

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

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**Categorical Exclusion Not Established By Statute  
DOI-BLM-UT-G010-2014-0160**

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**June 2014**

**Trail Canyon—Application for Contract Sale of Stone**

**Location:** Township 11 South, Range 14 East, Section 15 (SE<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>, S<sup>1</sup>/<sub>2</sub>NE, N<sup>1</sup>/<sub>2</sub>SE),  
SLB Meridian, Duchesne County, Utah.

***Applicant/Address:***

***Lloyd Westergard  
PO Box 805  
Heber, UT 84032  
801-301-6105***

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Vernal Field Office  
170 South 500 East  
Vernal, Utah 84078  
435-781-4400



## CATEGORICAL EXCLUSION REVIEW AND APPROVAL

**Project Name:** Application for Contract Sale of Stone / Lloyd Westergard / Trail Canyon, Duchesne County, Utah

**NEPA Number:** DOI-BLM-UT-G010-2014-0160

**Lead Preparer:** Betty Gamber, Vernal Field Office

**Project or Serial Number:** UTU-089551

**Project Description:** Form 3600-9 Contract for the Sale of Mineral Materials

**Applicant:** Lloyd Westergard

This project consists of driving designated pick-up trucks to the designated collection area and collecting by hand tools up to 400 tons (about 14,000 cubic tons) of dimension stone that lies on the exposed surface. No access roads would be constructed. No stone collection activities will take place within 100 feet of a canyon rim, or within any canyons. Stone Collection will only take place within the area evaluated by the BLM (please see attached map). The total area for the permit is 186 acres, but the area where stone collection will occur is on 22 acres. The stone will be accessed in the east from West Wrinkles road, via Mr. Westergard's stone permit UTU-76148; and in the west from West Wrinkles road via an established 2-track road (please see map).

Field Methods: Up to 80 single vehicle trips would be made as part of the stone removal operations, the applicant will be using a Flat-bed Dodge, and possibly a Mule 4x4 Side x Side UTV (Utility Task Vehicle). Gathering would be conducted only when the ground is dry and generally would be on week days. The area of disturbance would be no greater than 5 acres at any one time. Disturbed ground would be raked out and re-contoured, daily. No water would be used. Less than 10,000 gal of chemicals (under SARA,1986) and less than the TPQ of chemicals in 40 CFR 355 would be used in association with the operations (applicant would clean up spills of fuel, lubricants, acids or antifreeze from trucks used and dispose of properly). The applicant would monitor and control noxious weeds that emerge in association with the extraction and transport of stone within the application area. The applicant would abide by any timing restrictions or avoid areas should any sensitive plants, wildlife or other resources be identified later by the BLM. The area would be jointly inspected upon the completion of extraction and two years afterwards (the latter to determine if the applicant must conduct any reclamation work). A 5 year term has been applied for.

**Project Location:** Township 11 South, Range 14 East, Section 15 (SE<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>, S<sup>1</sup>/<sub>2</sub>NE, N<sup>1</sup>/<sub>2</sub>SE), SLB Meridian, Uintah County, Utah.

See Attached Map

### **Plan Conformance**

The proposed action is consistent with the decisions of the Vernal Field Office Resource Management Plan Record of Decision (ROD 2008). The ROD allows the development of mineral operations for salable minerals (page 97), and 389,788 acres have been set apart for mineral material disposal with standard and special stipulations (page 100). The proposed off road travel would not conflict with the limited OHV designation because it would be a formally permitted activity and all appropriate resource clearances have been conducted. The project would not conflict with other decisions throughout the plan.

### **Categorical Exclusion Reference**

The action described above generally does not require the preparation of an environmental assessment (EA) or environmental impact statement (EIS), as it has been found to not individually or cumulatively have a significant effect on the human environment. The applicable Categorical Exclusion reference is in 516 DM 2, Appendix 1 (or 516 DM 11.5 F (10)). This reference states, "Disposal of mineral materials such as sand, stone, gravel, pumice, pumicite, cinders, and clay, in amounts not exceeding 50,000 cubic yards or disturbing more than 5 acres, except in riparian areas."

