access where necessary (RMP/ROD p.86). It has been determined that the proposed action and alternative(s) would not conflict with other decisions throughout the plan.

RELATIONSHIPS TO STATUTES, REGULATIONS, AND OTHER PLANS

This EA was prepared by the BLM in accordance with the National Environmental Policy Act (NEPA) of 1969 and in compliance with all applicable regulations and laws passed subsequently, including the President's Council on Environmental Quality regulations, and the U.S. Department of the Interior requirements and guidelines listed in the BLM Manual Handbook H-1790-1. This EA assesses the environmental effects of the Proposed Action and the No Action Alternative.

The proposed action is also consistent with the Uintah County General Plan amended 2007. The Uintah County General Plan contains specific policy statements addressing public and multiple-use resource use and development, access, and wildlife management. In general, the Plan indicates support for development proposals through its emphasis on multiple-use public land management practices and responsible use and optimum utilization of public land resources. The County, through the Plan, supports the development of natural resources as they become available as new technology allows.

CHAPTER 2 DESCRIPTION OF ALTERNATIVES

INTRODUCTION

This EA focuses on the Proposed and No Action alternatives. The No Action alternative is considered and analyzed to provide a baseline for comparison of the impacts of the proposed action.

PROPOSED ACTION

The currently approved Uintah County Right-of-Way width on the Class B Bitter Creek Road (UTU-69125-09) is 66 feet on approximately 21 miles of road, except for the 45-foot width in section 28, T. 10 S., R. 22 E., SLM, SW¼NW¼. Under the Proposed Action Alternative, the 45-foot width in the newly constructed area would be widened to 100'. The proposed temporary construction right-of-way width is 200-feet (where needed).

The as-is where-is Class D road to be known as Bitter Creek Cutoff Road, has a representative width of 30 feet. Under the Proposed Action Alternative, the permanent width for this road would be 100 feet, with a temporary construction width of 200 feet (where needed).

The total linear length of the construction area is 8,477 feet on Bitter Creek Road and 5,461 feet on Bitter Creek Cutoff Road for a total of 13,938 feet. The project would include the following surface disturbance and reclamation:

- The existing disturbed road area is approximately 16.9 acres
- The proposed new roads' footprint would be 22.4 acres (including proposed cut & fill slopes)
- The estimated new roads' disturbance would be 10.9 acres (outside of the existing roads).
- The estimated reclaimed area would be 11.3 acres. The reclaimed area is defined as all disturbed cut and fills slopes, less the area of the new road that

will be used or will require future maintenance. Reclamation would occur as described in the County's Reclamation Plan (Appendix C).

- The affected roads would be closed for up to 3 months to accommodate the construction equipment. The County would notify the public through news releases. In addition, signs will be posted at major intersections as shown in Appendix E.

The roads are currently, and would continue to be used year round, for commerce (including transportation of fluids and maintenance of well site facilities), public travel, moving livestock, and recreational use. Uintah County has an active weed control program which is currently being applied to Uintah County roads. The proposed action is described in more detail below.

Bitter Creek Road #4120

Uintah County is proposing the following four actions on their existing Right-of-Way UTU-69125-09.

- Right-of-Way UTU-69125-09 is currently authorized as Rock House Road. The County proposes to rename the current Right-of-Way be to Bitter Creek Road #4120. Bitter Creek Road #4120 begins in section 15, SW¼SE¼. T., 10 S., R., 21 E. and will encompass approximately 21 miles, ending in section 1, SW¼NW¼ T. 12 S., R. 23 E., SLM. A permanent width of 66 feet for UTU-69125-09 was authorized in the original grant UTU-69125-09. The 66 foot right-of-way width will stay the same on the 21 miles of road, with the exception of the 100 foot permanent width on the 8,554 foot of newly realigned road discussed in the third bullet below. This is a paperwork exercise and will have no impact on the ground.

- The County proposes to remove from the existing Federal Right-of-Way the below legal description because the lands in section 21 are State of Utah lands and the lands in section 22 are part of the Glen Bench Road Right-of-Way. This is a paperwork exercise and will have no impact on the ground.

T10S, R21E, Sec. 21, N½NE¼;

T10S, R21E, Sec. 21, N½NE¼;

T10S, R21E, Sec. 22, N½NW¼, SW¼SE¼.

- The County proposes to amend their existing Right-of-Way by realigning, straightening, and graveling 8,554 feet of the road for public safety and welfare purposes in the below location. The permanent Right-of-Way width on this section of road is proposed to be 100 feet. For construction purposes a temporary 200 foot Right-of-Way width would be utilized where needed for the realigning and straightening of the road to facilitate cuts, fills and drainage. For construction purposes, the road will be closed to traffic for up to three months during construction.

T. 10 S., R. 22 E., SLM

Sec. 27, NW¼;

Sec. 28, N½S½.

- The County also proposes to use "MAG" (Magnesium Chloride) water to aid in dust control and strengthen the base of the road as needed. The MAG water would be obtained from a Salt Lake City Source.

Bitter Creek Cutoff Road #4140

Uintah County is proposing the following actions on their Right-of-Way UTU-69125-67.

