

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

**Environmental Assessment
DOI-BLM-UT-C010-2015-0004-EA**

January 2015

**Iron County Road Rights-of-way
Pine Valley and Jackson Wash**

Location: Iron County, Utah

Applicant/Address: Iron County
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**Iron County Road Rights-of-way
DOI-BLM-UT-C010-2015-0004-EA**

**CHAPTER 1
INTRODUCTION AND NEED FOR THE PROPOSED ACTION**

INTRODUCTION:

This Environmental Assessment (EA) has been prepared to analyze the Bureau of Land Management's (BLM) proposal to construct, operate, maintain, and terminate two road right-of-way (ROW) grants on public lands. The BLM can, through the National Environmental Policy Act (NEPA) process, evaluate reasonable changes (changes that would mitigate impacts while still meeting the proponent's objective) to the proponent's proposal and decide to require those changes.

BACKGROUND:

Iron County has submitted an application for two Title V Federal Land Policy and Management Act (FLPMA) rights-of-way (ROWS) for the Pine Valley and Jackson Wash roads. These two roads have been established and maintained by Iron County for many years and provide year around access to a wide variety of users. Both roads are classified as "B" roads.

PURPOSE AND NEED FOR THE PROPOSED ACTION

The purpose of the action is to grant Iron County two ROW grants for the Pine Valley and Jackson Wash roads on public lands, managed by Cedar City Field Office BLM. The project is needed to improve public safety concerns due to poor driving site distance and washboards on the Pine Valley and Jacobson Wash roads

SCOPING AND ISSUES:

The only issues identified during scoping were soils, public safety, and vegetation. For an explanation of the resources analyzed see Appendix B. The proposal was posted on the Environmental Notification Bulletin Board (ENBB) for public notification on November 12, 2014. No comments were received during the 30 day comment period.

DECISION TO BE MADE:

The BLM will decide whether or not to issue road ROW grants to Iron County and, if so, under what terms and conditions.

CONFORMANCE WITH BLM LAND USE PLAN(S):

The proposal is subject to the Pinyon Management Framework Plan approved June 10, 1983. The proposed action has been reviewed for conformance with this plan and has been found to be consistent with Lands Objective L-2, which provides that BLM make sufficient public lands in the planning unit available for right-of-way purposes in designated corridors or sites.

RELATIONSHIPS TO STATUTES, REGULATIONS AND OTHER PLANS

The Proposed Action is consistent with federal, state and local laws, regulations, and plans to the maximum extent possible, including the following:

- Title V and Section 302 of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776, 43 U.S.C. 1761) and the regulations issued there under at 43 Code of Federal Regulations, part 2800.
- Taylor Grazing Act of 1934
- Utah Standards and Guidelines for Rangeland Health
- Section 106 of the National Historic Preservation Act of 1966, as amended
- Memorandum of Understanding Between the BLM CCFO and Paiute Indian Tribe of Utah
- 1962 Bald and Golden Eagle Protection Act
- Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as amended.
- BLM Manual 6840- Special Status Species Management
- Migratory Bird Treaty Act
- Utah Comprehensive Wildlife Conservation Strategy (CWCS)
- Utah Partners in Flight Avian Conservation Strategy Version 2.0.
- Birds of Conservation Concern 2008
- Executive Order 13186: Responsibilities of Federal Agencies to Protect Migratory Birds
- IM 2008-050, Migratory Bird Treaty Act - Interim Management Guidance
- Best Management Practices for Raptors and Their Associated Habitats in Utah (IM: 2006-096)
- Federal Noxious Weed Act of 1974
- Standards of Quality for Waters of the State, R317-2-6, Utah Administrative Code, December 1997
- BLM Utah Riparian Management Policy (Instruction Memorandum UT 2005-091, September 8, 2005)
- Executive Order 11988 (floodplains)
- Executive Order 11990 (wetlands)
- Executive Order 12898 (environmental justice)
- Executive Order 13112 (Invasive Species)
- Executive Order 13443: Facilitation of Hunting Heritage and Wildlife Conservation
- Clean Air Act of 1970 (As Amended)
- R614-4 Utah Administrative Code for rules relating to use of Hazardous Materials
- R645-105 Utah Administrative Code for Blaster Certification, Examination and Certification

CHAPTER 2 DESCRIPTION OF ALTERNATIVES

INTRODUCTION

This environmental assessment focuses on the Proposed and No Action alternatives. Other alternatives were not considered because the issues identified during scoping did not indicate a need for additional alternatives beyond those contained in the proposed action. The no action alternative is considered and analyzed to provide a baseline for comparison of the impacts of the proposed action.

On August 20, 2014 BLM Realty Specialist, Michelle Campeau, met with the Iron County Engineer, Steve Platt, and the Iron County Road Superintendent, Neil Forsyth, regarding some unsafe areas on the existing Pine Valley and Jackson Wash roads in Iron County, Utah, that have poor site distance. On October 16, 2014 Iron County submitted applications for two Title V FLPMA ROWs. These two roads have been established and maintained by Iron County for many years and provide year around access to a wide variety of user. Both roads are classified as “B” roads.

PROPOSED ACTION

Iron County proposes to receive a right to operate, maintain, and terminate two existing roads for Pine Valley and Jackson Wash in their “as is, where is” condition across public land with the exception of sixteen (16) curves they would like to realign for public safety reasons for safer site distance.