## Exceptions to Categorical Exclusion Documentation

The action has been reviewed to determine if any of the extraordinary circumstances listed below apply:

**The project would:**

<b>Extraordinary Circumstances</b>		
1. Have significant impacts on public health or safety.		
Yes	No	<b>Rationale: Public health and safety would not be affected by this action. The proponent will abide by all safety procedures for proper use of their equipment as required by law.</b>
	<b>X</b>	
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.		
Yes	No	<b>Rationale: Rationale: After consulting with the specialists in the Vernal Field Office, the VFORMP and the GIS data layers that are available, it has been determined that there are no impacts that would be significant by authorizing a contract sale of stone. The relevant value of special status plants would not be impacted due to the commitment to work in areas outside of special status plant habitat. No floodplains, Areas of Critical Environmental Concern, Wilderness Study Areas, Monuments and other areas with special designation are located within the project per existing data available in the Vernal Field Office. A reconnaissance survey yielded no historic properties in collection areas, but three isolated occurrences of cultural materials associated with historic and prehistoric use of the area were identified.</b>
	<b>X</b>	
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].		
Yes	No	<b>Rationale: There is no controversy or unresolved conflicts over environmental effects of hand gathering stone that lies on the surface. The project would not have highly controversial environmental effects, nor would there be any underlying unresolved conflicts concerning alternative uses of the available resources.</b>
	<b>X</b>	
4. Have highly uncertain and potentially significant environmental effects or involve unique or		

unknown environmental risks.

Yes	No <input checked="" type="checkbox"/>	<b>Rationale: The consequences of this action can be fully anticipated, and are not potentially significant. There are no circumstances that can't be predicted.</b>
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5. Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.

Yes	No <input checked="" type="checkbox"/>	<b>Rationale: This action does not set a precedent for future action or represent a decision in principal about future actions with potentially significant environmental impacts. The action is commonplace, the effects are well known, and the effects are not potentially significant.</b>
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6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.

Yes	No <input checked="" type="checkbox"/>	<b>Rationale: This action is not connected to any other actions. The proponent may request additional collection permits. If this does take place then there would need to be additional environmental analysis completed for each project.</b>
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7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.

Yes	No <input checked="" type="checkbox"/>	<b>Rationale: No historic properties are identified within the area of potential effects, but the occurrence of three Isolated Occurrences in the APE necessitated the identification of an area that stone collection would be excluded in.</b>
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8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.

Yes	No X	<b>Rationale: The area was inventoried for threatened, endangered and special status plants and animals. No impacts are expected to occur to T&amp;E wildlife species. Any Graham's Penstemon or federally listed plant species individuals that are located in the future within the project area will be avoided by at least 300-feet to prevent the negative impacts of surface disturbance on the species. Graham's penstemon survey was completed on 6/18/2013 by BLM botanist, and the area falls out of the habitat polygon as proposed.</b>
9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		
Yes	No X	<b>Rationale: The proposal does not violate any federal, state, local or tribal laws, or requirements imposed for the protection of the environment.</b>
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		
Yes	No X	<b>Rationale: There is no adverse effect on low income or minority populations. All impacts will be the same on all populations.</b>
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).		
Yes	No X	<b>Rationale: There are no Indian sacred sites in the area. Nor would the proposal limit access to or ceremonial use of Indian sacred sites on Federal lands or significantly adversely affect the physical integrity of such sites.</b>
12. Contribute to the introduction, continued existence or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).		
Yes	No X	<b>Rationale: Standard stipulations are included to control / prevent the spread / introduction of weeds.</b>