- Uintah County has proposed to rename an as-is where-is Class D road to be the Bitter Creek Cutoff Road #4140 (Right-of-Way UTU-69125-67). The total length of the road would be approximately 7,412 feet and is located as described by the below legal description. This is a paperwork exercise and will have no impact on the ground.

T. 10 S., R. 22 E., SLM,

sec. 26, SW¼SW¼ NE¼,N½SW¼;

sec. 27, N½SE¼,SE¼SE¼.

- The County proposes to increase the width of their Right of Way from the representative 30-feet to facilitate cuts, fills associated with the proposed widening and straightening activities. Widening activities will begin approximately 1,951 feet east of the Bitter Creek Road #4120 in section 27, NW¼ SE¼, T. 10 S., R. 22 E., and will continue to the east for approximately 5,461 feet. A temporary construction width of 200 feet (where needed) with a permanent Right-of-Way of 100-feet is being requested. For construction purposes, the road will be closed to traffic for up to three months during construction.
- The County also proposes to use "MAG" (Magnesium Chloride) water to aid in dust control and strengthen the base of the road as needed. The MAG water would be obtained from a Salt Lake City Source.

NO ACTION

The No Action Alternative would be to deny the application as proposed. With this alternative BLM would not approve the proposed construction and the applicant would not be allowed to realign or straighten the roads. However, the roads are currently, and would continue to be used year round, for commerce (including transportation of fluids and maintenance of well site facilities), public travel, moving livestock, and recreational use. Uintah County has an active weed control program which is currently being applied to Uintah County roads.

CHAPTER 3 AFFECTED ENVIRONMENT

INTRODUCTION AND GENERAL SETTING

The Interdisciplinary Team Checklist, provides a brief description of the affected environment. The affected environment and environmental consequences of the alternatives were considered and analyzed by an interdisciplinary team as documented in Appendix A. The analysis indicates that resources of concern are either not present in the project area, or would not be impacted to a degree that requires detailed analysis. The analysis and rationale for this conclusion is provided in Appendix A. The below information describes the current state of the potentially affected resources in the project area.

INVASIVE PLANTS/NOXIOUS WEEDS

Saltlover (Halogeton glomeratus), and cheatgrass (Bromus tectorum) are invasive and nearly ubiquitous in Vernal Field Office. They colonize rangelands, roadsides, waste places, pastures, burned areas and disturbed sites. Both species usually invade quickly, though halogeton does not compete well with healthy stands of native vegetation. Cheatgrass, however, once established, persists tenaciously.

Other invasive weeds common in Vernal Field Office include smotherweed (Bassia hyssopifolia), burningbush kochia (Bassia scoparia), crossflower (Chorispora tenella), African mustard (Malcolmia africana), Russian thistle (Salsola tragus) and tumblemustard (Sisymbrium altissimum). These species are vexatious but individually do not carry the same potential for serious rangeland alteration as saltlover and cheatgrass.

In addition to the foregoing invasive species, State of Utah and various counties have officially designated Russian knapweed (Acroptilum repens) as noxious, on account of its documented harm to local economies, crops, livestock, recreation, wetlands and/or wildlife. Russian knapweed, is highly pestilential. It forms dense thickets up to four feet tall, quickly and aggressively spreads by root-borne shoots to the complete exclusion of

any other species, thus covering whole pastures, meadows and road corridors. Russian knapweed is also well adapted to colonizing even older, long-established ROWs.

Threatened, Endangered, Candidate and Otherwise Special Status Fish Species

Colorado River fish species:

The USFWS (1994) has identified four federally listed fish species historically associated with the Upper Colorado River Basin: Colorado pikeminnow, humpback chub, bonytail, and razorback sucker. These fish are federally and state-listed as endangered and have experienced severe population declines. The White River where water depletion would occur is designated as critical habitat for these species (USFWS 1994).

Three additional fish Conservation Agreement Species are endemic to the Colorado River Basin and have been affected by flow alterations, habitat loss or alteration, and introduction of non-native fish: roundtail chub, flannelmouth sucker, and bluehead sucker. The roundtail chub is considered to be a state-listed threatened species, while the two suckers are species of special concern due to declining population numbers and distribution.

Life histories and current status for the Colorado pikeminnow, humpback chub, bonytail, and the razorback sucker were recently analyzed within the Biological Opinion for BLM Resource Management Plan, Vernal Field Office (FWS/R6 ES/UT 08-UT-08-F-0025) in October, 2008. For the purposes of this consultation, this information will be referenced to the above consultation and not duplicated here.

Water Depletion

The Service has consulted with the BLM regarding historical depletions with the agreement signed March 11, 1993 based on the Cooperative agreement signed below:

On January 21-22, 1988, the Secretary of the Interior; the Governors of Wyoming, Colorado, and Utah; and the Administrator of the Western Area Power Administration were cosigners of a Cooperative Agreement to implement the "Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin" (Recovery Program) (USWFS 1987). An objective of the Recovery Program was to identify reasonable and prudent alternatives that would ensure the survival and

recovery of the listed species while providing for new water development in the Upper Colorado River Drainage Basin.

