

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

**Decision Record - Memorandum
Montello Gravel Pit**

PREPARING OFFICE

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Decision Record - Memorandum

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Chapter 1. Montello Gravel Pit Decision Record Memorandum

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1.1. Proposed Decision

The selected action is to designate the Montello Gravel Pit as a community pit, with no more than 5 acres of disturbance or 50,000 cubic yards of gravel removed. The Montello Gravel Pit is located in Elko County at Mount Diablo Meridian, Township 40 North, Range 69 East, Section 32, NE1/4SW1/4. Multiple permits have been issued out of this area in the past in an area of already existing disturbance. Designating the Montello Gravel Pit as a community pit will streamline the permit issuance process in the future. The following stipulations should apply to the site:

Stipulations

Cultural:

1. If any bone or prehistoric artifacts are encountered while removing mineral materials, the operator shall immediately suspend all activities that might hard the object(s) and shall notify the BLM of the discovery within 24 hours. Any such discoveries shall be left in place. Any disturbance beyond that which led to discovery may result in criminal and or civil penalties under the Archaeological Resources Protection Act (ARPA), the Native American Graves and Repatriation Act (NAGPRA), and all other applicable laws.
2. Operators shall not knowingly disturb, alter, injure, or destroy any scientifically important paleontological remains; or any historical or archaeological site, structure, building or object; or cave related site on public lands. When the operator discovers any previously unidentified cultural, paleontological, or cave related resource that might be altered or destroyed by the operations, the discovery shall be left intact and reported to the Elko District Office (BLM Authorized Officer), which shall evaluate the discoveries, take action to protect, remove or preserve the resource within 30 working days (43 CFR 3809.420).
3. Pursuant to 43 CFR 10.4(g), the operator shall notify the BLM Authorized Officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined in 43 CFR 10.2). Further pursuant to 43 CFR 10.4(c) and (d), the operator shall immediately stop all activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the BLM Authorized Officer.

Invasive and Non-Native Species:

1. In order to minimize the introduction and spread of noxious weeds to the project area, vehicles accessing the project area will be washed of all dirt, debris and plant material before entering and after leaving the project area. The location of material removal must avoid all noxious weed infestations in the project area. Only certified weed free seed will be used for reseeded during reclamation, and all weed patches are to be avoided during disturbance and reclamation operations. If weed control is necessary as part of the reclamation, all herbicide applications must be coordinated through the BLM noxious weed specialist and only BLM approved herbicides may be used by a licensed applicator.

Range:

1. Molesting, harassing, injuring, poisoning, or causing death of livestock authorized to graze on public lands is prohibited. 43 CFR 4140.1(b)(5)

2. Reclose gates during periods of livestock use. 43 CFR 4140.1(b)(11)

Wildlife:

1. The site falls within non-habitat for greater sage-grouse and year-round habitat for pronghorn. No stipulations apply for these species at this time.
2. A wildlife survey by a BLM wildlife biologist (or BLM-approved wildlife biologist) needs to be conducted before surface disturbing activities commence in order to ensure there will be no impact to special status species that may have moved into the area (i.e. pygmy rabbits, greater sage-grouse, burrowing owl, sage thrasher, etc.). If special status species are found within the area, avoidance/buffer distances and/or timing restrictions will be determined.

Reclamation:

1. Removal area is to be sloped to 3H:1V upon completion of operations. No hazardous slopes or vertical highwalls greater than 6 feet should be left within the removal area at any time.
2. Pursuant to 43 CFR 8365.1-1(b)(3), draining of sewage or petroleum products, or dumping of refuse or waste other than water from any trailer or other vehicle, except in places or receptacles provided for that purpose, is prohibited.
3. The BLM recommended seed (pure live seed) mixture is listed in Table 1 below.

Table 1.

Species — Common Name	Species — Scientific Name	Pounds per Acre
Webber Ricegrass	<i>Oryzopsis wegbberi</i>	1
Indian Ricegrass	<i>Oryzopsis hymenoides</i>	2
Great Basin Wildrye	<i>Elymus cinereus</i>	1
Sandberg Bluegrass	<i>Poa sandbergii</i>	1
Rockcress	<i>Arabis</i> sp.	0.5
Western Yarrow	<i>Achillea millefolium lanulosa</i>	0.25

1.2. Compliance

The Proposed Action is in conformance with the applicable Land Use Plan (LUP) because it is specifically provided for in the Wells Resource Management Plan (RMP). In the Wells RMP Record of Decision (ROD), the Minerals and Energy Program Objectives listed on Page 25 provides that *“The public lands will be managed in a manner which recognizes the Nation’s needs for domestic sources of minerals.”* As a standard operating procedure, the ROD prescribes that *“Time-of-day and/or time-of-year restrictions will be placed on construction activities associated with transmission and utility facilities and leasable and saleable mineral exploration and/or development that are in the immediate vicinity or would cross crucial sage grouse, crucial deer and pronghorn antelope winter habitats, antelope kidding areas, or raptor nesting areas.”*

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with BLM Categorical Exclusion pursuant to 516 DM 11.9, Appendix 4 Categorical Exclusion #F10. This exclusion is 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.”* The selected action has been reviewed for extraordinary circumstances and none are applicable.

The project would not have adverse impacts to any species listed or proposed for listing as threatened or endangered, or any designated or proposed critical habitat under the Endangered Species Act. The project would not result in adverse effects to any properties listed or eligible for listing on the National Register of Historic Places. The proposed action is consistent with other federal, state and local policies and plans to the maximum extent possible.

1.3. Rationale

The project conforms with the Wells RMP and departmental policies and procedures. As outlined in the Mineral Materials Disposal Handbook (3600-1), this office is required to issue a mineral material permit and conduct a NEPA review for these actions. There are no extraordinary circumstances applicable to the Proposed Action analyzed in DOI-BLM-NV-E030-2015-0023-CX; therefore, it is my decision to issue a mineral material permit with the stipulations analyzed.

1.4. Provisions for Protest, Appeal, and Petition for Stay

This decision is subject to administrative appeal. Within 30 days of receipt of this decision, parties who are adversely affected and believe it is incorrect have the right to appeal to the Department of the Interior Board of Land Appeals, Office of the Secretary, in accordance with regulations at 43 CFR 4.4. Appellants must follow procedures outlined in the form, "Information on Taking Appeals to the Board of Land Appeals." An appeal should be in writing and specify the reasons, clearly and concisely, as to why the decision is in error. Appellants are requested to supply this office with a copy of the Statement of Reasons.

Also within 30 days of receipt of this decision, appellants have a right to file a petition for stay (suspension) of the decision together with an appeal, in accordance with the regulations at 43 CFR 4.21. The petition must be served upon the same parties identified in items 2, 3, and 4 of the attached form. The appellant has the burden of proof to demonstrate that a stay should be granted.

1.5. Authorized Officer

/s/ Melanie A. Peterson

8/26/15

Melanie A. Peterson

Date

Field Manager, Wells Field Office

1.6. Contact Person

For additional information concerning this Finding, contact:

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