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

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**Categorical Exclusion Not Established By Statute**
**DOI-BLM-UT-C010-2015-0033-CX**
**July 2015**

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## Iron County Little Creek Canyon Gravel Pit
## Free Use Permit
## UTU-91084

***Location:*** **Iron County, Utah**
T. 33 S., R. 8 W., SLM
sec. 25: portions of the SE¼SW¼NE¼

***Applicant/Address:*** Iron County
68 S 100 E
Parowan, UT 81491

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BUREAU OF LAND MANAGEMENT
Cedar City Field Office
176 East DL Sargent Drive
Cedar City, UT 84721
Telephone (435) 865-3000

**CATEGORICAL EXCLUSION DOCUMENTATION**

## A. Background

| | |
|---|---|
| **BLM Office:** | Cedar City Field Office (LLUTC01000) |
| **Lease/Serial/Case File No.:** | UTU-91084 |
| **Proposed Action Title/Type:** | Iron County Little Creek Canyon Gravel Pit<br>43 CFR 3604, Free Use Permit |
| **Location of Proposed Action:** | T. 33 S., R. 8 W., Iron County<br>Sec. 25: portions of the SE¼SW¼NE¼ |

**Description of Proposed Action:** The Iron County Road Dept. has requested (under 43 CFR 3604) a 10 year free use permit to remove up to 10,000 cubic yards of sand and gravel from a 2½ acre parcel of BLM-managed land. The sand and gravel would be used as fill material to repair and maintain County roads in the general vicinity of the pit. The material removals would be made on an intermittent, as-needed, basis throughout the year. The extraction would be performed with a wheeled loader and the material conveyed from the site to the point of use in 10-wheel dump trucks. The material would be used as pit run, unprocessed. Pit depth would be limited to 25' or less and total disturbed area to 2½ acres or less. Topsoil and any overburden overlying the desired material would be salvaged in advance of material removals and stockpiled for eventual pit reclamation. After the site reserves are depleted, the County would reclaim the site by re-sloping all pit walls to stable slopes, ripping or pocking the disturbed areas, and broadcast seeding all disturbed areas with an approved seed mixture. The attached terms and conditions would be adhered to as part of this proposed action.

## B. Land Use Plan Conformance

The proposed action is in conformance with the Cedar Beaver Garfield Antimony Resource Management Plan approved, June 10, 1986. Minerals Decision B.2.c provides that BLM will continue to meet public demand for salable and free-use mineral minerals on a case-by-case basis.

## 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 applicable Categorical Exclusion reference in the Departmental manual is 516 DM 11, Solid Minerals 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.

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.

## D. Signature

Authorizing Official: Elizabeth R Burghard Date: 7/10/15

*Elizabeth R. Burghard*
*Field Manager*

**Contact:**

For additional information concerning this CX please contact:

Ed Ginouves
Minerals Specialist
Cedar City Field Office
176 East DL Sargent Drive
Cedar City, UT 84721
(435) 865-3047

# Categorical Exclusion Review Record

| Resource | Yes/No* | Assigned Specialist Signature | Date |
|---|---|---|---|
| Air Quality | No | Jeff Reese | 6/15/15 |
| Areas of Critical Environmental Concern | No | Dave Jacobson | 6-12-2015 |
| Cultural Resources | No | Jamie Palmer | 6/23/15 |
| Environmental Justice | No | Ed Ginouves | 2/25/15 |
| Farm Lands (prime or unique) | No | Jeff Reese | 6/15/15 |
| Floodplains | No | Jeff Reese | 6/15/15 |
| Invasive Species/Noxious Weeds | No | Jeff Reese | 6/15/15 |
| Migratory Birds | No | Sheri Whitfield | 06/29/15 |
| Native American Religious Concerns | No | Jamie Palmer | 6/23/15 |
| Threatened, Endangered, or Candidate Species | No | Sheri Whitfield | 06/29/15 |
| Wastes (hazardous or solid) | No | Ed Ginouves | 2/25/15 |
| Water Quality (drinking or ground) | No | Jeff Reese | 6/15/15 |
| Wetlands / Riparian Zones | No | Adam Stephens | 6/18/15 |
| Wild and Scenic Rivers | No | Dave Jacobson | 6-12-2015 |
| Wilderness | No | Dave Jacobson | 6-12-2015 |
| Other: Lands and Realty | No | Michelle Campeau | 03/13/15 |

* A "yes" means that extraordinary circumstances *do* apply and this action would <u>not</u> be eligible for a CX. If you write "yes" here we will do an environmental assessment.