The Service has consulted with the BLM regarding new depletions less than 100 acre feet per year culminating with the Biological Opinion signed May 11, 2006.

The proposed project will use water from a source which would not qualify for a water source permitted prior to January 1988. Since this proposed project is not associated with a well APD it does not qualify under the programmatic Biological Opinion signed in 2006. Water depletion would require the withdrawal of 10 acre-feet of water from the White River. The proposed project would be covered under a Temporary Application Permit # T78650 (Water Right # 49-2311) filed on September 03, 2009.

General Fish & Wildlife

Red-tailed hawk:

All raptor species and their nests are protected from take or disturbance under the Migratory Bird Treaty Act (MBTA) (16 USC, 703 et seq.). In 2009, BLM completed a raptor nest inventory and one documented Red-tailed hawk nest was located within 100 feet of proposed project road realignment. The nest is currently in fair condition; however, the nest has not been active in at least the past three consecutive years.

Migratory birds:

The MBTA was implemented for the protection of migratory birds. Unless permitted by regulations, the MBTA makes it unlawful to pursue, hunt, kill, capture, possess, buy, sell, purchase, or barter any migratory bird, including the feathers or other parts, nests, eggs, or migratory bird products. In addition to the MBTA, Executive Order 13186 sets forth the responsibilities of Federal agencies to further implement the provisions of the MBTA by integrating bird conservation principles and practices into agency activities and by ensuring that Federal actions evaluate the effects of actions and agency plans on migratory birds.

Those migratory bird species that are BLM sensitive or are otherwise of special interest that may occupy the proposed project area are addressed below. This section identifies all other migratory birds that may inhabit the project area, including those species

classified as High-Priority birds by Utah Partners in Flight (UPIF 2002). High-Priority species are denoted by an asterisk (*).

Sagebrush -Steppe

Migratory bird species commonly associated with the sagebrush-steppe community within the project area include: the mountain bluebird*, grasshopper sparrow*, gray vireo*, gray flycatcher*, Brewer's sparrow*, sage sparrow*, sage thrasher*, green-tailed towhee*, horned lark, loggerhead shrike, western kingbird, northern mockingbird, vesper sparrow, and western meadowlark (UPIF 2002).

Successful reclamation efforts would return disturbed habitats to pre-disturbance levels and loss of vegetation would be a temporary impact to migratory bird habitat. Thus, direct and indirect impacts to migratory bird species occurring in the project area would be minimal. These impacts are not seen as contributing to the decline in overall migratory bird species' populations such that special protection measures are necessary. These species will not be carried forward for further analysis.

Vegetation

According to field visits and GIS layers, vegetation in the area consists of salt desert scrub—primarily crested wheat grass, black sagebrush, shadscale, sego lily, yellow beeplant, rabbitbrush, snakeweed, prickly pear, basin daisy, galleta, greasewood and horsebrush, (Agropyron cristatum, Artemisia nova, Atriplex confertifolia, Calochortus nuttallii, Cleome lutea, Ericameria nauseosa, Gutierrezia sarothrae, Opuntia polyacantha, Platyschkurhia integrifolia, Pleuraphis jamesii, Sarcobatus vermiculatus, Tetradymia spinosa, respectively). All these species are common in Vernal Field Office and elsewhere in Intermountain North America.

Riparian vegetation occurs downstream of the project area along the lower portion of Bitter Creek and on the White River. The existing road negatively impacts water quality and subsequently riparian by increased erosion materials and potential chemicals from the road. Riparian habitat down drainage and along the White River is Functional at Risk and Non-functioning.

Special Status Plant Species

The project area is within an area identified by the United States Fish and Wildlife Service as being potential habitat for the threatened Uinta Basin hookless cactus (*Sclerocactus wetlandicus*). A field visit was conducted on 26 May 2009 and 18 November 2009 and GIS layers of known cactus occurrences were reviewed. No cacti were found in the project area.

Soils

Soils in the project are comprised primarily of torriorthents that are typically moderately deep to shallow and have a coarse grained texture. These soils have a moderate degree of water erosion hazard, and minor degree of wind erosion hazard. The soils are within the Hydrologic Group D, which means that when saturated, the soils tend to erode quite easily.

The existing roads follow and frequently cross steeply graded ephermal drainages. In places the water flows down the surface of the road itself. The existing road or no action alternative has no control or method to check water flow or the hydrologic condition of the road other than blading the road surface. Surface waters erode soils and any potential spills flow down slope into Bitter Creek and subsequently the White River, which is approximately four miles north of the project area. Portions of the surface of the road have developed dust pockets that reduce visibility when disturbed.

Livestock Grazing

The project area is within the Olsen AMP Allotment which is an active sheep allotment.

Within this allotment, the elevation ranges from approximately 4721 feet to 6690 feet. The precipitation ranges from 6-12 inches and is received primarily during the winter and late summer months. The dominant vegetation in the project area is desert scrub community (see vegetation section above). There are invasive and noxious weeds

present throughout the allotment. There are two corrals within the scope of the project area.

