

DECISION NOTICE
AND
FINDING OF NO SIGNIFICANT IMPACT
FOR THE
Red Dirt Gravel Pit Expansion
USDA Forest Service
Yampa Ranger District
Medicine Bow-Routt National Forests

Grand County, Colorado
(T2 North, R 82 West, Section 10)

January 2007

Responsible Official:

Oscar P Martinez, Yampa District Ranger
Yampa Ranger District
PO Box 7
Yampa, CO 80483

For Further Information Contact:

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SUMMARY OF DECISION

Decision

I have decided to select the Proposed Action as described in the *Red Dirt Pit Expansion* (EA page 5-7) because its implementation will allow expansion of the existing Red Dirt Pit to provide additional rock, sand, and gravel materials to facilitate local area needs for road maintenance and other resource projects. The proposal will expand the existing pit (4.3 acres) by 7.4 acres, making a total pit size of less than 12 acres. Rehabilitation would be ongoing with the pit expansion and would continue as appropriate, with the high points being rehabilitated as soon as feasible. This proposed expansion and future entries would provide for stable slopes and benches that can be more easily rehabilitated as excavation proceeds into the expansion area. Screening would be maintained to hide the pit from view of area users and the pit floor would be graded and shaped to provide drainage and prevent scouring and erosion. Rehabilitated areas will be reseeded with native vegetation to reestablish vegetation on disturbed areas.

I am incorporating all design criteria identified in the EA (page 6) to insure all resource concerns have been alleviated. In making this decision, I considered applicable laws, regulations and policy, the information disclosed in the EA, the Forest Plan, and the planning record. I have considered how the alternatives meet the stated Purpose and Need for Action (EA page 7) and address the Key Issues identified (EA pp. 4-5). I also considered public and agency comment.

Rationale for Decision

Forest Service policy allows maintenance of an inventory of mineral materials in order to have a reasonable supply of sand and gravel available for immediate and ongoing road maintenance and other project needs. If stockpiles of material are readily available, then the Forest can complete road repairs and other projects in a timely manner and is better able to utilize available funding more efficiently and effectively.

Presently, the Forest Service and local counties are faced with a lack of gravel and borrow sources for road maintenance and reconstruction needs. The existing stockpiles and reserves of sand and gravel are being depleted in the existing Red Dirt pit. Taking no action would compromise the Forest's ability to provide rock, gravel, and fill for future road and resource projects. The environmental assessment (EA) documents the analysis of two alternatives to meet this need.

This project is narrow in scope, limited in magnitude and intensity, and similar to other projects that have been implemented, so I do not see any significant risks that would lead to the preparation of an Environmental Impact Statement. No amendments to the Medicine-Bow-Routt Forest Land and Resource Management Plan are necessary.

When compared to the no action alternative, the proposed action alternative best meets the purpose and need while minimizing costs for obtaining gravel from other sources. This alternative meets requirements under the National Environmental Policy Act (NEPA) and other relevant Federal and State laws and regulations

Response to Key Issues

The following key issues were identified through scoping, and from intra- and interagency discussions requiring specific design measures to avoid adverse impacts:

Issue #1: Threatened and endangered species may be adversely impacted by the pit expansion.

The proposed expansion would occur in 12 acres of lodgepole pine and spruce-fir habitats and may cause some indirect effects to the Canada lynx, American marten, boreal owl, Northern goshawk, and slender moonwort individuals. Canada lynx, American marten, boreal owl, and Northern goshawk may alter breeding, nesting, or foraging patterns during implementation due to disturbance created by heavy machinery during crushing operations.

The measurable indicator to address this issue will be whether the proposed action would likely cause a trend towards loss of viability. The biological assessment/biological evaluation completed for the project determined that indirect/direct impacts to individuals is not likely to adversely affect the viability of these species.

Issue #2: The potential effects on the hydrologic and sediment regimes from the proposed action include the potential for increased erosion related to the removal of vegetation and increases in the runoff potential from the site.

The measurable indicator to address this issue will be whether the proposed action would likely cause an increase in stream sedimentation and runoff from the pit. Design features specific to address this issue are included in the design criteria which include rehabilitating the existing pit and designing the expansion to avoid runoff from the pit area.

OTHER ALTERNATIVES CONSIDERED IN DETAIL

Alternative 1 – No Action

Under the No Action alternative, current management plans would continue to guide management of the project area. Once the existing stockpiles of gravel are depleted, the pits would be restored, ensuring slopes are stabilized, drainage is maintained internally on site, and that re-vegetation occurs. Treatments for non-native invasive species would continue. Impacts to other forest resources would continue at existing levels.

PUBLIC INVOLVEMENT

The proposal was listed in the Schedule of Proposed Actions on August 11, 2005 and each subsequent quarterly report. Scoping letters describing the proposed action and inviting comments were mailed to local citizens, interested agencies, and federally recognized tribal organizations on August 4, 2006. In addition, as part of the public involvement process, the agency issued a news release on August 14, 2006 providing notice of the opportunity to comment on the project. This news release was sent to the

Middle Park Times to help ensure that residents of Old Park Subdivision—located approximately one mile from the pit were informed of the proposed action.

Using the comments received from the public, interested agencies, and federally recognized tribal organizations; the interdisciplinary team and District Ranger identified a list of issues to be addressed in the analysis. After reviewing the comments, the District Ranger did not identify any issues that would require the development of alternative actions. A summary of the comments received and the disposition of these comments is listed in Appendix B in the EA. All persons that commented on the proposed action were retained on the project mailing list to receive further information regarding this project.

