

U.S. Department of the Interior  
Bureau of Land Management  
White River Field Office  
220 E Market St  
Meeker, CO 81641

## CATEGORICAL EXCLUSION

*Rio Blanco County Existing Red Wash Pit, Free Use Permit*  
**DOI-BLM-CO-N05-2015-0027-CX**

### Identifying Information

**Project Title:** Rio Blanco County Existing Red Wash Pit, Free Use Permit

**Legal Description:** T. 2 S., R. 102 W., 6<sup>th</sup> P.M.  
Section 19, NESW

**Applicant:** Rio Blanco County

**Casefile/Project Number:** COC76910

### Conformance with the Land Use Plan

The Proposed Action is subject to and is in conformance (43 CFR 1610.5) with the following land use plan:

**Land Use Plan:** White River Record of Decision and Approved Resource Management Plan (ROD/RMP)

**Date Approved:** July 1997

**Decision Language:** "Facilitate the orderly and environmentally sound development of mineral material resources." (page 2-9)

### Proposed Action

**Background/Introduction:** The Rio Blanco County (RBC) Red Wash Pit (Figures 1 and 2) free use permit (FUP) was originally permitted in December 1998 for 100,000 cubic yards (cy) of mineral material under FUP COC62538, renewed for 100,000 cy in September 2005 under FUP COC68303 which expires September 2015. Environmental Assessments CO-017-98-39-EA and CO-WRFO-02-37-EA analyzed the Red Wash Pit. The operation is permitted with the Colorado Division of Mining Reclamation and Safety under permit number M-1999-040. It has been in operation since spring of 1999 and to date RBC has removed less than 50,000 cy of material. It is on BLM surface and mineral estate located approximately 22.5 miles south of Rangely, Colorado along RBC Roads 23, 116, and 111 (Figure 1). Access is 50 feet in length and west off of RBC Road 111 with a locked gate at the entrance to the pit. Annual activity in the gravel pit and

amount of material removed is dependent on road maintenance required for the nearby county roads and typically occurs April through October. The pit is permitted for 10 acres and has a disturbance of approximately 7 acres. The disturbed area would be reclaimed in accordance with RBC’s reclamation plan upon removal of all suitable gravel material.

**Proposed Action:** Rio Blanco County has requested a 10 year 50,000 cubic yard (cy) FUP to continue operations in the East Douglas Pit in accordance with their current mining plan. Material from the pit would be used for RBC road maintenance and repair. No new surface disturbance would occur for the removal of material. It is reasonable to expect crushing and screening operations could occur once during the 10 year life of the contract. Crushing and screening operations would last approximately 30 working days.

***Design Features***

1. Table 1 is the current seed mix for RBC’s East Douglas Pit Reclamation Plan.

Table 1 Reclamation Seed Mix

| Species               | Variety               | Pounds Pure Live Seed (PLS)/Acre |
|-----------------------|-----------------------|----------------------------------|
| Western wheatgrass    | Arriba                | 3.2                              |
| Streambank wheatgrass | Siberian              | 2.2                              |
| Thickspike wheatgrass | Critana               | 2.2                              |
| Russian wildrye       | Vinal                 | 2.0                              |
| Crested wheatgrass    | Ephraim               | 2.0                              |
|                       | Total pounds PLS/Acre | 11.6                             |

2. Applicable Conditions of Approval that currently apply to the Read Wash FUP COC68303 would be carried forward as Conditions of Approval in FUP COC76910 (see Attachment B).

***BLM Required Conditions of Approval to Mitigate Impacts to Cultural and Paleontological Resources***

1. The applicant is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.
2. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the AO. The applicant will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The applicant, under guidance of the BLM, will implement the mitigation in a timely manner. The process will

be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.

3. Pursuant to 43 CFR 10.4(g), the applicant must notify the AO, by telephone and written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the operator must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.
4. The applicant is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for disturbing or collecting vertebrate or other scientifically-important fossils, collecting large amounts of petrified wood (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands.
5. If any paleontological resources are discovered as a result of operations under this authorization, the applicant or any of his agents must stop work immediately at that site, immediately contact the BLM Paleontology Coordinator, and make every effort to protect the site from further impacts, including looting, erosion, or other human or natural damage. Work may not resume at that location until approved by the AO. The BLM or designated paleontologist will evaluate the discovery and take action to protect or remove the resource within 10 working days. Within 10 days, the operator will be allowed to continue construction through the site, or will be given the choice of either (a) following the Paleontology Coordinator's instructions for stabilizing the fossil resource in place and avoiding further disturbance to the fossil resource, or (b) following the Paleontology Coordinator's instructions for mitigating impacts to the fossil resource prior to continuing construction through the project area.