Iron County proposes to re-establish seven (7) curves on the Pine Valley road and nine (9) curves on Jackson Wash road. The road ROW widths are proposed to be maintained at 66-feet, with the exception of 16 curves which are proposed to be maintained at 100 feet. As stated, the width is generally “as is, where is” for the running surface of the road. For the current effort to widen curves, a 100 foot ROW limit is established for construction, operation and maintenance for identified curves. Iron County’s maintenance/work schedule to re-establish these curves are proposed to be done as time, weather, and resources permit.

Construction of Facilities: Construction equipment would consist of dozers, excavators, hydraulic and pneumatic hammers (eg. jackhammers), loaders, dump-trucks, graders and employee pickup trucks. The work force would consist of 5-8 people. Road curves have been flagged by the County Road Superintendent. Fuel, lubricants and possibly explosives may be used during construction. Common sense fueling practices would be utilized and spills would be quickly cleaned up. Any spills of twenty-five gallons or more would be reported as required by state and federal law and cleaned up accordingly. No refueling of equipment proposed within 100 meters of a riparian area. Overnight equipment storage is proposed on disturbed areas near project location. If blasting is necessary, it would be Iron County’s responsibility to assure that all federal and state regulations and rules pertaining to the transportation, mixing, storage, use and disposal of explosive agents would be followed.

Design Factors: The maximum grade of the road is proposed not to exceed 5 percent. Drainage ditches would be improved as determined necessary by Iron County. Culverts require considerable maintenance and would be installed only where absolutely necessary. On steeper grades, roads would generally be insloped for drainage and natural or pre-established “rolling dips” would be used to allow water to exit the road surface. On more mild grades, natural contours of the landscape would be used so that water flows would “sheet” across the road.

There is no intention to generally resurface the road. However, in some areas where there are excess fines from road cuts (where curves are to be widened), these fines could be used at county discretion to fill washboards, dips, etc. Gravel from a weed-free source could be used to fill problem areas prone to ponding, washboarding, etc. If gravel is needed to be imported to the ROWs, it would be brought in from an approved county pit or a private source.

Cut and Fill: Curves of high concern would be cut to a maximum of approximately 30-40 feet. Curves with low concern would be cut at approximately 10 feet. For the purposes of determining disturbances, it is assumed the average curve would be cut approximately 15 feet wide and 200 feet long. Material removed from the curves would be filled on the opposite side of the road wherever possible. Where not possible (e.g. where there is a wash immediately opposite the curve), materials would be transported up or down the road as far as needed and redistributed in the ROW. As indicated above, cuts containing fine materials could be used to fill washboard areas, dips, etc. Large boulders, rocks, etc. could be used at county discretion to serve as rip-rap between washes and the road. It would be the county’s responsibility to remove any material deposited in washes unless they have previously obtained a stream channel alteration permit.

Stabilization and Rehabilitation: Organic materials such as brush and trees removed during construction may be placed in the bottoms of washes, preferably with trunks pointing downstream, to help reduce erosion. Otherwise vegetation would be removed and deposited with other fill materials.

No stabilization or rehabilitation plan is being proposed at this time. Following construction, all disturbed sites would be inspected by BLM. If there are areas in need of stabilization (recontouring, seeding, etc.) the BLM would develop a stabilization and rehabilitation plan with Iron County for implementation by the county.

Acreage: The Pine Valley road is approximately 81,191 feet (15.377 miles) long and approximately 66 feet in length; totaling approximately 123 acres of BLM public lands. There are 7 curves proposed to be re-established at 100 feet wide, creating approximately 34 feet of new disturbance ($100' - 66' = 34'$) in 200 foot increments for each curve. Each curve would increase the acreage by 0.156 acres. The total acreage of new disturbance on the Pine Valley Road would be approximately 1.1 acres. With the proposed new disturbance of the curves on the Pine Valley Road, the total calculated acreage is **124.1 acres**.

The Jackson Wash road is approximately 34,753 feet (6.582 miles) long and approximately 66 feet in length; totaling approximately 52.66 acres of BLM public lands. There are 9 curves proposed to be re-established at 100 feet wide, creating approximately 34 feet of new disturbance ($100' - 66' = 34'$) in 200 foot increments for each curve. Each curve would increase the acreage by 0.156 acres. The total acreage of new disturbance on the Jackson Wash road is approximately 1.4 acres. With the proposed new disturbance of the curves on the Jackson Wash road, the total calculated acreage is **54.1 acres**.

NO ACTION

Under the No Action Alternative, The ROWs would not be granted, and construction would not occur on public lands.

CHAPTER 3 AFFECTED ENVIRONMENT

INTRODUCTION AND GENERAL SETTING

The affected environment was considered and analyzed by an interdisciplinary team as documented in the Interdisciplinary Team Checklist (see Appendix B). The checklist indicates which resources of concern are either not present in the project area or would not be impacted to a degree that requires detailed analysis. Resources which could be impacted to a level requiring further analysis are described in Chapter 3 and impacts on these resources are analyzed in Chapter 4 below.

Resource A – Soils:

Soils in the project area are extremely variable in rock content and depth to bedrock. Some soils are moderately deep to deep while others are very shallow to non-existent. The deeper soils would be relatively easy to work with a dozer and once removed from the offending curve, would provide useful fine materials which could be graded into low swales and washboard areas.

On most of the curves where new construction is proposed, soils are rocky or shallow or both, and it is likely the high percentage of rock and bedrock were obstacles which prevented the roads from being constructed with proper site distances in the first place. Rock would be a challenge to contend with and while dozers and excavators would be suitable for removing boulders and fractured bedrock, hammers and blasting may be necessary to remove any solid bedrock that is encountered.

Resource B – Public safety:

The project area is a public safety concern because there is poor driving site distance and washboards on the Pine Valley and Jacobson Wash roads.