FINDING OF NO SIGNIFICANT IMPACT

I have reviewed the direct, indirect and cumulative effects of the proposed activities in the Environmental Assessment prepared for the Red Dirt Gravel Pit Expansion. I have also reviewed the project record for this analysis and the effects of the proposed action and alternatives as disclosed in the EA. Implementing regulations for NEPA (40 CFR 1598.27) provide criteria for determining significance of effects. Significant, as used in NEPA, requires consideration of both context and intensity. My determination on whether the proposed action may have a significant effect on the quality of the human environment is based on consideration of the following:

(a) Context. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant (40 CFR 1508.27):

The disclosure of effects in the EA found the actions limited in context. Effects are local in nature and are not likely to significantly affect regional or national resources.

(b) Intensity. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following are considered in evaluation intensity (40 CFR 1508.27):

- (1) Environmental Effects – This action proposes or dictates limited ground–disturbing activities. The proposal will expand the existing pit (4.3 acres) by 7.4 acres, making a total pit size of less than 12 acres. Direct and indirect effects are discussed in the Environmental Consequences section of the EA, pp. 8-15. My finding of no significant environmental effects is not biased by the beneficial effects of the action.
- (2) There will be no significant effects on public health and safety, because of the limited size and complexity, and existing resource use (EA pages 14-15.) In addition, the design criteria include provisions for signage and public communication.
- (3) There will be no significant effects on unique characteristics of the area, because there are no historic or cultural resources, park lands, prime farmlands, wetlands,

wild and scenic rivers, ecological reference areas, or other areas of high social value (EA pages 14-15.)

- (4) The effects on the quality of the human environment are not likely to be highly controversial. There is no known scientific controversy over the impacts of the project. This project is similar to other projects that have been conducted over a number of years, with minimal impacts.
- (5) We have considerable experience with the types of activities to be implemented. The effects analysis shows the effects are not uncertain, and do not involve unique or unknown risk.
- (6) The action is not likely to establish a precedent for future actions with significant effects, because the area is currently used as a gravel pit.
- (7) The cumulative impacts are not significant (EA pages 14-15.)
- (8) The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, because no sites exist within the project area.
- (9) The action will not have long-term effects to any Management Indicator Species or endangered or threatened species or their habitat that has been determined to be critical under the Endangered Species act of 1973. The determination was that this project may in the short- and mid-term impact individuals but not likely to cause a trend to federal listing or loss of viability. The Forest has designed the action to mitigate long-lasting effects to wildlife. (EA pages 8-11.)
- (10) The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA. The action is consistent with the Medicine-Bow Routt Land and Resource Management Plan (EA pages 2).

Based upon the review of the test for significance and the environmental analyses conducted, I have determined that the actions analyzed for the Red Dirt Gravel Pit Expansion is not a major federal action and that its implementation will not significantly affect the quality of the human environment. Accordingly, I have determined that an Environmental Impact Statement need not be prepared for this project.

FINDINGS REQUIRED BY OTHER LAWS

Archaeological Resources Protection and National Historic Preservation Act – This decision will not cause any harmful effects to known archaeological, historic or cultural resources.

Clean Water Act – The Clean Water Act requires Federal agencies to comply with all Federal, State, interstate and local requirements, administrative authority, and process and sanctions with respect to the control and abatement of water pollution. The project was designed in conformance with land and resource management plan standards and incorporates appropriate land and resource management plan guidelines for soil and water resources.

Endangered Species Act – This amendment complies with the Endangered Species Act. The project was designed in conformance with the Endangered Species Act and will have no measurable effect on any federally-listed threatened, endangered, or proposed species.

National Forest Management Act (NFMA) and National Environmental Policy Act (NEPA) – This decision is consistent with requirements of NFMA and NEPA.

Administrative Review or Appeal Opportunities

This decision is subject to appeal pursuant to Federal regulations at 36 CFR 215. A written appeal, including attachments, must be submitted within 45 days following publication of the notice of this decision in the *Steamboat Pilot*, the newspaper of record. The publication date in the newspaper of record is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source. Send appeals to:

Appeal Deciding Officer
Mary Peterson, Forest Supervisor
Medicine Bow-Routt National Forests
2468 Jackson Street
Laramie, WY 82070
Fax: (307) 745-2398,
E-mail (rtf, word): appeals-rocky-mountain-medicine-bow-routt@fs.fed.us
Hand-delivery: Business hours 8:00 AM to 5:00 PM, Mon.-Fri. (exclude holidays).

It is the responsibility of those who appeal a decision to provide sufficient written evidence and rationale to show why my decision should be changed or reversed. Appeals must meet the content requirements of 36 CFR 217.9, which state:

- State that the document is a Notice of Appeal filed pursuant to 36 CFR Part 217
- List the name, address, and telephone number of the appellant
- Identify the decision about which the requester objects
- Identify the document in which the decision is contained by title and subject, date of the decision, and name and title of the Responsible Official
- Identify specifically that portion of the decision or decision document to which the requester objects
- State the reasons for objecting, including issues of fact, law, regulation, or policy, and, if applicable, specifically how the decision violates law, regulation, or policy
- Identify the specific change(s) in the decision that the appellant seeks

Implementation Date

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, 5 business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition (36 CFR 215.9).

Contact Person

For additional information concerning this decision, contact Oscar P Martinez at 300 Roselawn, Yampa, CO, (970) 638-4516.

_/s/ Oscar Martinez

February 8, 2007

OSCAR P. MARTINEZ

Date

Yampa District Ranger
Medicine Bow-Routt National Forests &
Thunder Basin National Grassland

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