

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

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**Finding of No Significant Impact  
For  
Environmental Assessment  
UT-080-08-0238**

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**April 2011**

**Seep Ridge Road Paving Project**

***Location:*** Various, see legal description in attached Environmental Assessment

***Applicant:*** Uintah County  
152 E 100 N  
Vernal UT 84078

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# **FINDING OF NO SIGNIFICANT IMPACT**

## **Environmental Assessment #UT-080-08-0238, Seep Ridge Road Paving Project**

### **INTRODUCTION:**

The Bureau of Land Management (BLM) has conducted an environmental analysis (UT-080-08-0238) for a proposed action to address Uintah County's proposal to pave the Seep Ridge Road. The project would amend Uintah County's existing right of way (ROW) #UTU-69125-35 to reconstruct and upgrade the Seep Ridge Road as follows:

- Expand the existing ROW width from 66 feet to 150 feet.
- Redesign and reconstruct the existing road to bring it into compliance with current federal (AASHTO Green Book) and Utah Department of Transportation (UDOT) highway standards.
- Upgrade the existing road to an all-weather paved surface.
- Reclaim and install barriers on existing road segments that would be abandoned due to road realignment.

Upgrade and paving activities of the Seep Ridge Road would begin at a point at the historic Uintah and Ouray Indian Reservation Boundary (located in the SE1/4SE1/4 section 3, T10S, R20E, SLM), and continue in a southerly direction, ending at Uintah County's southern boundary line (located in the SW1/4SW1/4 section 36, T15S, R24E, SLM) (refer to the Exhibit 1 in Appendix F of the Environmental Assessment (EA)).

The total length of the proposed ROW would involve approximately 44.5 miles, of which approximately 69 percent would involve federal lands; 29 percent would involve State of Utah lands, administered by Utah's School and Institutional Trust Lands Administration (SITLA); and, 2 percent would involve private lands.

The underlying need for the proposal would meet BLM's purpose to consider amending the county's existing ROW, as outlined in the county's application, while also preventing unnecessary degradation to public lands. The BLM would decide whether to grant the ROW amendment, and if so, under what terms and conditions. BLM's need for the project is to respond to the applicant's proposal under the Federal Land Policy and Management Act of 1976 (FLPMA). The 2008 Vernal Field Office Resource Management Plan lands and realty goals and objectives state that BLM will "Process applications, permits, operating plans, mineral exchanges, leases, and other use authorizations for public lands in accordance with policy and guidance."

The attached Environmental Assessment UT-080-08-0238 (hereafter referred to as the EA) is incorporated by reference for this Finding of No Significant Impact (FONSI). The Proposed Action and No Action Alternatives were analyzed in the EA.

## **FINDING OF NO SIGNIFICANT IMPACT**

Based upon a review of the EA and the supporting documents, I have determined that the project is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27 and do not exceed those effects described in the 2008 Vernal Field Office (VFO) Resource Management Plan (RMP) Final Environmental Impact Statement (FEIS) and Record of Decision (ROD). Therefore, an environmental impact statement is not needed. This finding is based on the context and intensity of the project as described below:

**Context:** The project is a site-specific action directly involving approximately 550 acres of BLM administered land that by itself does not have international, national, regional, or state-wide importance.

**Intensity:** The following discussion is organized around the Ten Significance Criteria described in 40 CFR 1508.27 and incorporated into resources and issues considered (includes supplemental authorities Appendix 1 H-1790-1) and supplemental Instruction Memorandum, Acts, regulations and Executive Orders. The following have been considered in evaluating intensity for this proposal:

- 1. Impacts may be both beneficial and adverse.** The proposed action would impact resources as described in Chapter 4 of the EA. Mitigating measures to reduce impacts to air quality, soils, paleontological resources, recreation, forestry/woodlands, livestock grazing, wildlife and plant species, and cultural resources were incorporated in the design of the proposed alternatives. None of the environmental effects discussed in detail in the EA and associated appendices are considered significant, nor do the effects exceed those described in the VFO RMP FEIS and associated ROD.
- 2. The degree to which the selected alternative will affect public health or safety.** The proposed action is designed to improve the safety of the Seep Ridge Road. The road redesign and reconstruction will bring the existing road into compliance with current federal and state highway standards. The paving of the road would improve air quality in the area by virtually eliminating fugitive dust impacts from the road.
- 3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, wilderness, wild and scenic rivers, or ecologically critical areas.** The historic and cultural resources of the area have been inventoried and potential impacts mitigated in the design of the selected alternative. Components of the Human Environment and Resource Issues determined to be not present in the project area, as documented in Appendix A of the EA, include: Areas of Critical Environmental Concern (ACECs), BLM natural areas, Prime or Unique Farmlands, Native American Religious Concerns, wetland/riparian areas, Wild and Scenic Rivers, Wilderness Areas, and Wild Horse and Burro Herd Areas.

In addition, the following components of the Human Environment and Resource Issues, although present, would not be affected by this proposed action for the reasons listed in

Appendix A of the EA: Environmental Justice, Fuels/Fire Management, Geology/Mineral & Energy Resources, Rangeland Health Standards and Guidelines, Visual Resources, and hazardous or solid wastes.