Rangeland Health Standards and Guidelines

Rangeland Health assessments are scheduled for this allotment in 2010.

CHAPTER 4 ENVIRONMENTAL IMPACTS

This chapter describes the direct and indirect impacts that would be expected to occur upon the implementation of each of the considered alternatives. It also discloses the expected cumulative impacts, which are those impacts resulting from the incremental impact of an action when added to other past, present, or reasonably foreseeable actions regardless of what agency or person undertakes such other actions.

PROPOSED ACTION DIRECT AND INDIRECT IMPACTS

INVASIVE PLANTS/NOXIOUS WEEDS

The proposed action alternative would result in 11 acres of new surface disturbance. Surface-disturbing activities open up new habitats for easy colonization by saltlover, cheatgrass and Russian knapweed. Invasive and noxious weeds rapidly colonize new surface disturbances and often establish themselves to the exclusion of native plant species. The current weed seed in the soil and the abundance of invasive and noxious weeds growing throughout VFO would facilitate the introduction or spread of invasive or noxious weed species. Vehicles and heavy equipment can vector weed seed from offsite locations into the project area, making roads invasion corridors for those species.

Management or, if possible, eradication is the goal for weed control. In the case of Russian olive, cheatgrass and saltlover, the sheer ubiquitousness of the plants suggests eradication is not feasible. However, the County has an active weed control program, and these County roads would be subject to that program. The following mitigation measures would further reduce the impacts of invasive and noxious weeds species on the area's ecosystem.

MITIGATION

- Vehicles and heavy equipment brought in to the project area from areas outside of the Uinta Basin would be washed, including the undercarriage, to remove weed seeds and propagules.

- Weed-free seed and weed-free mulch would be utilized during interim and final reclamation.

Threatened, Endangered, Candidate and Otherwise Special Status Fish Species

Colorado River Fish Species:

Project activities would occur approximately four miles south of the White River and the road tie-ins would be completed adjacent to the floodplains and out of the main wash of Bitter Creek. Direct impacts to Colorado River fish and their potential habitats would occur from water depletions and sedimentation. The Proposed Action would withdraw 10 acre-feet of water from the White River and would be covered under a Temporary Application # T78650 (Water Right # 49-2311) filed on September 03, 2009. As such, project related impacts associated with the Proposed Action would be limited to indirect impacts including increased sedimentation and contamination from accidental spills or leaks from vehicles.

Water depletions reduce the ability of the river to create and maintain the primary constituent elements that define critical habitats. Food supply, predation, and competition are important elements of the biological environment. Food supply is a function of nutrient supply and productivity, which could be limited by reduction of high spring flows brought about by water depletions. Predation and competition from nonnative fish species have been identified as factors in the decline of the endangered fishes. Water depletions contribute to alterations in flow regimes that favor nonnative fishes.

The potential exists for water intake structures placed in the Upper Colorado River Drainage System (flowing rivers and streams) to result in mortality to eggs, larvae, young-of-the-year, and juvenile life stages. BLM and their applicants would minimize this potential by following applicant committed conservation measures (listed below and in Chapter 2). Key habitat components for foraging or cover may be removed or altered due to equipment, including decreased water quantity for aquatic species from dewatering during low flow periods.

If sediments or contaminates from spills/leak were to flow down the drainage and enter the White River, they are likely to accumulate in backwater/depressional areas with reduced dilution and less flushing capacity (Woodward et al. 1985). As these habitats are utilized by the endangered Colorado River fish species, spills in the project area could potentially impact these species. However, the project area is approximately four miles upstream of the White River and located away from the main wash of Bitter Creek and as all spills would be immediately excavated to an appropriate container and transported to an approved disposal site, the potential for these impacts to occur would be minimal. In addition, these impacts are already occurring under the proposed action due to the existing state of the road. The proposed action alternative would further reduce the potential for these impacts through the applicant committed erosion control measures because water flow would be managed with sediment basins, rock dams and armament, "rip/rap" and numerous other water management techniques as described in the proponents "**Stormwater Pollution Prevention Plan**" specifically designed for Uintah County Roads #4120 & #4140.

The proposed action would result in water depletion of less than 100 acre-feet so a depletion fee would not be required. Based on the small amount of water needed for construction and maintenance purposes and possible sedimentation into the White River the proposed action will have a ***"may affect, likely to adversely affect"*** determination for the endangered Colorado pikeminnow, humpback chub, bonytail, and razorback sucker.

MITIGATION

1. The best method to avoid entrainment is to pump from an off-channel location – one that does not connect to the river during high spring flows. An infiltration gallery constructed in a Service approved location is best.
2. If the pump head is located in the river channel the following stipulations apply:
   a. do not situate the pump in a low-flow or no-flow area as these habitats tend to concentrate larval fishes.
   b. limit the amount of pumping, to the greatest extent possible, during that period of the year when larval fish may be present (April 1 to August 31).
   c. limit the amount of pumping, to the greatest extent possible, during the midnight hours (10pm to 2 am), as larval drift studies indicate that this is a period of greatest daily activity. Dusk is the preferred pumping time, as larval drift abundance is lowest during this time.
3. Screen all pump intakes with 3/32" mesh material.
4. Approach velocities for intake structures should follow the National Marine Fisheries Service's document "Fish Screening Criteria for Anadromous Salmonids". For projects with an in-stream intake that operate in stream reaches where larval fish may be present, the approach velocity should not exceed 0.33 feet per second (ft/s).