Program Lead Elizabeth R Burghard Date: 7/10/15

Environmental Coordinator Gena Ginouves Date: 7/10/15

## Extraordinary Circumstance to Categorical Exclusions
### Exceptions to Categorical Exclusion Documentation

The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215) apply. The project would:

| **Extraordinary Circumstances** | | |
|---|---|---|
| 1. Have significant impacts on public health or safety. | | |
| **Yes** | **No**<br>X | **Rationale:** The project is designed to minimize impacts to public heath and safety by being sited on pre-existing pit areas, and limiting the operations area. |
| 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**<br>X | **Rationale:** A cultural resource inventory of the area indicated that no historic properties would be affected. There are no park or refuge lands, wilderness areas or proposed wilderness areas, scenic rivers, national natural landmarks, prime farmlands, or national monuments in the affected area. No wetlands would be deteriorated nor floodplain use impacted. The area aquifer would not be affected. |
| 3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)]. | | |
| **Yes** | **No**<br>X | **Rationale:** The proposal would only have negligible impacts on any resources; no conflicts between alternative resource uses are anticipated. Similar projects implemented in the past have not resulted in resource conflicts or controversial impacts. |
| 4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. | | |
| **Yes** | **No**<br>X | **Rationale:** The environmental impacts would be negligible. No unique or unknown environmental risks are anticipated. The impacts are predictable based on previous similar projects. |

| | | |
|---|---|---|
| 5. Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects. | | |
| **Yes** | **No**<br>X | **Rationale:** The proposed action would not set a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects. All future actions will be considered independently. |
| 6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. | | |
| **Yes** | **No**<br>X | **Rationale:** The impacts from the proposal are expected to be negligible and would not contribute to potentially significant impacts now or in the reasonably foreseeable future. |
| 7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau. | | |
| **Yes** | **No**<br>X | **Rationale:** A cultural resource inventory of the proposed project area has been completed and no properties eligible for the National Register of Historic places were found. |
| 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. The area is within crucial winter mule deer habitat. | | |
| **Yes** | **No**<br>X | **Rationale**: The project area has been reviewed, and inventoried as necessary, for threatened, endangered, and special status plant and animal species. None were identified. |
| 9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment. | | |
| **Yes** | **No**<br>X | **Rationale:** The proposed authorization would be in conformance with all known environmental laws or requirements under the proposed terms and conditions. |

| 10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898). | | |
|---|---|---|
| **Yes** | **No**<br>X | **Rationale:** Title VI of the Civil Rights Act and Executive Order 12898 ("Environmental Justice") require federal agencies to identify and address "disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority populations and low-income populations." In accordance with CEQ Environmental Justice Guidelines, minority populations should be identified and effects to them analyzed, if either of the following two conditions apply: (1) of those likely to be affected by the Proposed Action, 50 percent or more would be part of the minority population, and (2) within the project area, the minority population percentage is greater than the minority population percentage outside the project area or in the general population. Neither of these conditions applies to the project area for this effort. Therefore, implementation and potential environmental consequences of the action considered would not disproportionately affect any specific group of people (including any racial, ethnic, or socioeconomic group). |
| 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**<br>X | **Rationale:** Renewal of this permit will not adversely affect the physical integrity of known sacred sites or limit access to them. |
| 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**<br>X | **Rationale:** The proposed action would not contribute to the introduction, continued existence, or spread of noxious weeds and non-native invasive plants. The permit stipulates that the permittee is responsible to monitor the operations area for noxious or invasive species and eradicate any outbreaks. |

EXHIBIT – A

Iron County Little Creek Canyon Gravel Pit
UTU-91084

**STANDARD STIPULATIONS**

## BLM - Cedar City Field Office
## Standard stipulations for mineral materials sales contracts and free-use permits

1. All topsoil will be removed and stockpiled on-site prior to removal of mineral materials. No trees will be removed without permission from the authorized officer.

2. All materials such as human waste, garbage, petroleum products and equipment will be removed from the site. No hazardous materials will be allowed on-site.

