

**U.S. Department of the Interior
Bureau of Land Management**

Categorical Exclusion

**DOI-BLM-UT-G010-2014-0205-CX
Wolf Den Gilsonite Fire Borrow Pit**

PREPARING OFFICE

U.S. Department of the Interior
Bureau of Land Management
170 South 500 East
Vernal, UT 84078



Categorical Exclusion
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Wolf Den Gilsonite Fire Borrow Pit

Prepared by
U.S. Department of the Interior
Bureau of Land Management
Vernal, UT

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Chapter 1. Categorical Exclusion Rationale

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A. Background

State of Utah, Department of Natural Resources, Division of Oil Gas and Mining requires access to material on BLM land for gilsonite fire suppression.

BLM Office: Green River District, Vernal Field Office, 170 South 500 East, Vernal, UT 84078

LL00

Lease/Serial/Case File No.: UTU-091048

Proposed Action Title/Type: Gilsonite Fire Suppression

Location of Proposed Action:

Township 12 South, Range 25 East, NW Section 10, SLB Meridian, Uintah County, Utah

Description of Proposed Action: The Wolf Den Gilsonite Fire Suppression project is funded by the State of Utah Abandoned Mine Reclamation Program. The State requested a borrow permit that allows the project excavate up to 50,000 cubic yards of material from BLM land at the Black Dragon Mine Borrow Area. The borrow area is located within the Wolf Den range fire burn scar and is near the head of a drainage. The channel is head cutting through the borrow area.

The total disturbed area will be a maximum of 8 acres, but less than 5 acres will be disturbed at any one time. All borrow material will be screened to remove any four inch plus material. The oversized material will be placed in the channel within the disturbed area. The equipment that may be used includes: D6 —D9 sized Dozer, 120–140 sized Motor Grader, 30,000 lb — 90,000 lb Excavator, 40,000–100,000 lb Scaper, 1 Yd — 4 Yd Wheel Loader, 10Yd — 14 Yd end or side dump truck, and a water truck.

The contractor will access the area from the west or east sides and keep away from the log building structure. The structure is near the road in the Rector Shaft part of the project area. The Rector Shaft will be closed with fill which will provide a fire cutoff wall made of fill material. The cutoff wall will prevent movement of the fire to the northwest. The Rector shaft timbers are intact but are blackened by smoke.

No improvements will be made to the existing roads on the north side of the project area.

The borrow area will be cleared of burned trees and vegetation with the slash being placed in an existing slash pile. After excavation of the project materials, all the disturbed areas will be reclaimed by re-contouring to match the existing topography and re-seeding.

The BLM Vernal Field Office has determined that site 42Un7877 (Historic Gilsonite Mine and features) is eligible under Criteria A and D of the National Historic Preservation Act. The BLM has also determined that the Gilsonite mine shafts and access road that are within the Wolf Den Fire Suppression project will not be adversely affected by filling with earth from the borrow (No Adverse Effect 36 CFR 800.5b). Support timbers remaining in the shaft will be buried in place. Utah State Historic Office of Preservation concurred with the effect determination on October 16, 2014. Tribal consult was sent September 08, 2014; concurrence responses were received from both the Hopi Tribe and the Navajo Nation, there were no other responses.

B. Land Use Plan Conformance

Land Use Plan Name:Vernal Field Office RMP/ROD (October 31, 2008)

Date Approved/Amended:October 31, 2008

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions): Saleable Minerals and Mineral Materials (MSA) Page 100

C. Compliance with NEPA:

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 Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9 F(10). This reference states an EA or EIS may not be required for, *“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..”*

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 43 CFR Part 46.215 apply.

I have reviewed the project described above and field office staff recommendations (attached) and 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.

D. Approval and Contact Information

/s/ Jerry Kenczka

Jerry Kenczka
Assistant Field Manager for Lands and Minerals

1/29/2015

Date

Contact Person

Stephanie Howard, NEPA Coordinator

Vernal Field Office
170 South 500 East
Vernal, UT 84078

435-781-4469

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Appendix A.

A.1. Extraordinary Circumstances Documentation

A.1.1. Categorical Exclusion Rationale

CX Number:	DOI-BLM-UT-G010-2014-0205-CX
Date:	7/8/2014
Lease/Case File/ Serial Number:	UTU-091048
Regulatory Authority (CFR or Law):	516 DM 11.9 F(10)

Section 1.1 Impacts on Public Health and Safety

1. Does the proposed action have significant impacts on public health and safety?		
YES	NO	REVIEWER/TITLE
	X	Elizabeth Gamber, Geologist

Rationale: Removing material from the borrow pit will not have significant impacts on public health and safety. The proponent will abide by all safety procedures for proper use of their equipment as required by law.