5. Report any fish impinged on the intake screen or entrained into irrigation canals to the Service (801.975.3330) or the Utah Division of Wildlife Resources:

Northeastern Region
152 East 100 North, Vernal, UT 84078

Phone: (435) 781-9453

General Fish & Wildlife

Red-tailed hawk:

BLM records document a Red-tailed hawk nest within 100 feet of the proposed road realignment. Potential effects of the Proposed Action on raptor species include direct loss or degradation of potential nesting and foraging habitats and indirect disturbance from human activity (including harassment, displacement, and noise) during the nesting season. However, as mitigation measures will be applied to the proposed project area, direct/indirect impacts would be minimized.

Mitigation

Project activities are not allowed from March 1 – August 15 to minimize impacts during Red-tailed hawk nesting. If it is anticipated that construction will occur during the given timing restriction, a BLM or qualified biologist should be notified so surveys can be conducted. If the nest is determined to be inactive, permission to proceed may be granted by the BLM Authorized Officer.

Vegetation

The proposed project would result in the removal of species through the realignment of the existing road. Up to 11 acres are expected to be impacted. Areas no longer needed after road realignment would be reclaimed as outlined in the County's reclamation plan (Appendix C).

Riparian vegetation downstream from the proposed project would be impacted by erosion or potential spills. The proposed action would improve water flow control with techniques such as sediment basins, fiber soil stability materials, rip/rap and other

methods of water management as out lined in the proponents "**Stormwater Pollution Prevention** Plan". This would reduce impacts to the downstream vegetation by reducing sedimentation and the potential for contaminates from spills to be carried downstream.

Special Status Plant Species

No cacti were found in the area during a survey conducted on 26 May 2009 and 18 November 2009, and the closest known cactus are approximately 2.5 miles north of the project area. As such, potential impacts of the Proposed Action would be limited to modification of up to 11 acres of *S. wetlandicus* habitat throughout the Project Area. This would include removal of native soils and vegetation.

Indirect effects of the Proposed Action on populations of *S. wetlandicus* could include the potential spread of noxious weeds into disturbed areas. Noxious weed invasion would increase competition, limiting the potential to establish in suitable habitat. Applicant-committed mitigation measures to control weeds, and mitigation measures identified under the weed section to prevent weed infestation and reduce weed spread would reduce the potential effects of weeds on the *S. wetlandicus*. Thus, the Proposed Action ***"may affect, is not likely to adversely affect"*** the species.

Mitigation

Reinitiation of section 7 consultation with the Service will be sought immediately if any loss of plants or occupied habitat for the Uinta Basin hookless cactus is anticipated as a result of project activities.

Soils

The proposed action could result in increased erosion and sediment yields during the construction phase. Sediment could be generated before reclamation actions can be implemented. Construction activities have the potential to contribute sediment directly to Bitter Creek, and then eventually to the White River, which is approximately 4 miles downstream from the project area.

Following construction, the areas that have been disturbed during the realignment have the potential to continue to erode and contribute sediment until the planned reclamation actions begin to stabilize the soils. Though the applicant has submitted a suitable and acceptable reclamation plan, experience in this area has shown that it can take many years before a disturbed site can re vegetate and stabilize in terms of soil erosion, due to the harsh soil and climatic conditions present in the project area.

Increased soil erosion and sedimentation can be partially mitigated because water flow would be managed with sediment basins, rock dams and armament, "rip/rap" and numerous other water management techniques as described in the proponents "**Stormwater Pollution Prevention Plan**" specifically for Uintah County Roads #4120 & #4140. This would result in a better situation than the existing condition of the road.

In addition, the road reconstruction project will divert water off the road and properly control it as it flows down the drainage. This would reduce the opportunity for dust pockets to form, and result in increased safety for those who utilize the road.

Mitigation

All reclaimed areas would be reseeded with the following seed mixture:

Squirreltail	Elymus elymoides	2 lbs/acre
Western wheatgrass	Pascopyrum smithii	2 lbs/acre
Siberian wheatgrass	Agropyron fragile	2 lb/acre
Scarlet Globemallow	Sphaeralcea coccinea	1 lb/acre
Shadscale	Atriplex confertifolia	3 lbs/acre
Fourwing saltbush	Atriplex canescens	2 lbs/acre

Seed shall be applied with a rangeland drill, and shall be applied between August 15 and December 15. All seed rates are in terms of Pure Live Seed. Operator shall notify the Authorized Officer when seeding has commenced, and shall retain all seed tags.

Livestock Grazing

There would be approximately 11 acres of new disturbance associated with the proposed new road right-of-way which would require reclamation and noxious and

invasive weed monitoring and control. This equates to less than 1 Animal Unit Month (AUM) of forage. Approximately 11 acres would be reclaimed including the relinquished road right-of-way. Noxious and invasive weeds can displace native plants and reduce the amount of available forage. Some invasive weeds like Halogeton are poisonous to livestock, including sheep (Knight and Walter, 2001). Halogeton is already present on the allotment so disturbance from this project would provide another potential area for Halogeton and other invasive and noxious weeds to establish.