Eighteen components of the Human Environment and Resource Issues were analyzed in detail in Chapter 4 of the EA (with some related resources/issues combined into one section). None of these would be significantly impacted since applicant committed protection measures, construction elements of the proposed action, reclamation & weed control plans, required mitigation, cultural resources agreements, and adherence to existing conservation measures would be required under the Proposed Action Alternative. Applicant committed protection measures and related construction elements are outlined in Chapter 2 of the EA and the reclamation & weed control plan, conservation measures for Graham's penstemon, and the other agreements are located in the Appendices of the EA.

4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.** There is no scientific controversy over the nature of the impacts related to implementation of the Proposed Action Alternative.
5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** The project is not unique or unusual. The environmental effects to the human environment are analyzed in the EA. There are no predicted effects on the human environment that are considered to be highly uncertain or involve unique or unknown risks.
6. **The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.** The actions considered in the selected alternative were considered by the decision maker within the context of past, present, and reasonably foreseeable future actions. Significant cumulative effects are not expected to be realized. A complete analysis of the direct, indirect, and cumulative effects of the selected alternative and all other alternatives is described in Chapter 4 of the EA.
7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts – which include connected actions regardless of land ownership.** BLM evaluated the possible actions in context of past, present and reasonably foreseeable actions in the EA. Significant cumulative effects are not predicted. A complete disclosure of the effects of the project is contained in Chapter 4 of the EA.
8. **The degree to which the action may adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.** The project will not adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places with the exception of Site No. 42UN007633. This site, as described in

Chapter 4 of the EA, will be subject to the Memorandum of Agreement (MOA) between the State Historic Preservation Officer (SHPO), the BLM, and Uintah County. The MOA requires that the site will be intensively documented with all surface materials mapped prior to surface collection, and surface tools will be collected by BLM. The Advisory Council on Historic Preservation (ACHP) was invited to consult on the undertaking. ACHP declined to be a consulting party and deferred the decision to the BLM and the SHPO. A copy of the agreement is in Appendix I of the EA.

No other loss or destruction of significant scientific, cultural, or historical resources would occur. The SHPO has concurred with a “no adverse effect” determination on the remaining cultural resources in the area of potential effect.

- 9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act (ESA) of 1973, or the degree to which the action may adversely affect: 1) a proposed to be listed endangered or threatened species or its habitat, or 2) a species on BLM’s sensitive species list.** There are several endangered or threatened species and their habitats found in or near the project area. These include four endangered fish species associated with the Upper Colorado River Basin: The humpback chub (*Gila cypha*), bonytail (*Gila elegans*), Colorado pikeminnow (*Ptychocheilus lucius*), and razorback sucker (*Xyrauchen texanus*); and two threatened plant species, clay reed mustard and Uinta Basin hookless cactus. No other threatened or endangered plants or animals are known to occur in the area.

It has been determined that the above species would not be adversely affected due to environmental protection design features that would effectively reduce impacts to wildlife and plants. All design features are described in Section 2.1.1 through Section 2.1.5 in Chapter 2 of the EA and are incorporated by reference here and carried forward in the Record of Decision. Further, the analysis and determinations from Chapter 4 in the EA led BLM to conduct informal consultation with the U.S. Fish and Wildlife Service (USFWS) in conjunction with this project proposal. Section 7 ESA informal consultation was initiated on August 18, 2010 and is documented in Appendix J where the USFWS concurred with BLM’s determination on November 10, 2010.

Known occupied and potential habitat for Graham’s beardtongue, a BLM sensitive species, is located within and adjacent to the existing Seep Ridge Road. In 2010, a comprehensive survey was conducted of all Graham’s beardtongue habitat within 375 feet of the proposed Seep Ridge Road centerline. The survey corridor included the total proposed 150-foot ROW plus a 300-foot buffer. Numerous individual Graham beardtongue were documented during the survey. Approximately 70 plants occurred within the proposed 150-foot ROW. In addition, approximately 1,240 plants occurred within 300 feet of the proposed ROW as documented in Chapter 3 of the EA.

Construction of the Proposed Action would directly remove approximately 70 Graham’s beardtongue individuals and could indirectly affect approximately 1,240 Graham’s beardtongue individuals located within 300 feet of the proposed ROW but would not be

removed. Direct impacts include destruction of individual plants during surface-disturbing activities. Indirect impacts include impacts to plants and pollinator species from fugitive dust during construction and prior to achieving successful reclamation, and encroachment of noxious and invasive weed species into occupied and potential habitat. These impacts would be ameliorated by adherence to the recommended conservation measures for Graham's beardtongue set out in Appendix E of the EA, and implementation of the reclamation and weed control plans (refer to Appendix C of the EA). Paving of the final Seep Ridge Road would result in long-term reduction in fugitive dust, creating a positive effect for the plants in or near the proposed ROW.

Adherence to the above-mentioned measures would reduce impacts to the Graham beardtongue such that the Proposed Action **May Affect, Is Not Likely to Lead Towards the Federal Listing** of the Graham's beardtongue

- 10. Whether the action threatens a violation of a federal, state, local, or tribal law, regulation or policy imposed for the protection of the environment, where non-federal requirements are consistent with federal requirements.** The project does not violate any known federal, state, local or tribal law or requirement imposed for the protection of the environment. State, local, and tribal interests were given the opportunity to participate in the environmental analysis process. Furthermore, letters were sent to 10 Native American tribes concerning consulting party status, and there was no response from any of the tribes. The project is also consistent with applicable land management plans, policies, and programs.

  
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Lands and Minerals

**APR 13 2011**  
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Date