Section 1.2 Impacts on Natural Resources or Unique Geographic Characteristics

2. Does the proposed action have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness or wilderness study 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 (Executive Order 13186); and other ecologically significant or critical areas?		
YES	NO	REVIEWER/TITLE
	X	Elizabeth Gamber, Geologist; Dan Gilfillan, Outdoor Recreation Planner

Rationale: Located in a previously disturbed area-no known paleo resources present and no known sole or principal drinking water aquifers present.

The proposed action will not have significant impacts on park, recreation, wilderness, wilderness study, wild and scenic rivers, or other ecologically significant or critical areas (ACEC, BLM Natural Area, SRMA, etc...). The area was found not to possess wilderness character as part of the Dragon Canyon wilderness character inventory unit.

Section 1.3 Level of Controversy

3. Does the proposed action have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]?		
YES	NO	REVIEWER/TITLE
	X	Elizabeth Gamber, Geologist

Rationale: The proposed action does not have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.

Section 1.4 Highly Uncertain or Unique or Unknown Environmental Risks

4. Does the proposed action have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?		
YES	NO	REVIEWER/TITLE
	X	Elizabeth Gamber, Geologist

Rationale: The proposed action does not have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

Section 1.5 Precedent Setting

5. Does the proposed action establish a precedent for future action, or represent a decision in principle about future actions, with potentially significant environmental effects?		
YES	NO	REVIEWER/TITLE
	X	Elizabeth Gamber, Geologist

Rationale: The proposed action does not establish a precedent for future action, or represent a decision in principle about future actions, with potentially significant environmental effects.

Section 1.6 Cumulatively Significant Effects

6. Does the proposed action have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?		
YES	NO	REVIEWER/TITLE
	X	Elizabeth Gamber, Geologist

Rationale: The proposed action does not have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects.

Section 1.7 Impacts on Cultural Properties

7. Does the proposed action 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	REVIEWER/TITLE
	X	Leticia Neal, Archaeologist

Rationale: A cultural resource survey was completed for the proposed project area. Cultural resources that are eligible for inclusion into the NRHP are identified within the APE of the proposed project. Utah SHPO was concurred with the BLM's determination of No Adverse Effect.

Section 1.8 Impacts on Federally Listed Species or Critical Habitat

8. Does the proposed action 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	REVIEWER/TITLE
	X	Brandon McDonald, Wildlife Biologist Christine Cimiluca, Natural Resource Specialist/Acting Botanist

Rationale: In accordance with district files and a field review the project area is not within sensitive fish and wildlife species habitat, of which also includes endangered, threatened, proposed or candidate species.

TECP plant species: No individuals or populations of TECP plant species have been documented in the Project Area. Potential habitat for TECP has not been documented in the Project Area per BLM GIS review.

Section 1.9 Compliance With Laws

9. Does the proposed action violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?		
YES	NO	REVIEWER/TITLE
	X	Elizabeth Gamber, Geologist

Rationale: The proposed action does not violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.

Section 1.10 Environmental Justice

10. Does the proposed action have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?		
YES	NO	REVIEWER/TITLE
	X	Elizabeth Gamber, Geologist

Rationale: There is no disproportionate adverse effect on low income or minority populations. All impacts will be the same on all populations.

Section 1.11 Indian Sacred Sites

11. Does the proposed action 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	REVIEWER/TITLE
	X	Leticia Neal, Archaeologist

Rationale: Cultural resource surveys/reports and tribal consultation show that the proposed project would not hinder access to or use of Native American religious sites.

Section 1.12 Noxious and Non-Native Invasive Species

12. Does the proposed action 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	REVIEWER/TITLE
	X	Christine Cimiluca, Natural Resource Specialist/Acting Botanist

Rationale: No noxious weeds have been documented in the Project Area. Invasive non-native plant species are anticipated to be present. Weed control methods such as mechanical removal or application of pesticides (with an approved PUP) would ensure that the proposal does not contribute to the introduction, continued existence or spread of these species in the Project Area.