Resource C – Vegetation:

Vegetation in the project area primarily consists of pinyon-juniper and sagebrush. There are some perennial grasses and forbs intermingled among the woody plant species. On some of the curves proposed for widening/straightening, cuts have been made previously and vegetation has never re-established. Other curves contain healthy and diverse vegetation.

CHAPTER 4

ENVIRONMENTAL IMPACTS

DIRECT AND INDIRECT IMPACTS

PROPOSED ACTION

This section analyzes the impacts of the proposed action to those potentially impacting resources described in Chapter 3, above.

Resource A- Soils:

Approximately 2.5 acres of new soil disturbance would occur as a result of this project. These soils would generally be kept onsite by spreading and regrading them onto the surface of the existing road or by using them to widen and build up the outside edge of the road curves. In some cases, course material would be cast over the outside edge of the curve for disposal or for use as rip-rap protection from encroaching washes. These outcast soils would cover existing vegetation and other soils in place, thus increasing the new disturbance area by some unknown amount. Short term erosion of disturbed areas is anticipated to occur, but the end result would be no more than what is presently on site. In some cases, existing erosion levels would be reduced in the long term. Per the Proposed Action, if routine construction practices lead to unexpected and unacceptable levels of soil erosion, a stabilization and rehabilitation plan would be developed with Iron County so they could correct the problem.

Resource B – Public safety:

Implementation of the Proposed Action would increase site distance on the Pine Valley and Jackson Wash roads which would improve safety for those traveling these roads.

Resource C – Vegetation:

Approximately 2.5 acres of vegetation would be disturbed. Much of the vegetation would be trees and sagebrush that would be used in the cut and fill along with the soils. This vegetation would be removed so as to improve site distance on the Pine Valley Road. Some of the cuts and fills would re-vegetate naturally, but if erosion of soils began to occur, the proposal allows for re-vegetating these areas where needed. These stabilization and rehabilitation measures would be implemented to mitigate erosion and vegetation impacts.

NO ACTION

Resource A- Soils:

Under the No Action Alternative there would be no new impacts to the soil resource. Conditions and trends for soils would remain the same.

Resource B – Public safety:

Implementation of the No Action alternative would not improve the safety of those traveling on the Pine Valley and Jackson Wash roads and it would not increase safe site distance to the users on these roads.

Resource C – Vegetation:

Under the No Action Alternative there would be no new impacts to the vegetative resource. Conditions and trends for vegetation would remain the same as what they currently are.

CUMULATIVE IMPACTS

Cumulative impacts are those impacts resulting from the incremental impact of an action when added to other past, present, or reasonably foreseeable actions regardless of what agency or person undertakes such other actions.

Impacts to soils and vegetation would be cumulative with other activities in the area which move or create soils disturbance, such as off-road use of OHV's, erosion from wildfires and stabilization activities, vegetation treatments, etc.

CHAPTER 5 PERSONS, GROUPS, AND AGENCIES CONSULTED

Table 5.1. List of Persons, Agencies and Organizations Consulted

Name	Purpose & Authorities for Consultation or Coordination	Findings & Conclusions
Utah State Historic Preservation Office (SHPO)	Consultation for undertakings, as required by the National Historic Preservation Act (NHPA) (16 USC 470)	No cultural resources would be affected. The project will be reviewed by SHPO as part of the quarterly submittal as per existing protocol.
Paiute Indian Tribe of Utah	Consultation as required by the American Indian Religious Freedom Act of 1978 (42 USC 1531) and NHPA (16 USC 1531)	In accordance with the Memorandum of Understanding between the Paiute Tribe of Utah and the BLM, this project does not require formal consultation.

List of Preparers

BLM staff specialists who determined the affected resources for this document are listed in Appendix B. Those who contributed further analysis in the body of this EA are listed below.

Table 5.2. List of Preparers

BLM Preparers

Name	Title	Responsible for the Following Section(s) of this Document
Michelle Campeau	Realty Specialist	All Sections
Craig Egerton	Natural Resource Specialist	Various aspects of the checklist, including potentially affected soils.
Chad Hunter	Rangeland/Wild Horse Management Specialist	Various aspects of the checklist, including potentially affected vegetation.

APPENDIX – A

**IRON COUNTY
PINE VALLEY ROAD
UTU-90926**

LEGAL DESCRIPTION

Meridian	Township	Range	Section	Subdivision
SLM	T. 31 S.	R. 16 W.	4	Lots 2, 7-9, 16;
SLM	T. 31 S.	R. 16 W.	4	E2SE;
SLM	T. 31 S.	R. 16 W.	9	E2E2;
SLM	T. 31 S.	R. 16 W.	21	E2SE;
SLM	T. 31 S.	R. 16 W.	28	E2E2, SWSE;
SLM	T. 31 S.	R. 16 W.	33	W2NE, W2SE, SESE;
SLM	T. 32 S.	R. 15 W.	19	Lot 1;
SLM	T. 32 S.	R. 15 W.	19	N2NE, NENW;
SLM	T. 32 S.	R. 15 W.	20	S2NE, N2NW;
SLM	T. 32 S.	R. 15 W.	21	S2NW, NESW, N2SE;
SLM	T. 32 S.	R. 15 W.	22	S2S2;
SLM	T. 32 S.	R. 15 W.	23	S2S2, NESE;
SLM	T. 32 S.	R. 15 W.	24	S2NE, N2SW;
SLM	T. 32 S.	R. 16 W.	3	Lot 4;
SLM	T. 32 S.	R. 16 W.	3	SENW;
SLM	T. 32 S.	R. 16 W.	10	NENE;
SLM	T. 32 S.	R. 16 W.	11	N2NW, SENW, NESW, W2SE;
SLM	T. 32 S.	R. 16 W.	13	SENE; N2NW, SENW, N2SE, SESE;
SLM	T. 32 S.	R. 16 W.	14	N2NE;