Temporary road closures during the time when the permittee is allowed to use his livestock permit, will allow the permittee limited access to his existing range facilities, including corrals. This could increase the cost of trucking livestock to and from his corrals.

Mitigation

Uintah County has developed a site specific reclamation plan for the project area that follows the Green River District Reclamation Guidelines. Successful reclamation as defined in the Green River District Reclamation Guidelines will reduce the impacts of the project to livestock grazing and rangeland resources. The reclamation plan shall be applied to the new road right-of-way as well as the relinquished road right-of-way. The reclamation plan will also address the control of noxious and invasive weeds in both the new right-of-way and the relinquished right-of-way.

Range permittee will be notified by the county of this proposed action so he has adequate time to make arrangements for temporary road closures.

Rangeland Health Standards and Guidelines

Rangeland Health assessments have not yet been conducted in this allotment, they are scheduled for 2010. Successful reclamation, weed monitoring, and invasive and noxious weed control would be required during the life of the proposed right-of-way. These measures would reduce potential impacts to Rangeland Health.

NO ACTION DIRECT AND INDIRECT IMPACTS

Under this alternative, BLM would not approve the amended right-of-way grant. The County would not be allowed to realign and straighten the roads and public safety would continue to be at risk.

INVASIVE PLANTS/NOXIOUS WEEDS

Under the no action alternative, the potential introduction or spread of weeds from vehicles would be the same as under the proposed action alternative because the roads already exist. However, no new surface disturbance would occur under the no action alternative.

THREATENED, ENDANGERED, CANDIDATE AND OTHERWISE SPECIAL STATUS FISH SPECIES, INCLUDING GENERAL FISH & WILDLIFE

Under the no action alternative, there would be no direct disturbance to threatened, endangered, proposed, candidate, sensitive or other wildlife species from surface disturbing activities associated with the road realignment. Current land use trends in the area would continue, including increased industrial development, increased OHV traffic, increased recreational use for hunting, bird watching, and sightseeing. Sedimentation from the existing roads would continue to occur, with the potential for the sedimentation and any contamination to be carried downstream into the Colorado River system. Based on the sedimentation and contamination into the White River, the no action alternative will have a ***"may affect, likely to adversely affect"*** determination for the endangered Colorado pikeminnow, humpback chub, bonytail, and razorback sucker.

VEGETATION

Under the no action alternative, there would be no direct disturbance or indirect effects to vegetation species as a result of the proposed action because the road realignment

would not occur. However, the downstream riparian areas would continue to be impacted by eroded sediment and potential contaminates from the existing roads.

Special Status Plant Species

Under the no action alternative, there would be no direct disturbance to special status plant species because the road realignment would not occur.

Soils

Under the No Action alternative, there would be no road re-alignment, and existing resource trends would continue. The Bitter Creek road and Cutoff road would continue to deliver sediment to Bitter Creek, as the current condition of the road in places is highly conducive to erosion and sediment production. This is due to the fact that for long stretches, the road resembles a canal, and the water from snow melt and rain storms travels long stretches before it is diverted off the road. This condition results in large quantities of sediment being produced from the road and eventually delivered to Bitter Creek. In addition, dust pockets would continue to occur, potentially impacting the safety of users of the roads.

Livestock Grazing

Under the No Action alternative conditions in the allotment would remain the same as it currently is. In the case of the road, the operator would still need to monitor the right-of-way for noxious and invasive weeds and apply control as necessary.

Rangeland Health Standards and Guidelines

Under the No Action alternative it is likely that rangeland health standards and guidelines would be met.

CUMULATIVE IMPACTS

Cumulative impacts are those impacts resulting from the incremental impact of an action when added to other past, present, or reasonably foreseeable actions regardless of what agency or person undertakes such other actions.

INVASIVE PLANTS/NOXIOUS WEEDS

The cumulative impact area of analysis (CIAA) for invasive and noxious weeds is defined as the Bitter Creek Drainage, which consists of approximately 4,256 acres. Past, present and reasonably foreseeable future actions include continued use of the Bitter Creek and Bitter Creek cutoff roads to support oil and gas development and production, livestock grazing operations, and recreation. Human presence in the area (especially vehicle-based presence) could increase the presence of invasive or noxious plant species in the CIAA through introduction of new species and spread of existing species. Both the proposed action and no action alternatives would contribute to this potential spread or introduction of species. The County has an active weed control program which would be applied to these County roads under both alternatives, and which would assist in controlling the effects of invasive weeds on area ecosystems.

THREATENED, ENDANGERED, CANDIDATE AND OTHERWISE SPECIAL STATUS FISH SPECIES

Reasonably foreseeable future activities that may affect river-related resources in the area include oil and gas exploration and development, irrigation, urban development, recreational activities, and activities associated with the Upper Colorado River Endangered Fish Recovery Program. Implementation of all or any of these projects has affected and continues to affect the environment including, but not limited to, water quality, water rights, socioeconomic, and wildlife resources. Cumulative effects to this species would include depletion from the river system during the construction and maintenance of the Proposed Action. Both the proposed action and no action alternatives would result in sedimentation and contamination impacts.