### Categorical Exclusion Review Record

Resource	Yes/No*	Assigned Specialist Signature	Date
Air Quality	No	Elizabeth Gamber	5/29/2014
Areas of Critical Environmental Concern	No	Jason West	5/29/2014
Cultural Resources	No	Jimmie McKenzie	5/29/2014
Environmental Justice	No	Elizabeth Gamber	5/29/2014
Farm Lands (prime or unique)	No	Elizabeth Gamber	5/29/2014
Floodplains	No	Elizabeth Gamber	5/29/2014
Invasive Plants/Noxious Weeds	No	Aaron Roe Maggie Marston	6/18/2013 6/4/2014
Migratory Birds	No	Daniel Emmett	5/30/2014
Native American Religious Concerns	No	Jimmie McKenzie	5/29/2014
Paleontology	No	Elizabeth Gamber	5/29/2014
Threatened, Endangered, or Candidate Animal Species	No	Daniel Emmett	5/30/2014
Threatened, Endangered, or Candidate Plant Species	No	Aaron Roe Maggie Marston	6/18/2013 6/4/2014
Wastes (hazardous or solid)	No	Elizabeth Gamber	5/29/2014
Water Quality (surface/drinking/ ground)	No	Elizabeth Gamber	5/29/2014
Wetlands / Riparian Zones	No	Elizabeth Gamber	5/29/2014
Wild and Scenic Rivers	No	Jason West	5/29/2014
Wilderness/WSA/LWC	No	Jason West	5/29/2014
Other:			

\*Extraordinary Circumstances apply.

Environmental Coordinator Stephan J. Forward

Date: 6/16/14

**Approval and Decision**

CX DOI-BLM-UT-G010-2014-0160

Based on a review of the project described above and field office staff recommendations, I have determined that the project is in conformance with the land use plan and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed, with the following stipulations (if applicable):

Authorized Officer: [Signature] Date: JUN 17 2014



## ATTACHMENTS

### Stipulations to CX DOI-BLM-UT-G010-2014-0160 Serial # UTU-089551

1. The stone gathering reclamation plan is approved. The purchaser shall not vary from the plan unless prior approval is granted by the BLM in writing.
2. This approval is only good for five years from the date of the approval. If more time is necessary, the BLM office must be contacted for instructions.
3. Before removal of stone commences the purchaser shall provide the BLM a listing of vehicles (make, model, color, license number) and personnel other than the purchaser who would be involved with the gathering and transport of stone from the sale area. The purchaser shall update the vehicle and personnel list as changes occur.
4. The weigh tickets from certified scales and appropriate monthly payment is due to the BLM on or before the 15<sup>th</sup> of the following month. If there is zero production in a month, the purchaser should report zero production to the BLM.

Any monies owed for stone collected must be paid before any additional stone is collected from your permit. Additionally, "Once you have removed materials, you must make each subsequent installment payment monthly in an amount equal to the value of the minerals you remove each month. You must make the payment by the 15<sup>th</sup> day following the end of the month for which you are reporting" CFR 43 §3602.21 (a)(2)(iii)(A). Therefore, you must submit, in writing with weigh slips, and a production report each and every month for any stone removed from your permitted site, with payment for that stone. If you have not removed any stone that month, you must still submit a production report for your permit. Failure to submit monthly production reports and submit payments for all stone removed from your permits, may result in the Bureau of Land Management terminating your permit (CFR §3601.61), and may result in the denial of any future permits.

5. The purchaser is required to maintain and preserve for 6 years, records, maps and surveys relating to production verification and to make such available to the BLM upon request (see specifics listed under 43 CFR 3602.28).

6. The purchaser shall notify the BLM, in writing, of any changes of address within 15 days of the change.
7. When corresponding with the BLM or submitting payment in the matter of this sale, the serial number (UTU-89551) shall appear on the correspondence and payment instruments.
8. The bond in the matter of the sale will only be released when the reclamation is found to be to the satisfaction of the BLM.
9. If disturbed areas require reseeding the following procedure applies:

A list of recommended seeds to be used should be obtained from the Vernal Field Office prior to reclamation.

All weights are in Pure Live Seed (PLS). The preferred method of application is to drill the seed (the above poundage is the drill seed quantity; however, if sage is required the sage should be broadcast before the drilling occurs). If the seed is aerially applied (i.e., broadcast), then the permittee shall double the pound per acre amount (except for the sage) and the seed must be covered (by harrowing, disking or heavy equipment impacting) immediately following application.

The seed applied must be certified noxious weed free. The permittee shall submit a copy of the constituents list as provided by the seed vendor to the Vernal Field Office within 7 days of application (the seed vendor must provide written information that the seed is noxious weed free).