### Categorical Exclusion Review

The Proposed Action qualifies as a categorical exclusion under 516 DM 11.9, Number F (10): *“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.”*

The Proposed Action has been reviewed with the list of extraordinary circumstances (43 CFR 46.215) described in the table below.

| Extraordinary Circumstance   | YES | NO |
|--|-----|----|
| a) Have significant adverse effects on public health and safety.   |     | X  |
| b) 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; floodplains; national monuments; migratory birds; and other ecologically significant or critical areas. |     | X  |
| c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.   |     | X  |
| d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.   |     | X  |

| Extraordinary Circumstance  | YES | NO |
|---|-----|----|
| e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.  |     | X  |
| f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.  |     | X  |
| g) Have significant impacts on properties listed, or eligible for listing, in the National Register of Historic Places as determined by the bureau.   |     | X  |
| h) Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species.   |     | X  |
| i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.   |     | X  |
| j) Have a disproportionately high and adverse effect on low income or minority populations.   |     | X  |
| k) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly affect the physical integrity of such sacred sites.  |     | X  |
| l) 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. |     | X  |

## Interdisciplinary Review

The Proposed Action was presented to, and reviewed by, the White River Field Office interdisciplinary team on 1/20/2015. A complete list of resource specialists who participated in this review is available upon request from the White River Field Office. The table below lists resource specialists who provided additional review or remarks concerning cultural resources and special status species.

| Name           | Title                                  | Resource   | Date      |
|----------------|--|--|-----------|
| Brian Yaquinto | Archaeologist                          | Cultural Resources, Native American Religious Concerns | 1/27/2015 |
| Lisa Belmonte  | Wildlife Biologist                     | Special Status Wildlife Species                        | 1/20/2015 |
| Matthew Dupire | Ecologist                              | Special Status Plant Species                           | 1/28/2015 |
| Keith Sauter   | Hydrologist                            | Surface and Groundwater Quality                        | 2/3/2015  |
| Paul Daggett   | Mining Engineer                        | Project Lead   | 5/14/2015 |
| Heather Sauls  | Planning and Environmental Coordinator | NEPA Compliance  | 5/14/2015 |

**Cultural Resources:** A records search of the general project area and the Area of Potential Effect (APE), as defined in the National Historic Preservation Act (NHPA), was completed by a certified Colorado BLM archaeologist for the Proposed Undertaking. The record search indicated that the entire project area had previously been surveyed for cultural resource at the Class III level and no cultural resources were identified because of the survey within the gravel quarry. A site (5RB 2872.6) eligible for the National Register of Historic Places, is located approximately 50 meters to the east of the quarry and will not be impacted by the Proposed Undertaking. No additional cultural resource work is required.

**Native American Religious Concerns:** No Native American religious concerns are known in the area, and none have been noted by Tribal authorities. Should recommended inventories or future consultations with Tribal authorities reveal the existence of such sensitive properties, appropriate mitigation and/or protection measures may be undertaken.

**Surface and Groundwater Quality:** All surface and groundwater related issues were adequately addressed in CO-WRFO-02-37-EA and the following Conditions of Approval (COAs) 2, 3, 4, 5, 6, and 7 are still applicable. Segment 23-mainstem of East Douglas Creek and West Douglas Creek including all tributaries and wetlands (source to confluence with the White River) remained designated an aquatic Class I – cold, recreation – E (primary contact), water supply, and agriculture.

**Threatened and Endangered Wildlife Species:** There are no threatened or endangered animal species that are known to inhabit or derive important use from the project area. All wildlife related issues and concerns were adequately addressed in the original environmental assessments (CO-017-98-39-EA and CO-WRFO-02-37-EA).

**Threatened and Endangered Plant Species:** There is no threatened or endangered plant species, or special status plant habitat in the vicinity of the gravel pit.

### Mitigation

1. The BLM recommends the use of the following seed mix for reclamation activities on the gravel pit. The seeding rate shown is the drill seed rate, and for broadcast seeding the rate should be doubled and harrowed into the soil.

| Species               | Variety               | Pounds Pure Live Seed (PLS)/Acre |
|-----------------------|-----------------------|----------------------------------|
| Western wheatgrass    | Rosanna               | 2                                |
| Needle and Thread     | Critana               | 2                                |
| Thickspike wheatgrass | Siberian              | 2                                |
| Indian ricegrass      | Vinal                 | 2                                |
| Sand dropseed         | Ephraim               | 1                                |
| Alternate:            |                       |                                  |
| Fourwing Saltbrush    |                       |                                  |
|                       | Total pounds PLS/Acre | 9                                |

### Tribes, Individuals, Organizations, or Agencies Consulted

None.

### Compliance with NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, Number F (10). 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 46.215 apply.