Acres: 124.112

APPENDIX- A

**IRON COUNTY
JACKSON WASH ROAD
UTU-90927**

LEGAL DESCRIPTION

Meridian	Township	Range	Section	Subdivision
SLM	T. 31 S.	R. 16 W.	4	N2SW, SESW, SWSE;
SLM	T. 31 S.	R. 16 W.	5	Lots 9-13, 16;
SLM	T. 31 S.	R. 16 W.	5	NESE;
SLM	T. 31 S.	R. 16 W.	6	Lots 13-17;
SLM	T. 31 S.	R. 16 W.	9	N2NE;
SLM	T. 31 S.	R. 17 W.	1	N2S2;
SLM	T. 31 S.	R. 17 W.	3	N2SW, SE;
SLM	T. 31 S.	R. 17 W.	4	N2SW, SESW, NESE, S2SE;
SLM	T. 31 S.	R. 17 W.	5	S2SE;
SLM	T. 31 S.	R. 17 W.	7	N2NE, NENW;
SLM	T. 31 S.	R. 17 W.	8	NWNE, N2NW;

Acres: 54.064

APPENDIX B
INTERDISCIPLINARY TEAM NEPA CHECKLIST

Project Title: Iron County Roads (Jackson Wash and Pine Valley)
NEPA Log Number: DOI-BLM-UT-C010-2015-004-EA
File/Serial Number: UTU-90926 and UTU-90927
Project Leader: Michelle Campeau

DETERMINATION OF STAFF: *(Choose one of the following abbreviated options for the left column)*

NP = not present in the area impacted by the proposed or alternative actions
NI = present, but not affected to a degree that detailed analysis is required
PI = present with potential for relevant impact that need to be analyzed in detail in the EA
NC = (DNAs only) actions and impacts not changed from those disclosed in the existing NEPA documents cited in Section D of the DNA form.
 The Rationale column may include NI and NP discussions.

RESOURCES AND ISSUES CONSIDERED:

Determination	Resource	Rationale for Determination	Signature	Date
NI	Air Quality	The area is currently attaining NAAQS. Nothing in the project proposal would affect that rating.	<i>Ubl for</i> C. Egerton	10/16/14
NP	Areas of Critical Environmental Concern	No ACECs within the CCFO	Dave Jacobson <i>DJ</i>	10-29-2014
PI/NI	Cultural Resources	A Class III inventory of the Area of Potential Effects (APE) will need to take place prior to authorization. If historic properties are identified during this inventory, stipulations will be added to the plan of development to avoid or minimize any potential adverse effects. If no historic properties are identified or no adverse effects to historic properties are identified than this determination will be changed to a NI.	<i>JP</i> Jamie Palmer	10/29/14
NI	Greenhouse Gas Emissions	The county currently maintains these roads in safe conditions for the public. Issuance of ROWs grants would neither increase or decrease GHG emissions on a regional basis as work would continue at about the same levels.	<i>Ubl for</i> C. Egerton	10/16/14
NP	Environmental Justice	There are no minority populations associated with this project proposal.	M. Campeau <i>MC</i>	11/3/14
NP	Farmlands (Prime or Unique)	There may be soils capable of becoming farmlands adjacent to the proposed ROW. However, because no irrigation water is supplied to any of them, no important, prime or unique farmlands exist.	<i>Ubl for</i> C. Egerton	10/16/14
NI	Fish and Wildlife	The area is mapped as UDWR substantial winter mule deer range.	S. Whitfield <i>SW</i>	10/21/14

Determination	Resource	Rationale for Determination	Signature	Date
PI / NI Changed to NI	Floodplains	No mapped floodplains exist along either of these routes. However, both Jackson Wash and Mountain Springs washes experience flood events fairly frequently and are tributaries to floodplains. Given that there will likely be surplus soil from curve widening, it would be BLM and Iron County responsibility to assure excess soils are not cast into adjacent washes, such that the spoils would interfere with the functions of the wash / floodplain. The revised Proposed Action contained in this EA contains effectively eliminates the issue of casting excess materials into floodplain tributaries, therefore this determination has been changed from a PI to an NI.	<i>CE for</i> C. Egerton	10/16/14 Modified 11/13/14 CE
NI	Fuels/Fire Management	The road would not have any impacts to fire or fuels. It may assist firefighters in accessing areas that would be more difficult if the original road remained closed. If it is wider than the original road it may also help as a break for smaller fires in the area.	M. Mendenhall <i>mm</i>	11/19/14
NI	Geology / Mineral Resources/Energy Production	There are no existing or proposed minerals-related authorizations on or adjacent to any of the areas proposed for road re-alignment. The only known mineral resources that could be impacted by the proposed work are common varieties of mineral materials. The proposed road realignments would not substantially impact any mineral resources that are or may be present in the proposed project area.	E. Ginouves <i>EG</i>	10/14/14
NI	Hydrologic Conditions	Hydrologic conditions are extremely variable along these two stretches of road, ranging from well vegetated to artificially altered by heavy equipment. Nothing in the proposal is anticipated to substantially alter hydrologic conditions, but if it did, the proposal allows for corrective action through development of a stabilization / rehabilitation plan.	<i>CE for</i> C. Egerton	10/16/14
NI	Invasive Species/Noxious Weeds	There may be small, localized areas of noxious weeds along these road segments, but between BLM and Iron County, they are kept in check. Stipulations adequately address weed control.	<i>CE for</i> C. Egerton	10/16/14
NI	Lands/Access	Initial construction may cause some minor impediments to access along the Pine Valley and Jackson Wash roads, however, in the long term access should be improved due to the proposed action. No impacts are expected to lands resources as long as the standard ROW term for valid existing rights is included in the ROW grant.	M. Campeau <i>MC</i>	11/3/14
NI	Livestock Grazing	The construction and maintenance activities proposed have been and are currently occurring. The season of use, kind of livestock, AUMs, pasture rotation, range projects, or other aspects of the livestock grazing management would not be changed or impacted.	<i>CH</i> C. Hunter	10/15/14
NI	Migratory Birds	Construction activities are anticipated to occur along the existing ROW. Typically most birds and raptors do not nest along roads. Construction activities would likely occur during the fall and winter.	<i>SW</i> S. Whitfield	12/01/14
NI	Native American Religious Concerns	In accordance with the Memorandum of Understanding between the Paiute Tribe of Utah and the BLM, this project does not require formal consultation.	<i>JP</i> Jamie Palmer	10/31/2014