General Fish & Wildlife

The CIAA for migratory birds and raptors is defined as the Bitter Creek Drainage, which consists of approximately 4,256 acres. Future actions of the proposed road upgrade could increase human presence in the area continuing to fragment and manipulate the surrounding habitats by increasing the presence of non-native invasive plant species. Further introduction of non-native invasive plant species could have adverse impacts on migratory birds and raptors that are dependent upon prevalent species for their survival. In general such an environmental shift would probably have negative impacts on migratory birds and raptors and would favor non-native and readily adaptive species.

Impacts to migratory birds and raptors in would be dependent upon the season of road construction activities. Any activities completed in the late fall would less likely have a direct impact to avian species because many of the species not be nesting in the vicinity and most would have left the CIAA for southern wintering grounds. Road construction activities completed during the spring or summer months could result in temporary displacement from the affected area, which may alter nest establishment or displacement. In addition to displacement caused by project activities the Proposed Action Alternative would also result in approximately 10.9 acres of potential nesting and foraging habitat for migratory birds and raptors. However, approximately 11.3 acres will be reclaimed from the existing road. The No Action Alternative would not result in an accumulation of impacts.

Vegetation and Special Status Plant Species

The CIAA for vegetation (including riparian) and special status plant species is defined as the Bitter Creek Drainage, which consists of approximately 4,256 acres. Past, present and reasonably foreseeable future actions include continued use of the Bitter Creek and Bitter Creek cutoff roads to support oil and gas development and production, livestock grazing operations, and recreation. Human presence in the area (especially vehicle-based presence) could increase the presence of non-native invasive plant species in the CIAA through introduction of new species and spread of existing species. Weed species may compete with native vegetative species, and some species, such as Russian knapweed, may out-compete natives to create dense monocultures. Under the

proposed action alternative, 11 acres would be newly disturbed for the realignment of the road. No new surface disturbance would occur under the no action alternative. However, both the proposed action and no action alternatives would contribute to the potential spread or introduction of weed species. The County has an active weed control program which would be applied to these County roads under both alternatives, and which would assist in controlling the effects of invasive weeds on area ecosystems.

Soils

The CIAA is defined as the Bitter Creek drainage. Ongoing energy development, livestock grazing, and the existing road network in the CIAA all have the potential to increase sediment yields in the future that would eventually be delivered to Bitter Creek and the White River. The no action alternative would negatively impact water quality by increased erosion materials and potential chemicals from the road. The proposed action would improve water flow control with techniques such as sediment basins, fiber soil stability materials, rip/rap and other methods of water management as out lined in the proponents "**Stormwater Pollution Prevention** Plan".

Livestock Grazing

The CIAA is the Bitter Creek drainage. Past, present, and reasonably foreseeable cumulative actions include oil and gas development, county road maintenance, livestock mangers and recreationist traffic, and road realignments. There would be no change to the number of permitted livestock, or season of use in this allotment as a result of selecting either the proposed action or no action alternative. Therefore cumulative impacts will be minimal.

Rangeland Health Standards and Guidelines

Due to the small scale of this proposal, it is unlikely that meeting Rangeland Health Standards and Guidelines in this allotment will be affected by implementing this project.

CHAPTER 5 PERSONS, GROUPS, AND AGENCIES CONSULTED

SUMMARY OF PUBLIC PARTICIPATION:

During preparation of the EA, the public was notified of the proposed action by posting on the Utah Environmental Notification Bulletin Board on 17 April 2009. A public comment period of 15 days was offered because interest in the proposal had been expressed. The public comment period occurred from November 23, 2009 through December 8, 2009. Two comment letters were submitted, as documented in Appendix F. Responses to those comments are included below.

TABLE OF PERSONS, AGENCIES AND ORGANIZATIONS CONSULTED

Name	Purpose & Authorities for Consultation or Coordination	Findings & Conclusions
Utah State Historic Preservation Office	National Historic Preservation Act: Section 106	A determination of "no adverse effect to historic properties" was made due to distance between the project and known archaeological sites. Consultation was initiated on November 10, 2009. Concurrence was received on November 17, 2009. See Appendix G for documentation of this consultation.
U.S. Fish and Wildlife Service	Endangered Species Action: Section 7	Coordination has occurred throughout the preparation and review of this document and project. Formal consultation was initiated regarding impacts to Endangered fish and Threatened cacti on November 24, 2009. Concurrence with the determination of effects was received on December 21, 2009.
U.S. Army Corps of Engineers	Clean Water Act	The County has applied for a Section 404 permit for this project.

PUBLIC COMMENT RESPONSES

COMMENT 1: This road work is most likely an upgrade at cost to the taxpayers for the express use of oil and gas drillers and oil shale miners for speculation or transit. Not a good use of public funds at this point. Do not allow this upgrade. If you do allow it, you should make the primary beneficiaries pay for it.