Therese W. Watter

Field Manager

05/15/2015

Date

# Appendix A. Figures

Figure 1: Topographic Map

## DOI-BLM-CO-N05-2015-0027-CX Rio Blanco County Existing Red Wash Pit Free Use Permit



T. 2 S., R. 102 W., 6th P.M.  
Section 19, NESW

1/14/2015

-  RBC Red Wash Pit
-  BLM
-  PRI



Although the data presented within this map, and the map itself, have been processed successfully on computers of BLM, no warranty, expressed or implied, is made by BLM regarding the use of this map or the data represented, nor does the fact of distribution constitute or imply any such warranty.



Figure 2: Aerial Map

**DOI-BLM-CO-N05-2015-0027-CX**  
**Rio Blanco County Existing Red Wash Pit Free Use Permit**



T. 2 S., R. 102 W., 6th P.M.  
 Section 19, NESW

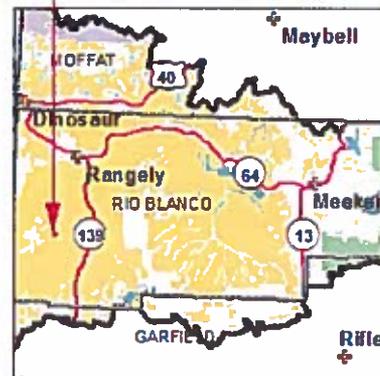
1/14/2015



 RBC Red Wash Pit



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## Appendix B. Conditions of Approval for COC68303

### Conditions of Approval for FUP COC 68303 RBC Red Wash Pit

1. Fugitive dust will be controlled on the road surface and spoil piles to and to help minimize short-term impacts. If blowing dust becomes an unmanageable problem the disturbed areas will be managed to avoid dust being blown into the air.
2. The existing approved Mining and Reclamation Plan will be implemented.
3. The operator is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are uncovered during any project or construction activities, the operator is to immediately stop activities in the immediate area of the find that might further disturb such materials, and immediately contact the authorized officer (AO). Within five working days the AO will inform the operator as to: whether the materials appear eligible for the National Register of Historic Places the mitigation measures the operator will likely have to undertake before the site can be used (assuming in situ preservation is not necessary) a timeframe for the AO to complete an expedited review under 36 CFR 800-11 to confirm, through the State Historic Preservation Officer, that the findings of the AO are correct and that mitigation is appropriate.

If the operator wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the AO will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the operator will be responsible for mitigation cost. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction.

4. Pursuant to 43 CFR 10.4(g) the holder of this authorization must notify the AO, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.
5. Application of herbicides must be under field supervision of an EPA-certified pesticide applicator. Herbicides must be registered by the EPA and application proposals must be approved by the BLM.
6. Locate and maintain sanitation facilities according to state regulations.
7. When preparing the site, all suitable topsoil should be stripped from the surface of the location and stockpiled for reclamation once the location is abandoned. When topsoil is stockpiled on slopes exceeding five percent, construct a berm or trench below the stockpile.
8. Sedimentation shall be diverted and/or run through catchment basins in order to protect surface waters.
9. All sediment control structures or disposal pits, will be designed to contain a 100-year, 6-hour storm event. Storage volumes within these structures will have a design life of 25 years.
10. All activity shall cease when soils or road surfaces become saturated to a depth of three

inches unless otherwise approved by the Authorized Officer.

11. There shall be no mud blading of roads.
12. All above ground facilities shall be painted to blend in with the surrounding environment.
13. All disturbed areas will be contoured to blend with the natural topography. Blending is defined as reducing form, line, and color contrast associated with the surface disturbance. Matching is defined as reproducing the original topography and eliminating form, line, and color caused by the disturbance as much as possible.
14. Base road design criteria and standards on road management objectives such as traffic requirements of the proposed activity and the overall transportation plan, economic analysis, safety requirements, resource objectives, and minimizing damage to the environment.
15. Annual production from the pit will be reported to this office by January 31 each year of the permit.

**U.S. Department of the Interior  
Bureau of Land Management  
White River Field Office  
220 E Market St  
Meeker, CO 81641**

## **DECISION RECORD**

### ***Rio Blanco County Existing East Douglas Gravel Pit, Free Use Permit DOI-BLM-CO-N05-2015-0027-CX***

#### **Decision**

It is my decision to implement the Proposed Action as described in DOI-BLM-CO-N05-2015-0027-CX, authorizing Free Use Permit COC76910 allowing for the construction, operation, and maintenance necessary for the removal of up to 50,000 cubic yards of mineral from the existing Rio Blanco County Red Wash Pit.