Determination	Resource	Rationale for Determination	Signature	Date
NI	Paleontology	The surficial geology of the areas selected for re-alignment consist of Quaternary alluvium and Tertiary volcanics. These fall within Class 1, very low potential for paleontological resources, using the Bureau's potential Fossil Yield Classification System. The likelihood of impacting any fossil resources is negligible and no pre-disturbance assessment or mitigation measures are necessary.	E. Ginouves 	10/14/14
PI	Rangeland Health Standards	Some soil and vegetation would be removed or disturbed with the adjustments in the curves or corners. This may impact erosion or weeds in the project area, thus impacting Rangeland Health. This may be an NI depending on the size of the work done on the corners.	C. Hunter 	10/15/14
NI	Recreation	The roads are being used for dispersed recreation opportunities which would be enhanced by improving the access to areas with recreational opportunities.	Dave Jacobson 	10-29-2014
NI	Socio-Economics	These roads are currently accepted as public roads. Issuance of the proposed ROWs grants would not affect current trade, and would help to ensure future access for said activities, fire-fighting, recreation, etc.	M. Campeau 	11/3/14
PI	Soils	Soils would be disturbed during construction. The NEPA document should estimate and disclose the amounts of soil disturbance proposed with realigning curves. See EA text.	C. Egerton 	10/16/14
NI	Special Status Plant Species	Astragalus oophorus (Pink egg milkvetch) may be present in the area, but it is expected that there would be little to no impact on this plant species.	J. Reese 	10/29/14
NI	Special Status Animal Species	A portion of the road travels in Utah prairie dog mapped habitat. No construction is expected to occur in Utah prairie dog habitat; therefore impacts are not expected.	S. Whitfield 	12/04/14
NI	Wastes (hazardous or solid)	There currently are no known waste issues in the proposed area. Projects of this nature generally do not increase waste issues unless an unexpected accident occurs. Should an accidental release occur due to equipment operation, state and federal regulation requires reporting and mitigation to take place.	R. Peterson 	10/15/14
NI	Water Resources/Quality (drinking/surface/ground)	The project is unlikely to affect underground or drinking water as none is present near the curve realignments. Surface water exists at two curves near Meadow Spring Wash. This water is only likely to be affected if certain improper construction techniques (excessive blasting charges) are utilized for curve widening.	C. Egerton 	10/16/14
NI	Wetlands/Riparian Zones	Meadow Spring Wash is located within 100 meters of the proposal, however no long term impacts are anticipated to occur as long as appropriate construction techniques are used and overburden is not dumped into riparian zone. Modification of the curves near Meadow Spring is important to promote public safety along the roadway.	Adam Stephens 	12/8/14
NP	Wild and Scenic Rivers	The CCFO does not have any designated Wild and Scenic Rivers.	Dave Jacobson 	10-29-2014
NP	Wilderness/WSA	The proposed project is not within a wilderness or WSA.	Dave Jacobson 	10-29-2014
NI	Woodland / Forestry	Some woodland resources would be removed, but the impacts would be minimal due to the size and scope of the project.	J. Sathe 	10/20/14

Determination	Resource	Rationale for Determination	Signature	Date
PI	Vegetation	Some vegetation would be removed with the adjustments in the curves or corners of the road. This may be an NI depending on the size of the work done on the corners.	C. Hunter <i>CH</i>	10/15/14
NI	Visual Resources	The improvements to the road will meet the objectives of VRM Class IV.	Dave Jacobson <i>DJ</i>	10-29-2014
NI	Wild Horses and Burros	Projects are within the Bible Spring and Four Mile wild horse Herd Management areas. However, the construction and maintenance activities proposed have been and are currently occurring. There would not be a change to the disturbance or to the free roaming nature of the wild horses in the area.	C. Hunter <i>CH</i>	10/15/14
NI	Lands with Wilderness Characteristics	The Pine Valley road is the boundary road for Inventory Units UT-C010-101, UT-C010-100A, UT-C010-015, UT-C010-014A, UT-C010-096, UT-C010-103D and UT-C010-103. Only inventory unit UT-C010-103 has wilderness characteristics. The proposed improvements and ROW would eliminate approximately 3 acres of inventory unit UT-C010-103 due to the ROW being extended out beyond the current road edge. The edge of the ROW would become the new inventory boundary for inventory unit UT-C010-103 which would not create a significant impact considering the unit is 32,707 acres.	Dave Jacobson <i>DJ</i>	10-29-2014

