

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

Categorical Exclusion

**Agency Draw-Application for Contract Sale of Stone
DOI-BLM-UT-G010-2015-0153-CX**

PREPARING OFFICE

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

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Chapter 1. Categorical Exclusion Worksheet

A. Background

BLM Office:

Vernal Field Office, 170 South 500 East, Vernal, UT 84078

Lease/Serial/Case File No.: UTU-091354

Proposed Action Title/Type:

Collection of dimension stone by hand with hand tools.

Location of Proposed Action:

T. 12S., R. 21E., sec. 19 (Lots 6, 7), sec. 30 (Lots 3,4,7,8,9, SE/4NW/4, NE/4SW/4, SE/4SW/4, SW/4SE/4, NW/4SE/4, SE/4SE/4) and sec. 31 (NE all, NE/4NW/4), SLB Meridian, Uintah County, Utah (see Appendix A)

Description of Proposed Action:

This project consists of driving designated pick-up trucks, ATVs, and/or OHVs to the designated collection area and collecting by hand tools 600 tons of dimension stone that lies on the exposed surface. No access roads would be constructed (access to the stone would be along existing two-track roads that parallel the stone outcrops). No stone collection activities will take place within any canyons.

Field Methods: Up to 120 single vehicle trips would be made as part of the stone removal operations which would not include off road travel to collect stone. Only existing roads and two tracks would be used. Gathering would be conducted when ground is dry and generally would be on week days. The area of disturbance would be no greater than 3 acres. Disturbed ground would be raked out and re-contoured. No water would be used. Less than 10,000 gal of chemicals (under SARA, 1986) and less than the Threshold Planning Quantity (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 Bureau of Land Management (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.

B. Land Use Plan Conformance

Land Use Plan Name:

Vernal Field Office Resource Management Plan

Date Approved/Amended:

October 2008

Chapter 2. Extraordinary Circumstances Documentation

*Agency Draw-Application for Contract Sale of Stone
DOI-BLM-UT-G010-2015-0153-CX
Categorical Exclusion Rationale*

CX Number:	DOI-BLM-UT-G010-2015-0153-CX
Date:	
Lease/Case File/ Serial Number:	UTU-091354
Regulatory Authority (CFR or Law):	516 DM 2, Appendix 1

2.1. Impacts on Public Health and Safety

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

Rationale: The proposed action does 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.

2.2. 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	Bill Civish Recreation Planner, Rick Goshen, Geologist

Rationale: VRM: Proposed project is located within VRM Class III per VFO GIS data base. "The objective of this class is to partially retain the existing character of the landscape. The level of change to the characteristic landscape should be moderate. Management activities Visual Resources may attract attention but should not dominate the view of the casual observer. Changes should repeat the basic elements found in the predominant natural features of the characteristic landscape." The existing form lines, textures and colors will be slightly modified; however, the project will meet class III objectives.

Recreation: There is little OHV use and hunting associated within the project area. Therefore, recreation is not known to be an issue. The operator has committed to reclaiming the project area according to the Green River District Reclamation Guidelines, and has prepared a reclamation plan, which would help protect the scenic quality.

No effect on drinking water aquifers because this is a surface action. No wetlands or floodplains are located within the project area. Paleo resources are not present.

2.3. 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	Rick Goshen, Geologist

Rationale: The proposed action does not have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].

Plants: No suitable habitat for federally listed, or proposed to be listed plant species is present in the Project Area, and no federally listed, or proposed to be listed plants have been documented in the Project Area, per BLM GIS data review. No designated Critical Habitat for these species is present in the Project Area. The Conservation Agreement/BLM Sensitive plant species White River penstemon (*Penstemon albifluvis* var. *scariosus*) is present in the Project Area, as documented during surveys of the area, and avoidance areas would be established in the stipulations on the project in order to avoid impacts to this species as a result of the Proposed Action. Suitable habitat for Conservation Agreement/BLM Sensitive plant species Graham's beardtongue (*Penstemon grahamii*) is present in the Project Area, per BLM GIS review, but the species was not located during surveys of the Project Area. Avoidance areas of suitable habitat for this species would be established in the stipulations on this project to ensure that the species and its habitat are not impacted as a result of the Proposed Action. The Project Area is outside established Core Conservation Areas established as part of the Conservation Agreement for White River penstemon and Graham's penstemon.

Wildlife: No suitable habitat for federally listed, or proposed to be listed wildlife is present within the Project Area. No federally listed, or proposed to be listed wildlife have been documented in the Project Area.

2.9. 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	Rick Goshen, 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.

2.10. 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	Rick Goshen, Geologist