3. All fences, land improvements and survey monuments will be avoided. The permittee will be responsible for the resurvey and restoration of any improvements or survey monuments obliterated during operations.

4. Periodic reviews of the site would be made over the life of the permit to determine potential use by special status species. If found, appropriate mitigation would be applied, which could include closure/cancellation of the permit. A special status species survey would be required before any site reclamation activities are initiated.

5. Wildlife, wild horses and livestock will not be harassed or harmed.

6. Any cultural resources encountered will be immediately reported to the Bureau of Land Management. Operations will cease upon discovery of any cultural material. Operations will not resume until the material has been analyzed and additional clearance granted.

7. No blasting is allowed without permission from the authorized officer.

8. No work should be done under wet soil conditions when ruts of three inches or deeper result from road use. The permittee will be responsible for reclamation of roads used under these conditions.

9. Traffic will be restricted to existing roads unless permission is obtained from the authorized officer. No new roads will be permitted without prior authorization.

10. The permittee will be responsible for the safety of the public entering the area during operations. This may include such things as temporary barricades around the area being excavated during operations. BLM will not be responsible for accidents which occur on public land.

11. Noxious weeds, as determined by the Utah Commissioner of Agriculture and Weed Board for the applicable county, shall be controlled by the permittee. Target species include, but are not limited to, Scotch thistle, knapweed and whitetop.

12. No materials may be sold or bartered to other agencies or individuals. No permission may be granted to any other agency or individual to remove materials from the permit area.

13. Mineral materials will not be removed prior to issuance of a free use permit or after the permit has expired. It is the responsibility of the permittee to initiate permit re-issuance if continued removal from an expired permit is desired.

14. Only the amount of mineral materials stipulated in the contract will be removed. The removal of any additional material will be considered a trespass action.

15. The permittee will keep a log of every time mineral materials are removed and the amount removed. This log may be inspected by BLM personnel at any time. A copy of the log will be supplied to the BLM at the end of the permit or on a yearly basis, whichever comes first.

16. All regulations stated in 43 CFR 3600 will be followed or the permit will be revoked.

17. These standard operating procedures and a copy of the contract will be kept with the permittee during operations.

## BLM - Cedar City Field Office
## Reclamation standards for mineral material sales and free-use permits

1. At the earliest feasible time, the operator will reclaim the area disturbed. Reclamation will include reasonable measures to prevent or control on-site and off-site damage of public lands.

2. Reclamation will include but not be limited to:

    a. Controlling erosion, landslides, and water runoff;
    b. Isolating, removing, or controlling toxic materials;
    c. Reshaping disturbed areas, applying topsoil and revegetating;
    d. Controlling noxious weeds invading the site; and
    e. Rehabilitating wildlife habitat.

3. Access roads, unless otherwise approved by the authorized officer, will be closed by reshaping the disturbed area to near original contours, scarifying where compaction prevents seed covering, and revegetating with the mixture determined by the authorized officer. Waterbars will be placed on steep inclines and access blocked to future vehicular traffic.

4. Unless otherwise approved in the permit, all high walls, pits or material piles will be recontoured to slopes not steeper than 3:1 and revegetated using the recommended mixture.

5. Seeding of disturbed areas will be done between October 15 and December 15. Seed should not be placed on top of deep snow. Seedbeds will be prepared to a depth of 6 inches by ripping, discing, or harrowing. Seed will be planted with a rangeland or farm drill or broadcast seeded. If broadcast seeded, the seed will be harrowed or raked 1/4 to 1/2 inch into the soil. The seed amount will be doubled if the area is broadcast seeded. The recommended seed mixture to be used will be determined by the authorized officer.

6. All hazardous materials or substances produced by the operation will be disposed of in accordance with applicable federal and state laws. All waste, debris, buildings and materials will be removed from the site and deposited at appropriate waste facilities.

7. Additional reclamation requirements may be needed on a case-by-case basis. These additional requirements will be issued by the authorized officer after consultation with the operator.