/s Jerry Kenczka
Jerry Kenczka,
Assistant Field Manager for Lands and Minerals

1/29/2015
Date

Appendix B. Figures/Maps

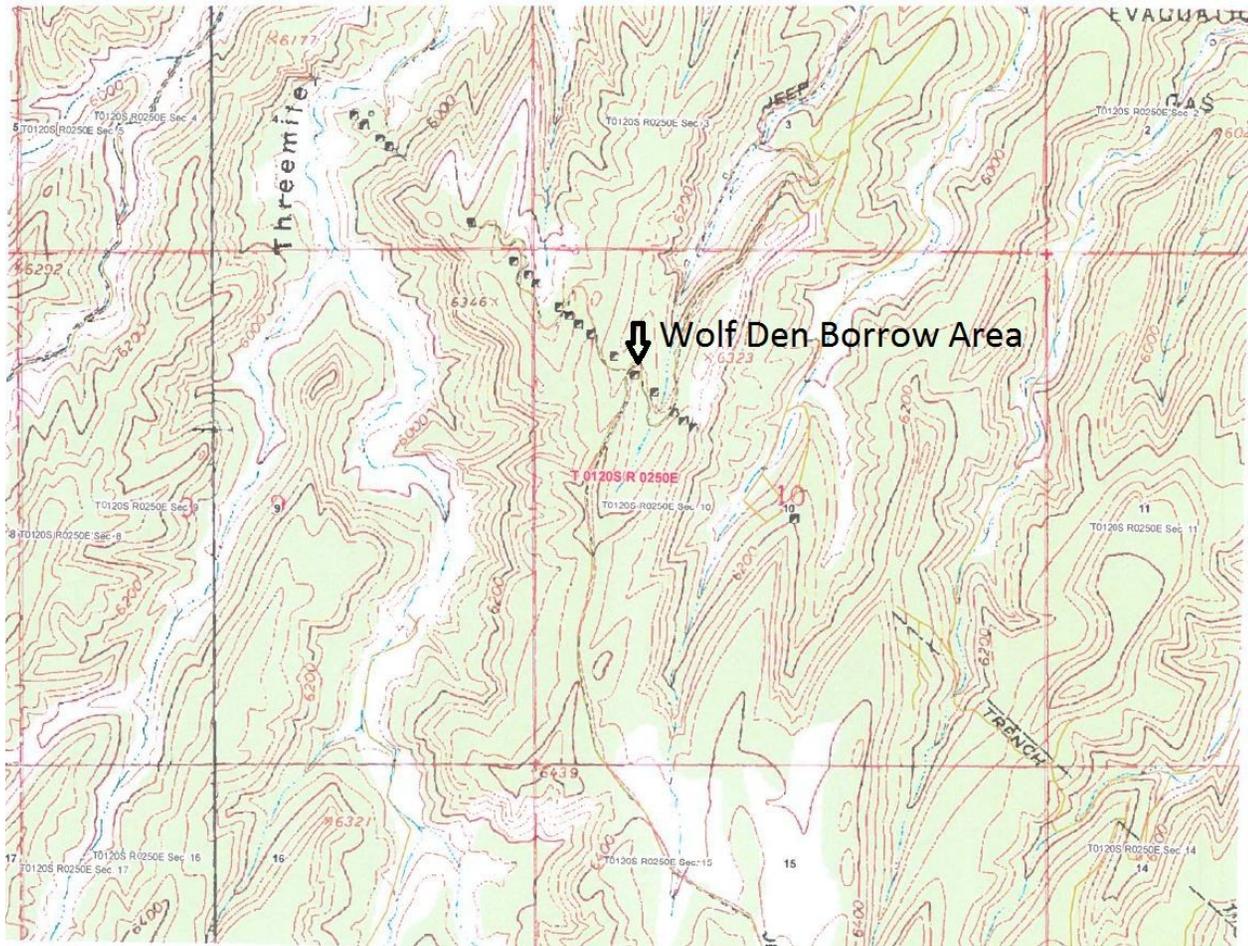


Figure B.1. Wolf Den Topographical Map

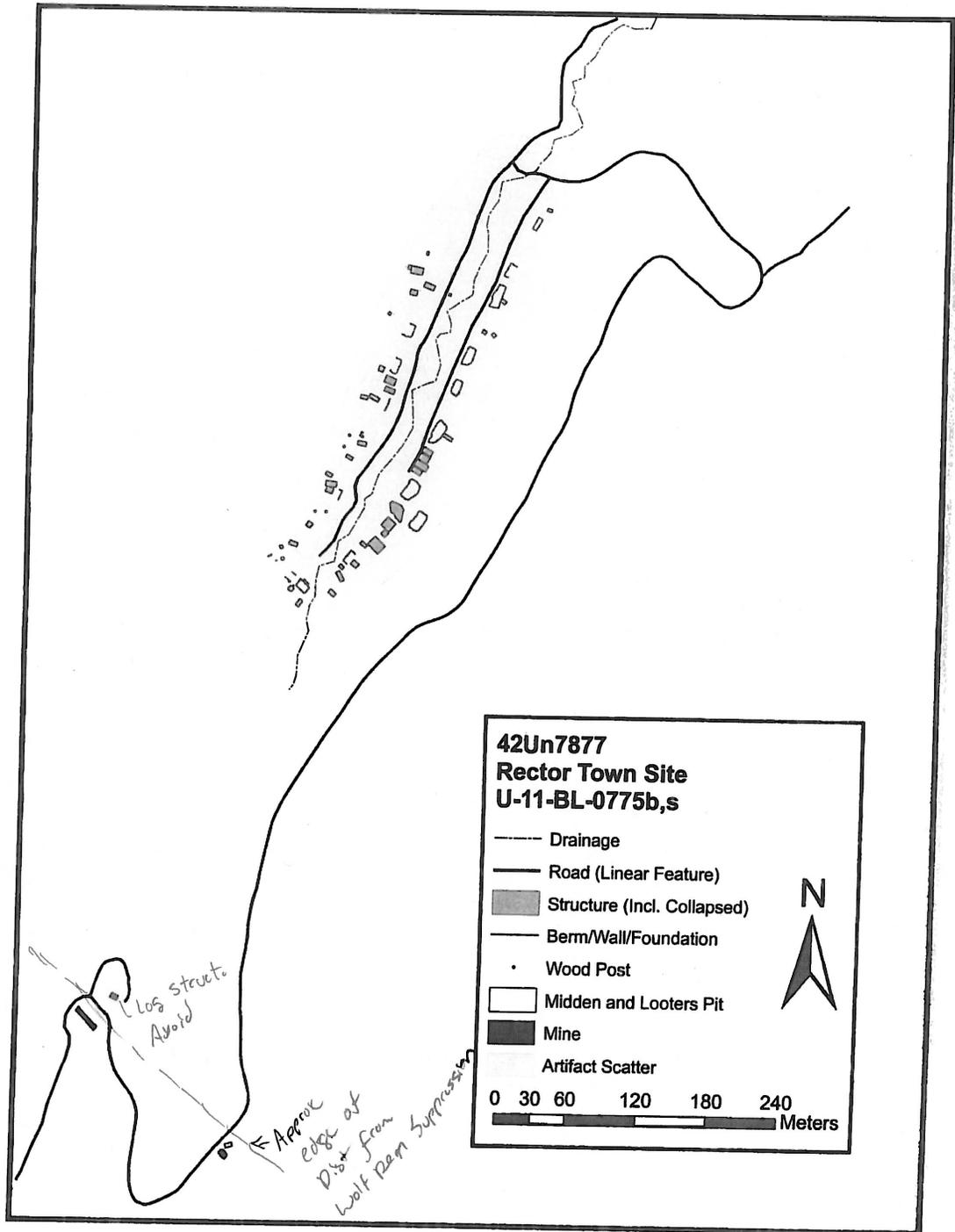


Figure B.2. Rector Town Site Map

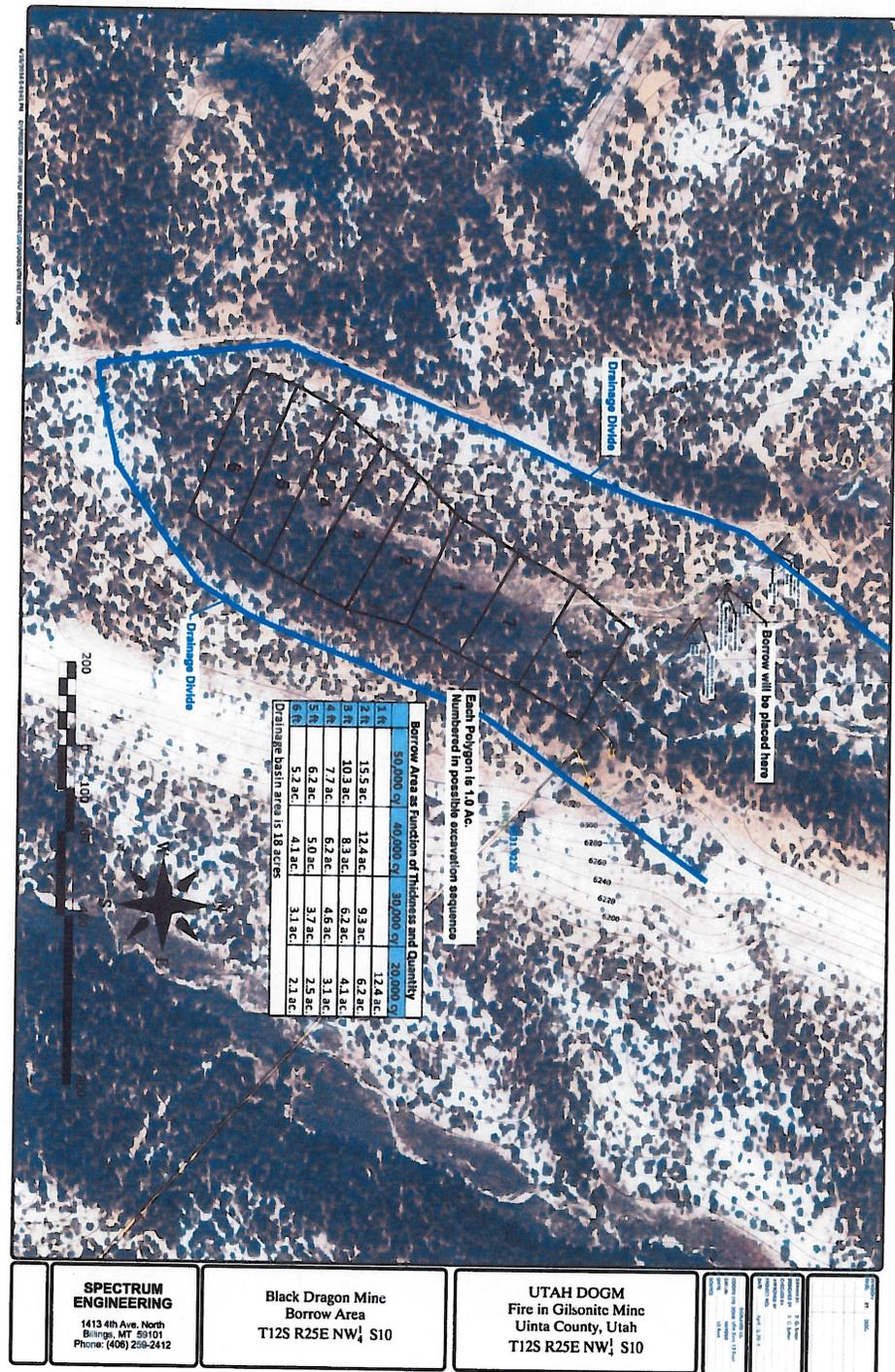


Figure B.3. Black Dragon Mine Borrow Area Map

Appendix C. Stipulations to DOI-BLM-UT-G010-2014-0205-CX Serial # UTU-091048

1. The exploration and reclamation plan is approved. If disturbed areas require reseeding, the following procedure applies:

All seed mixes should be obtained from the Vernal Field Office.

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, 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 contractor 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).

2. Off-sale soil amendments/supplements may not be brought onto the area without the prior consent of the Vernal Field Office. The contractor has the responsibility to prove to the BLM that the material is noxious weed free. The contractor 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.