10. Off-site soil amendments/supplements may not be brought onto the sale area without the prior consent of the Vernal Field Office. The permittee has the responsibility to prove to the BLM that the material is noxious weed free. The permittee has not indicated hay or straw would be used in reclamation; however, should use of such be allowed in an approved modification, the hay applied must be certified as weed free and a copy of such certification shall be submitted to the Vernal Field Office.
11. In the project area, the applicant is responsible for the monitoring of and control of noxious weed species the Utah BLM, State of Utah and Uintah County have identified for control. The applicant shall control all such weeds prior to the redistribution of topsoil and shall monitor and control such weeds within the sale area until such time as the BLM finds the reclamation to be satisfactory. The applicant shall monitor and control any noxious weeds 100 feet outside the boundary of the disturbance. The applicant shall contact the Field Office (781-4400) and ask for the person in charge of Noxious Weed Control to discuss what control technique the contractor should use.
12. Any contaminated soil from potential petro-chemical spills is to be hauled away and disposed of in an authorized landfill or disposal area, not on Public Lands.
13. Reclamation Standards:

The permittee shall achieve reclamation standards of 75% vegetative cover and 75% species diversity from the pre-permit conditions (including seeding mix). This could require more than one seeding attempt. The pre-permit condition shall only include native and desirable species. If re-seeding needs to take place, the Reclamation Team will review and recommend the proper procedure to re-seed the areas, which need it.

The authorized officer may waive this stipulation in writing, if after time this standard cannot be achieved. In order to receive the waiver, the contractor must apply to the authorized officer. Written approval must be received prior to the bond release.

Applicants will be required to enter all reclamation information into the Green River Data Management System (GRDMS) at <http://my.usgs.gov/grdms/>. The GRDMS is a web based reclamation reporting database that consists of spatial and tabular data. Shape files that reflect the extent of all surface disturbance connected to the project are to be in NAD 83 Datum, UTM 12 North format. Tabular data related to the reclamation activities are found in the Qualitative form located on the GRDMS site. Reclamation data is required to be submitted to the GRDMS by March 1<sup>st</sup> of each calendar year. If you don't have a password to enter the GRDMS site, email Bill Civish with the Vernal Field Office of the BLM at [wcivish@blm.gov](mailto:wcivish@blm.gov) or call (435) 781-3402. Once you obtain your password and enter the GRDMS site, download the GRDMS operator's manual to learn how to maneuver the database.

14. The purchaser may not remove more than 400 tons of stone. The purchaser shall remove stone only from the 22 acres (with the exception of an identified 100m radius that is excluded from stone collection), which has been evaluated by the BLM and designated as gathering areas. The removal of stone is restricted to that stone found on the surface. There shall be no excavating of stone in the subsurface or quarrying. The surface stone will be gathered by hand tools only. No mechanized equipment will be allowed to excavate the stone (forklifts, frontend loaders, etc...).
15. The contract sale is not valid beyond its expiration date. Requests for extensions must be made before the sale expires. Stone sales of Form 3600-9 are not transferable.
16. Roads are not to be built. Egress and regress must be by the existing two track road to the stone outcrops.
17. Stone collection is prohibited when the gathering area and dirt access roads are wet or muddy and driving would result in creating ruts.
18. The purchaser is required to have a copy of Form 3600-9 with all attachments in their possession while removing stone from the designated gathering area and when transporting stone.
19. The applicant must carry a rake with them each time they are on the permit area, and rake out the area where stone was collected each day.
20. Any tracks left by project vehicles within 100 feet of any existing road or trail would be reclaimed and all other tracks made in conjunction with the gathering of the surface stone will be raked out at the time of the removal of the stone. Surface indentions left by the stone removal will be raked out to encourage plant growth.
21. Any positively identified Graham's Penstemon or federally listed plant species individuals that are located in the future within the project area will be avoided by at least 300-feet to prevent the negative impacts of surface disturbance on the species. Mitigation measures will be developed if any other bureau sensitive plant species are identified in the future with the project area.
22. Stone collection activities are prohibited within 100 feet of the canyon rim.

23. Stone collection activities are prohibited within any canyon.

24. Stone Collection will only take place within the approved area (please see attached map).  
Any changes must be approved by the BLM in writing.