RESPONSE 1: The funding of the proposed road upgrade is beyond the scope of this NEPA analysis, and is outside the jurisdiction of the BLM, so this comment has been forwarded to the County.

COMMENT 2: Now that *Sclerocactus wetlandicus* and *Sclerocactus brevispinus* (and *Sclerocactus glaucus*) are protected separately under the Endangered Species Act, the BLM should reconsult with the Service on all active NEPA documents affecting their management, including RMPs or other documents that this EA may be tiered to. The range of each listed species is vastly different than the Sclerocactus glaucus complex as a whole, as is the number of individuals comprising each species. Therefore, jeopardy and recovery standards will be significantly different now that each species is listed on its own.

RESPONSE 2: Section 7 consultation has been conducted with the U.S. Fish and Wildlife Service specifically concerning the Uinta Basin hookless cactus, *Sclerocactus wetlandicus*, which is the only species of the mentioned with the potential to occur in the project area. Refer to Appendix D for the potential occurrence summary for Vernal Field Office special status plant species, and to Appendix G for documentation of consultation.

COMMENT 3: The Vernal RMP requires avoidance of all sensitive plant species by at least 300'. In addition, the BLM should adopt as a minimum the mitigation measures for Sclerocactus brevispinus outlined in the Castle Peak EIS, including the survey and monitoring requirements contained within, for projects affecting Sclerocactus wetlandicus as well.

COMMENT 3: Field surveys have been conducted, and no Sclerocactus wetlandicus individuals were located within 300 feet of the proposed project. Therefore mitigation and monitoring is not required. No other special status plant species have the potential to be present in the project area (Appendix D).

COMMENT 4: The Vernal Field Office is conducting a number of road widening/paving/straightening projects that will increase vehicle speeds and potentially increase traffic in sensitive areas. The BLM must carefully evaluate whether these are connected actions, and consider the cumulative impacts of all of these road projects.

RESPONSE 4: Other road projects that are currently being considered in the Vernal Field Office include the Kings Wells Road project, the Pariette Road project, and the Seep Ridge Road project. These projects are not connected to the proposed action for the following reasons.

Kings Wells Road: The construction work being done on this road is limited to improving sight-distance by reducing sharp corners and utilizing magwater to reduce dust on an approximately three mile segment that is 14 miles directly east of the proposed action. The construction portion of the Kings Wells Road project does not touch the proposed action in any way. The southern end of the Kings Wells Road itself approaches within two miles of the southern end of the Bitter Creek Road. However, no construction work is being done on either road in that area. The Kings Wells Road and the Bitter Creek Roads have independent utility, and each would go forward, if approved, regardless of the approval of the other.

Pariette Road: The construction work being done on this road includes improving sight-distance by reducing sharp corners, utilizing magwater to reduce dust, and improving drainage crossings. This road is on the opposite side of the Green River, approximately 21 miles northwest of the proposed action. The construction portion of the Pariette Road project does not touch the proposed action in any way. The Pariette Road and the Bitter Creek Roads have independent utility, and each would go forward, if approved, regardless of the approval of the other.

Seep Ridge Road: The construction work being done on this road includes improving sight-distance by reducing sharp corners, widening the road, and paving is proposed to reduce dust. This road is approximately nine miles west of the proposed action. The

construction portion of the Seep Ridge Road project does not touch the proposed action in any way. The Seep Ridge Road and the Bitter Creek Roads have independent utility, and each would go forward, if approved, regardless of the approval of the other.

List of Preparers

See Interdisciplinary Team Analysis Record Checklist Exhibit A.

CHAPTER 6 REFERENCES AND ACRONYMS

REFERENCES

Parrish, J.R., F.P. Howe and R.E. Norvell. 2002. Utah Partners in Flight Avian Conservation Strategy Version 2.0. Utah Partners in Flight Program, Utah Division of Wildlife Resources, 1594 West North Temple, Salt Lake City, Utah 84116. UDWR Publication Number 02-27. i – xiv + 302 pp.

USFWS. 1987. Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin. U.S. Forest Service, Region 6, Denver, Colorado.

USFWS. 1994. Final Rule: Determination of Critical Habitat for the Colorado River Endangered Fishes: Razorback sucker, Colorado squawfish, Humpback chub, and Bonytail chub. Federal Register 59: 13375-13400.

LIST OF ACRONYMS USED IN THIS EA

AO	Authorized Officer
BLM	Bureau of Land Management
CIAA	Cumulative Impact Area of Analysis
DR	Decision Record
EA	Environmental Assessment
EIS	Environmental Impact Statement
ENBB	Environmental Notification Bulletin Board
FLPMA	Federal land Policy and Management Act of 1976
FONSI	Finding of No Significant Impact
ID	Interdisciplinary
MBTA	Migratory Bird Treaty Act

NEPA	National Environmental Policy Act
PIF	Partner's in Flight
RFA	Reasonably Foreseeable Action
RMP	Resource Management Plan
ROD	Record of Decision
ROW	Right-of-Way
USFWS	United States Fish & Wildlife Service