3. In the project area the applicant is responsible for the monitoring of and control of invasive 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 area until such time as the BLM finds the reclamation to be satisfactory. The applicant shall contact the Field Office (435-781-4400) and ask for the person in charge of Noxious Weed Control to discuss what control technique the contractor should use.
4. 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.
5. Reclamation Standards. The permittee shall achieve reclamation standards of 75% vegetative cover and 75% species diversity from the pre-mining conditions (including seeding mix). This could require more than one seeding attempt. The pre-mining condition shall only include native and desirable species. To help in re-vegetation the contractor may dig up some of the plants with their roots intact and replant them during reclamation in order to expedite reclamation success. 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.
6. The contractor may not remove more than 50,000 cubic yards of sand and gravel. The contractor shall remove the sand and gravel only from the designated gathering area.

7. The free use permit is not valid beyond its expiration date. Requests for additional material must be made before the permit expires. Material from Form 5510-1 is not transferable.
8. Roads are not to be built. Egress and regress must be by the existing roads.
9. Contractor may disturb no more than 5 acres at a given time.
10. The excavation of the sand and gravel is prohibited when the gathering area and dirt access roads are wet or muddy and driving would result in creating ruts.
11. Stipulations 1–5 pertain to any areas of the collection activity that may require reclamation. Areas that will require recontouring and/or reseeding must be done immediately subsequent to the completion of the 50,000 cubic yards removal.