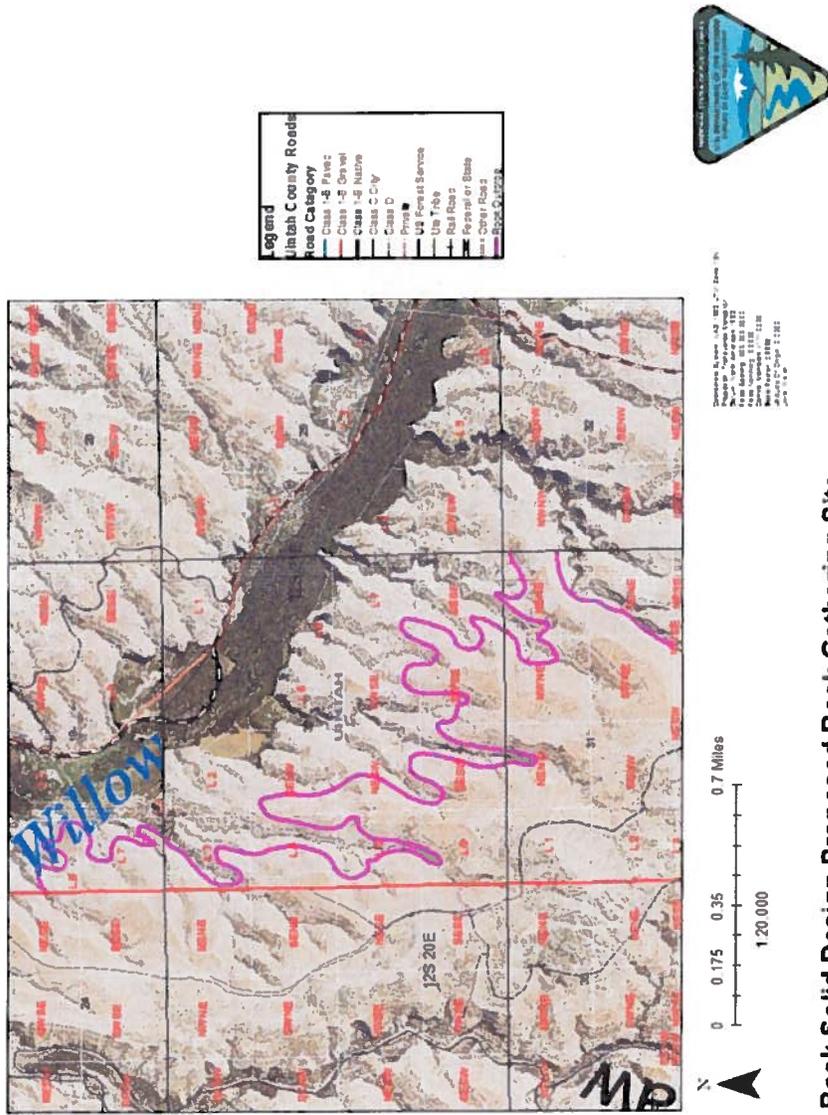
Rationale: The proposed action does not have a disproportionately high and adverse effect on low income or minority populations.

2.11. 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	David Grant, Archaeologist

Rationale: There are no Traditional Cultural Properties (TCP's) identified within the APE. The proposed project will not hinder access to or use of Native American religious sites.

Appendix A. Stone Collection Site Maps



Rock Solid Design Proposed Rock Gathering Site

Author: Rick Goshen

This figure depicts an aerial map of the stone outcrop (purple line) proposed for collection.

Figure A.2. Proposed Stone Collection Area-Aerial

Appendix B. Acronyms

APE Area of Potential Effect

ATV All Terrain Vehicle

BLM Bureau of Land Management

CFR Code of Federal Regulations

EA Environmental Assessment

EIS Environmental Impact Statement

GRDMS Green River Data Management System

NEPA National Environmental Policy Act

OHV Off Highway Vehicle

ROD Record of Decision

TPQ Threshold Planning Quantity

Appendix C. Stipulations to DOI-BLM-UT-G010-2015-0153-CX Serial # UTU-091354

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 15th 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 15th 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.

1. 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).
2. The purchaser shall notify the BLM, in writing, of any changes of address within 15 days of the change.
3. When corresponding with the BLM or submitting payment in the matter of this sale, the serial number (UTU-091354) shall appear on the correspondence and payment instruments.
4. 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.
5. 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.

781-3412. Once you obtain your password and enter the GRDMS site, download the GRDMS operator's manual to learn how to maneuver the database.

1. The purchaser may not remove more than 600 tons of stone. The purchaser shall remove stone only from the identified area, 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...).
2. 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.
3. Roads are not to be built. Egress and regress must be by the existing two track road to the stone outcrops.
4. Stone collection is prohibited when the gathering area and dirt access roads are wet or muddy and driving would result in creating ruts.
5. 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.
6. 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.
7. 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.
8. Any positively identified White River penstemon or 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.
9. Stone collection activities are prohibited within 100 feet of the canyon rim.
10. Stone collection activities are prohibited within any canyon.
11. Stone Collection will only take place within the approved area (please see attached map). Any changes must be approved by the BLM in writing.
12. You are required to notify the geologist through e-mail, each day you go out to your permit to collect stone.
13. The applicant must adhere to all listed mitigation measures for Threatened, Endangered, Candidate and Proposed (TECP) and Conservation Agreement/BLM Sensitive plant species listed in Appendix D.

Appendix D. Mitigation Measures

Threatened, Endangered, Candidate and Proposed (TECP) and Conservation Agreement/BLM Sensitive Plant Species Mitigation: The following mitigation measures will be applied as stipulations on the project:

- Surface disturbance in the Project Area is restricted to the rock outcrop area, and off road travel necessary to scout and collect from this area.
- Seed mixes to be used for reclamation should exclude introduced and non-native species.
- The applicant will perform ground disturbing activities in suitable habitat for special status plant species outside of the flowering period(s) for those plant species. Graham's penstemon and White River penstemon: May 15 through June 15. This applies to all ground disturbance, including previously disturbed areas.
- Project Activities will not occur within 300 feet of documented White River penstemon. In order to ensure that plants are avoided, off road ATV/UTV travel will not occur in the drainages within the Project Area.
- The applicant will be responsible for control of noxious weed infestations that occur as a result of the Proposed Action, through mechanical removal or chemical treatment with a valid Pesticide Use Permit (PUP).
- Off road travel near the northernmost part of the Project Area (NE/SE Section 24, Township 12 South, Range 20 East) should be avoided when alternate routes are possible.
- Discovery Stipulation: Initiation of Section 7 consultation with the USFWS will be sought immediately if any loss of plants or occupied habitat for TECP plant species is anticipated as a result of project activities.