FINAL REVIEW:

Reviewer Title	Signature	Date	Comments
Environmental Coordinator	<i>Maria Meneses</i>	<i>1/13/15</i>	
Authorized Officer	<i>Elizabeth R Burghard</i>	<i>1/13/15</i>	

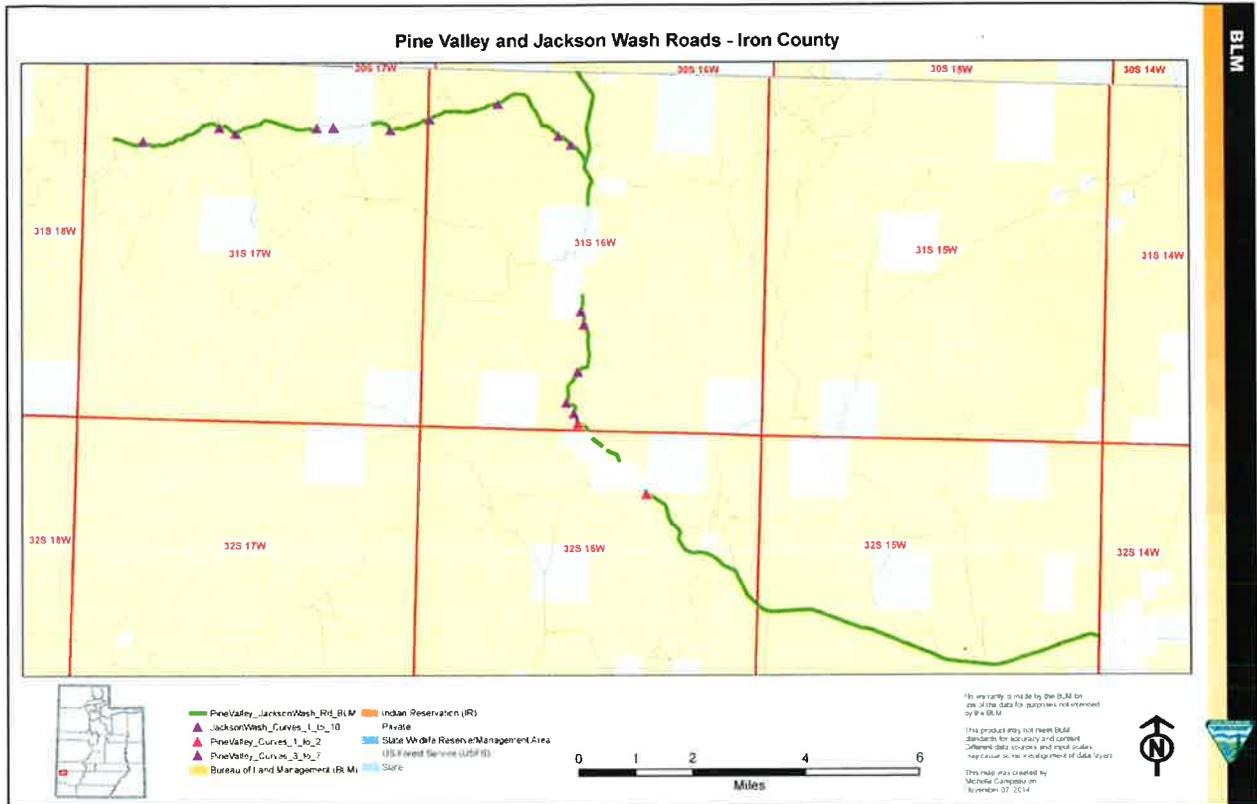
APPENDIX C

MAP

IRON COUNTY

PINE VALLEY AND JACKSON WASH ROADS

UTU-90926 and UTU-90927



IRON COUNTY
IRON COUNTY CLASS B ROADS
PINE VALLEY AND JACKSON WASH ROADS
UTU-90926 AND UTU-90927

STIPULATIONS / TERMS AND CONDITIONS

ROUTINE MAINTENANCE

1. Iron County receives a right to operate, maintain, and terminate existing road(s) in their “as is, where is” condition across public land. The Bureau of Land Management (BLM) and Iron County anticipate that the entire area under ROW will be kept in the same manner as it now exists; with the exception of the curve realignments, as described in Exhibit C, for public safety reasons.
2. Should Iron County wish to reconstruct, modify, expand, relocate, or change the surface type of any portion of the roads authorized by this grant, it must be within the boundaries authorized by this right-of-way and prior written approval (with appropriate mitigations) of the BLM must be obtained. The curve realignments, as described in Exhibit C, for public safety reasons.
3. Normal maintenance activities are authorized under the terms of this right-of-way grant and will be confined within the existing disturbance footprint of the road (i.e. routine grading and snow removal).
4. All trash, litter, etc. occurring as a direct result of maintenance activities will be removed from public land upon completion of the maintenance activity.

REGARDING R.S. 2477 RIGHTS

5. This grant does not constitute abandonment, waiver, or other termination or modification of any rights under R.S. 2477 with respect to the roads covered by this grant, nor does the grant constitute acceptance or recognition of any rights under R.S. 2477, or a waiver by the BLM of any defenses to an assertion of such rights or prejudice in any way the BLM’s right to contest any assertion of such rights. The parties also recognize that the BLM retains its duty and authority to prevent unnecessary or undue degradation of the surrounding and underlying Federal public lands through reasonable regulation of the use of the covered roads. If in the future an R.S. 2477 right-of-way, with respect to the roads covered by this grant, is acknowledged by the Secretary of the Interior or a federal court of competent jurisdiction, this Title V grant would be superseded thereby and automatically terminate.