8. The authorized officer will be notified within 10 days of final reclamation.

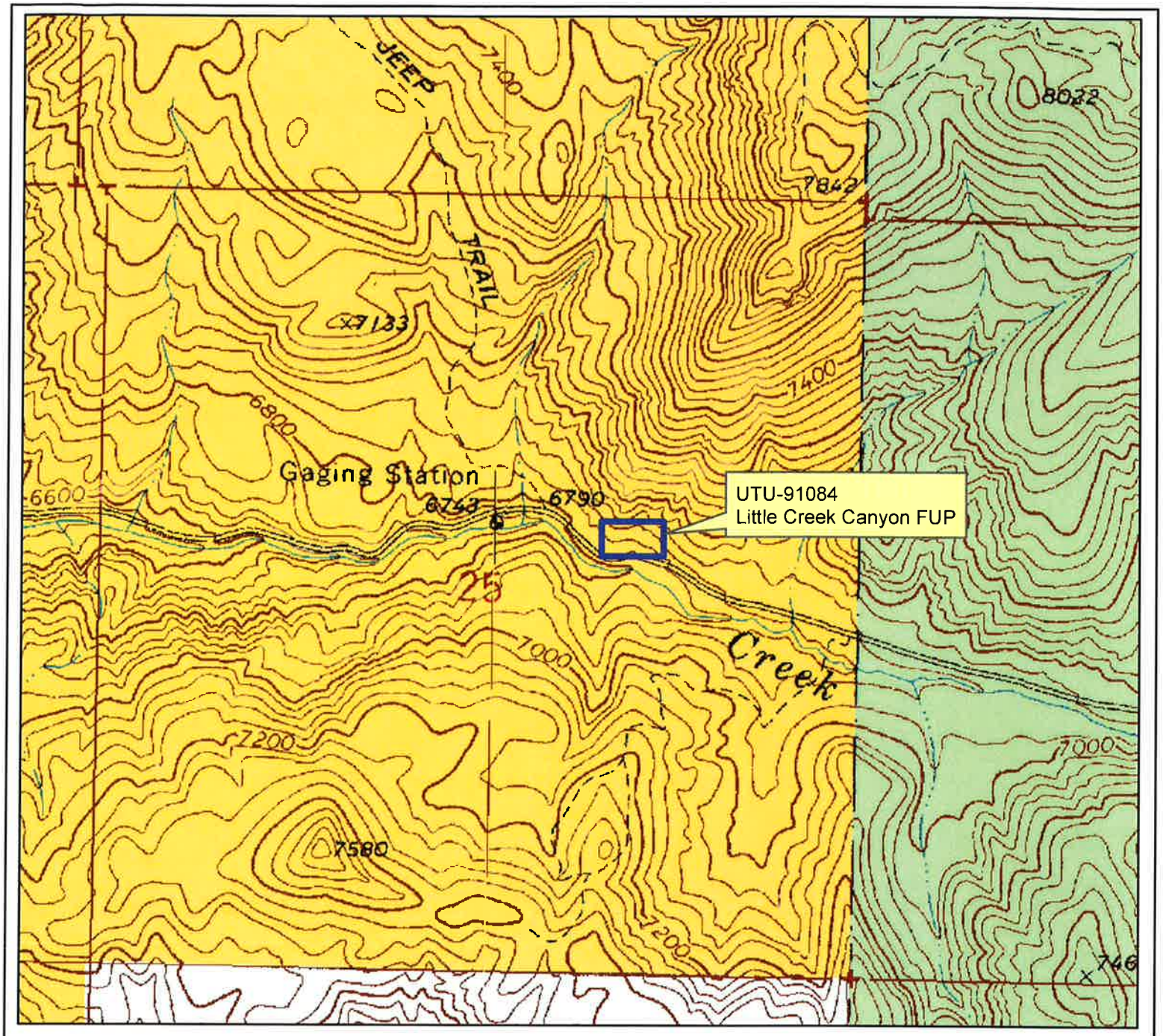
EXHIBIT – B

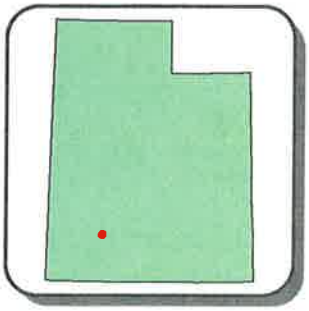
Iron County Little Creek Canyon Gravel Pit
UTU-91084

**MAPS**

**UTU-91084: Little Creek Canyon Free Use Permit**
**T. 33 S., R. 8 W., sec. 25:**
**portions of the SESWNE**
**Iron County, UT**

**State of Utah**
**BLM Cedar City Field Office**



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