#### ***Applicant Committed Design Features***

1. Fugitive dust will be controlled on the road surface and spoil piles to and to help minimize short-term impacts. If blowing dust becomes an unmanageable problem the disturbed areas will be managed to avoid dust being blown into the air.
2. Application of herbicides must be under field supervision of an EPA-certified pesticide applicator. Herbicides must be registered by the EPA and application proposals must be approved by the BLM.
3. Locate and maintain sanitation facilities according to state regulations.
4. When preparing the site, all suitable topsoil should be stripped from the surface of the location and stockpiled for reclamation once the location is abandoned. When topsoil is stockpiled on slopes exceeding five percent, construct a berm or trench below the stockpile.
5. Sedimentation shall be diverted and/or run through catchment basins in order to protect surface waters.
6. All sediment control structures or disposal pits, will be designed to contain a 100-year, 6-hour storm event. Storage volumes within these structures will have a design life of 25 years.
7. All activity shall cease when soils or road surfaces become saturated to a depth of three inches unless otherwise approved by the Authorized Officer.
8. There shall be no mud blading of roads.
9. All above ground facilities shall be painted to blend in with the surrounding environment.
10. All disturbed areas will be contoured to blend with the natural topography. Blending is defined as reducing form, line, and color contrast associated with the surface disturbance. Matching is defined as reproducing the original topography and eliminating form, line, and color caused by the disturbance as much as possible.
11. Base road design criteria and standards on road management objectives such as traffic

requirements of the proposed activity and the overall transportation plan, economic analysis, safety requirements, resource objectives, and minimizing damage to the environment.

12. Annual production from the pit will be reported to this office by January 31 each year of the permit.

***BLM Required Conditions of Approval to Mitigate Impacts to Cultural and Paleontological Resources***

13. The applicant is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.
14. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the AO. The applicant will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The applicant, under guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.
15. Pursuant to 43 CFR 10.4(g), the applicant must notify the AO, by telephone and written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the operator must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.
16. The applicant is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for disturbing or collecting vertebrate or other scientifically-important fossils, collecting large amounts of petrified wood (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands.
17. If any paleontological resources are discovered as a result of operations under this authorization, the applicant or any of his agents must stop work immediately at that site, immediately contact the BLM Paleontology Coordinator, and make every effort to protect the site from further impacts, including looting, erosion, or other human or natural damage. Work may not resume at that location until approved by the AO. The BLM or designated paleontologist will evaluate the discovery and take action to protect or remove the resource within 10 working days. Within 10 days, the operator will be allowed to continue construction through the site, or will be given the choice of either (a) following the Paleontology Coordinator's instructions for stabilizing the fossil resource in place and avoiding further disturbance to the fossil resource, or (b) following the Paleontology Coordinator's instructions for mitigating impacts to the fossil resource prior to continuing construction through the project area.

### **Mitigation Measures**

18. The BLM recommends the use of the following seed mix for reclamation activities on the gravel pit. The seeding rate shown is the drill seed rate, and for broadcast seeding the rate should be doubled and harrowed into the soil.

| Species               | Variety               | Pounds Pure Live Seed (PLS)/Acre |
|-----------------------|-----------------------|----------------------------------|
| Western wheatgrass    | Rosanna               | 2                                |
| Needle and Thread     | Critana               | 2                                |
| Thickspike wheatgrass | Siberian              | 2                                |
| Indian ricegrass      | Vinal                 | 2                                |
| Sand dropseed         | Ephraim               | 1                                |
| Alternate:            |                       |                                  |
| Fourwing Saltbrush    |                       |                                  |
|                       | Total pounds PLS/Acre | 9                                |

### **Compliance with Laws & Conformance with the Land Use Plan**

This decision is in compliance with the Endangered Species Act and the National Historic Preservation Act. It is also in conformance with the 1997 White River Record of Decision/Approved Resource Management Plan.

### **Public Involvement**

This project was posted on the WRFO's on-line National Environmental Policy Act (NEPA) register on 1/23/2015. As of 5/13/2015 no comments or inquiries have been received.

### **Rationale**

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, Number F (10). 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 46.215 apply.

The Rio Blanco County Red Wash Pit has been in operation since 1999 and no new surface disturbance outside of the permitted pit area would occur. Material from the pit is used to maintain and repair county roads for public use and safety in the Red Wash and surrounding area.

### **Monitoring and Compliance**

On-going compliance inspections and monitoring will be conducted by the BLM White River Field Office staff during and after construction. Specific mitigation developed in this document will be followed. The applicant will be notified of compliance related issues, and depending on the nature of the issue(s), will be provided 30 days to resolve such issues.

## Administrative Remedies

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 Code of Federal Regulation (CFR), Part 4.400 and 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 date of publication this decision. The appellant has the burden of showing that the Decision appealed from is in error. If you wish to file a petition for a stay of the effectiveness of this Decision during the time that your appeal is being reviewed by the Board, the petition for stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. A copy 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 (IBLA) and to the appropriate Office of the Solicitor (see 43 CFR4.413) 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 of 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

## Signature of Authorized Official



Field Manager



Date