RESOURCE DAMAGE OR UNFORESEEN CIRCUMSTANCES

6. This instrument is issued in perpetuity without termination date unless it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or any applicable Federal law or regulation.
7. The authorized officer may modify or terminate in whole or in part this right-of-way grant which has been issued when, in his/her judgment, unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety, protect the environment, or when undue and unnecessary degradation of critical resources (i.e., listed species, cultural resources, etc.) are identified.
8. Any cultural or paleontological resource (historic or prehistoric site or object) or Native American human remains, funerary item, sacred object, or objects of cultural patrimony discovered by the permit holder, or any person working on their behalf, during the course of activities on Federal land, shall be immediately reported to the BLM Authorized Officer by telephone, with written confirmation. The permit holder shall suspend all operations 100 meters within the discovery and appropriately protect the discovery until an evaluation has been made by the BLM Authorized Officer.
 - a. If Native American human remains, funerary objects, sacred objects, or objects of cultural patrimony are encountered during an undertaking involving BLM managed lands, the parties will comply with the Native American graves Protection and Repatriation Act (NAGPRA) and its implementing regulations at 43 CFR Part 10, Subpart B.
 - b. For cultural resources other than Native American human remains, funerary item, sacred object, or objects of cultural patrimony, this evaluation will determine the significance of the discovery and what mitigation measures are necessary to allow activities to proceed. The holder is responsible for the cost of evaluation and mitigation. Any decision on treatment and/or mitigation will be made by the BLM Authorized Officer after consulting with the permit holder. Operations may resume only upon written authorization to proceed from the BLM Authorized Officer.
9. The BLM will retain the ability or right to permit recreation events, competitions and activities proposed to occur on roads authorized by this grant in coordination with the County. Nothing in this grant shall preclude the County from issuing permits which it requires.

10. Should errors in road data be discovered after grant of the right-of-way the BLM may correct such errors, upon concurrence from the County, without a formal amendment to the grant.
11. The holder will be responsible for controlling noxious weeds within the limits of the ROW area. Noxious weeds are defined as those which are listed by the Utah Commissioner of Agriculture under the Noxious Weed Act, and those declared noxious by Iron County. The holder will employ weed control methods approved in writing by the BLM Authorized Officer. An approved Pesticide Use Proposal (PUP) must be obtained prior to application of herbicides. Upon coordination with the Authorized Officer, the holder may elect to operate under an approved PUP which the BLM holds, or may apply for its own PUP, either through the Authorized Officer or the BLM Utah State Office. A daily Pesticide Application Report (PAR) must be submitted to the Authorized Officer for each day weeds are sprayed on the ROW.
12. No surface disturbing activities will be allowed within 100 meters of riparian areas unless it can be shown that: a. there are not practical alternatives or, b. all long term impacts can be fully mitigated or, c. the activity will benefit and enhance the riparian area.
 - a. Meadow Spring Wash is located within 100 meters of the proposal, however no long term impacts are anticipated to occur as long as appropriate construction techniques are used and overburden is not dumped into riparian zone. Modification of the curves near Meadow Spring is important to promote public safety along the roadway.
13. No surface use, ground disturbance or otherwise disruptive maintenance activities would be allowed from April 1 through July 15 without the completion of migratory bird nest surveys within priority habitats. Surveys would focus on bird species identified as priority bird species in Utah through Partner's in Flight and U.S. Fish and Wildlife Service Birds of Conservation Concern. The need for field surveys will be determined by the BLM wildlife biologist. Based on surveys, the BLM wildlife biologist will determine appropriate buffers and timing limitations.

STANDARD ROW STIPULATIONS

14. In case of change of address, the holder shall immediately notify the Bureau of Land Management (BLM) Authorized Officer.

15. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.
16. If during any phase of the operation or termination any oil or other pollutant should be discharged from containers or vehicles and impact Federal lands, the control and total removal, disposal, and cleanup of such oil or other pollutant, wherever found, shall be the responsibility of the holder, regardless of fault. Upon failure of holder to control, cleanup, or dispose of such discharge on or affecting Federal lands, or to repair all damages to Federal lands resulting there from, the authorized officer may take such measures as he deems necessary to control and cleanup the discharge and restore the area, including, where appropriate, the aquatic environment and fish and wildlife habitats, at the full expense of the Holder. Such action by the authorized officer shall not relieve the holder of any liability or responsibility.
17. This grant will be issued subject to all valid existing rights including other authorized rights-of-way that may be located adjacent to or which may be affected by the operation, maintenance and termination of this described right-of-way. Any existing facilities which may be damaged during operation, maintenance, or termination of this right-of-way shall be repaired or restored to the same condition as existed prior to the damage.
18. The holder shall be fully liable to the United States for any damage or injury incurred by the United States in connection with the use and occupancy of the right-of-way area by the holder. The holder shall fully indemnify the United States for liability, damage, or claims arising in connection with the holder's use and occupancy of the right-of-way area.
19. The holder shall comply with the provision of Title VI of the Civil Rights Act of 1964, and will not engage in any discriminatory actions prohibited by 43 CFR Part 17, to the end that no person in the United States shall, on the grounds of race, color, national origin, or gender, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under the program for which the holder has received a Federal authorization.

20. The holder shall protect all survey monuments found within the right-of-way. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U. S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the holder shall immediately report the incident, in writing, to the authorized officer and the respective installing authority, if known. Where General Land Office or Bureau of Land Management right-of-way monuments or references are obliterated during operations, the holder shall secure the services of a registered land surveyor or a Bureau cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands of the United States, latest edition. The holder shall record such survey in the appropriate county and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the holder shall be responsible for the survey cost.
21. Holder shall maintain the right-of-way in a safe, usable condition.
22. The Holder of Right-of-Way agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, et seq. or the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901 et seq.) on the right-of-way (unless the release or threatened release is wholly unrelated to the right-of-way holder's activity on the right-of-way. This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.
23. The holder shall operate and maintain the improvements and related facilities within this right-of-way in strict conformity with the terms and conditions of this grant. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
24. No routine maintenance activities will be performed during periods when the soil is too wet to adequately support maintenance equipment. If such equipment creates ruts in excess of four inches deep, the soil shall be deemed too wet to adequately support construction equipment.

25. At least 90 days prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination (and rehabilitation) plan. This plan shall include but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.
26. In accordance with federal regulations in 43 CFR 2807.21 any proposed transfer of any right or interest in the right-of-way grant shall be filed with the BLM authorized officer. An application for assignment shall be accompanied by a showing of qualifications of the Assignee. The assignment shall be supported by a stipulation that the Assignee agrees to comply with and to be bound by the terms and conditions of the grant to be assigned. No assignment shall be recognized unless and until it is approved in writing by the authorized officer.
27. In the event that the public land underlying the rights-of-way encompassed in this grant, or a portion thereof, is conveyed out of Federal ownership and administration of the ROW or the land underlying the ROW is not being reserved to the United States in the patent/deed and/or the ROW is not within a ROW corridor being reserved to the United States in the Patent/deed, the United States waives any right it has to administer the right-of-way, or portion thereof, within the conveyed land under Federal laws, statutes, and regulations, including the regulations at 43 CFR Part [2800] [2880], including any rights to have the holder apply to BLM for amendments, modification, or assignments and for BLM to approve or recognize such amendments, modifications, or assignments. At the time of conveyance, the patentee/grantee, and their successors and assigns, shall succeed to the interest of the United States in all matters relating to the right-of-way, or portion thereof, within the conveyed land and shall be subject applicable State and local government laws, statutes, and ordinances. After conveyance, any disputes concerning compliance with the use and the terms and condition of the ROW shall be considered a civil matter between the patentee/grantee and the ROW holder.
28. There is reserved to the authorized officer, following coordination with the County, the right to grant additional rights-of-way or permits for compatible use on, over, under, or adjacent to the land involved in this grant.
29. This right-of-way applies only to public lands. It is the grantee's responsibility to obtain appropriate authorization from the land owners of other affected lands.
30. The right-of-way shall be relinquished to the United States if the authorized uses are no longer needed.

SPECIAL STIPULATIONS

31. If blasting is necessary, it would be Iron County's responsibility to assure that all federal and state regulations and rules pertaining to the transportation, mixing, storage, use and disposal of explosive agents would be followed.
 - a. Holder shall post warning signs at all entry points for the Project. Warning signs shall provide information on blasting, including the general hours blasting might take place and audible signals to be used for warning of impending blasting and to indicate the site is all clear.
 - b. Access points to areas where blasting will take place will be blocked to prevent access by the public at least 30 minutes prior to blasting. The site shall be swept 5 minutes prior to blasting to ensure no unauthorized personnel have wandered onto the site. An audible warning signal, capable of carrying for 0.5 mile, shall be used at least 2 minutes prior to blasting. An "all clear" signal will be given once it has been determined the area is safe.
 - c. Damages that result solely from the blasting activity will be repaired or the owner fairly compensated.
32. **Design Factors:** The maximum grade of the road is not to exceed 5%. Drainage ditches to be improved as determined necessary by Iron County. Culverts requiring considerable maintenance would be installed only where absolutely necessary. On steeper grades, road would be insloped for drainage and natural or pre-established "rolling dips" would be used to allow water to exit the road surface. On more mild grades, natural contours of the landscape would be used so that water flows would "sheet" across the road. In some areas where there are excess fines from road cuts (where curves to be widened), these fines could be used at county discretion to fill washboards, dips, etc. Gravel from a weed-free source could be used to fill problem areas prone to ponding, washboarding, etc. If gravel is needed to be imported to the ROWs, it would be brought in from an approved County pit or a private source.
33. **Cut and Fill:** Curves of high concern would be cut to a maximum of approximately 30-40 feet. Curves with low concern would be cut at approximately 10 feet. For the purposes of determining disturbances, average curve would be cut approximately 15 feet wide and 200 feet long. Material removed from the curves would be filled on the opposite side of the road wherever possible. Where not possible (e.g. where there is a wash immediately opposite the curve), materials would be transported up or down the road as far as needed and redistributed in the ROW. Cuts containing fine materials could be used to fill washboard areas, dips, etc. Large boulders, rocks, etc. could be used at county discretion to serve as rip-rap between washes and the road. It would be the county's responsibility to remove any material deposited in washes unless they have previously obtained a stream channel alteration permit.

34. Stabilization and Rehabilitation: Organic materials such as brush and trees removed during construction may be placed in the bottoms of washes, preferably with trunks pointing downstream, to help reduce erosion. Otherwise vegetation would be removed and deposited with other fill materials.

No stabilization or rehabilitation plan is being proposed at this time. Following construction, all disturbed sites would be inspected by BLM. If there are areas in need of stabilization (recontouring, seeding, etc.) the BLM would develop a stabilization and rehabilitation plan with Iron County for implementation by the county.

I, _____, on behalf of Iron County, reviewed the above stipulations for the Pine Valley and Jackson Wash road rights-of-way in Iron County, Utah and agree to follow them.

Authorized Signature

Date