

United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Boise District Office
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<http://www.id.blm.gov>

Determination of Land Use Plan Conformance and NEPA Adequacy (DNA)
U.S. Department of the Interior - Bureau of Land Management

A. BLM Office: Four Rivers Field Office

NEPA Log Number: DOI-BLM-ID-B011-2011-0018-DNA

Lease/Serial Case File No.: IDI-34888-01

Proposed Action Title/Type: Cinder Cone Butte Free Use Permit (FUP) - Renewal

Location/Legal of Proposed Action: T. 2 S., R. 4 E., Sec. 28, S½SW¼, BM
Ada County, Idaho

Applicant (if any): Idaho Division of Military (Idaho Army National Guard)

Description of the Proposed Action and any applicable mitigation measures:

The renewal of an existing FUP for cinder minerals materials for road maintenance and construction purposes within the Orchard Training Area (OTA). Permit would be issued for a term of five years, subject to standard stipulations (see section "F. Mitigation Measures"). FUP would allow for the continued material disposal in an area which is the main source of volcanic cinder materials for the OTA. The FUP renewal would authorize impacts associated with the continued mineral material disposal previously analyzed in the environmental analysis (ID-095-2000-00025, 1/5/2000).

Standard stipulations would be included on this FUP to reduce any negative impacts of mineral material disposals. Continued annual compliance visits to the site would also allow the BLM to monitor environmental impacts and the size of the disturbance of this operation.

B. Conformance with the Land Use Plan (LUP) and Consistency with Related Subordinate Implementation Plans

LUP/Document¹	Sections/Pages	Date Approved
Snake River Birds of Prey NCA Resource Management Plans and Record of Decision	3.2.15 Mineral Resources	9-30- 2008

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision as one of the 16 active mineral material sites. (See NCA RMP excerpt below).

3.2.15.2 Mineral Resources

Rationale

“Section 3(d) of the NCA-enabling Act withdrew public lands in the NCA from entry, appropriation, or disposal under the general mining laws, mineral and geothermal leasing laws, and mineral material disposal laws. The Act provided for the continued extraction of mineral materials (sand, gravel, clay, building stone, and decorative rock) through mineral material sales and free use permits from sites that existed prior to the establishment of the NCA; however, no new mineral material sites may be established. BLM manages 16 active mineral material sites with another 29 previously operated, but currently inactive sites. Mineral material sales and free use permits will be authorized to the extent compatible with the purposes for which the NCA was established.”

Reclamation and rehabilitation requirements within the NCA RMP area include special stipulations to recover and/or replace the native vegetation within the area with perennial vegetative cover. If this action is approved, there would be no major or long-term, adverse effects to the conservation, protection, and enhancement of raptor populations and habitat.

C. Identify applicable NEPA documents and other related documents that cover the Proposed Action. List by name and date other documentation relevant to the proposed action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).

NEPA/Other Related Documents	Sections/Pages	Date Approved
ID-095-2000-00025, 1/5/2000	All	01/05/2000
Cultural Clearance IDI-34888-01	All	09/19/2011
Wildlife Clearance IDI-34888-01	Entire 3-page report	09/02/2011
Botany Clearance IDI-34888-01	All	10/05/2011

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis

area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

The proposed action would have identical context and intensity to the action analyzed under the environmental analysis (EA ID-095-2000-00025, 1/5/2000). Renewing the existing cinder pit site (Cinder Cone Butte) would encompass the identical 80-acre limitation to surface disturbing activities. The cinder materials are highly localized on the north side of the site. The surface in this area has already been disturbed over the term of previous permits and the materials are mostly depleted. No surface disturbances to previously disturbed areas would occur. This proposal would simply allow a continuation of material disposal through a new permit number.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, resource values, and circumstances?

Yes, the ranges of alternatives analyzed within the existing EA are appropriate to the proposed action in consideration of the environmental concerns, interests, and plan conformance. No further issues have been raised to the agency's attention during the duration of the previous 5-year term to warrant further alternative consideration. The two alternatives in the EA are: the proposed action; and, the no action/delay action.

3. Is the existing analysis adequate and are the conclusions adequate in light of any new information or circumstances (e.g., riparian proper functioning condition reports; rangeland health standards assessments; inventory and monitoring data; most recent USFWS lists of threatened, endangered, proposed, and candidate species; most recent BLM lists of sensitive species)? Can you reasonably conclude that all new information and all new circumstances would not substantially change the analysis of the new proposed action?

YES, an interdisciplinary coordination effort was conducted in 2011 with resource specialists regarding the resources (aquatics, wildlife, botany, and cultural resources) within and surrounding the site area. The resulting determinations of this effort are listed below:

Aquatics: A brief meeting with Al Tarter concluded that, due to the fact there is no water present in the region of Cinder Cone Butte, there are no aquatics concerns.

Wildlife: Jill Holderman performed a physical site visit and determined that the renewal of this existing materials site would result in "no impact" to any wildlife species of special status concern. Jill's conclusion of "no impact to any special status wildlife species" is due to the fact they have either adapted to or avoided the area due to ongoing human activity for the past 33 years.

Cultural: Dean C. Shaw determined that the Cultural Resource Inventory of the Orchard Training Area (OTA) by Addington in 1987, and BLM Archeological clearances performed in 1978 and 2000 by Wyatt and Palmgren respectively were still adequate to assess the

project impacts because the excavation of materials will occur within the already disturbed areas.

Botany: Amy J. Stillman performed a CDC database and FO Maps consultation and also a physical examination of the site on September 27, 2011. She concluded that none of the following were present in the proposed project area: special status plant species, threatened or endangered plant species, Bureau special status species.

Summary: Based on the information, analysis, and determination of the specialists above, it is reasonable to conclude that there are no new circumstances that would substantially change the original analysis of the proposed action.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

The effects (direct, indirect, and cumulative) of the proposed action would be identical to those analyzed in the previous EA (ID-095-2000-00025, 1/5/2000). The effects that were reasonably significant would continue to be mitigated through stipulations. It is anticipated that these same design features (stipulations) would continue to reduce potential adverse effects to a negligible or insignificant level as has been the case for the past 11 years.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current Proposed Action?

The original environmental analysis indicated that there was no known interest expressed in the site of this proposed action. This site was specifically included in the Snake River Birds of Prey NCA RMP Environmental Impact Statement analysis document within “Appendix 6. Mineral Material Sites in the NCA” which was subject to large scale public scoping. NEPA analysis for a previous renewal included the coordination with State of Idaho Army National Guard personnel as well as BLM archeological staff.

Due to the fact that the proposed action is a not a new site but rather it is a renewal of an existing mineral material site, the combination of the previous public scoping are adequate for the proposed action.

E. Persons/Agencies /BLM Staff Consulted

Name	Title	Resource/Agency Represented
Dean Shaw	Four Rivers Archeologist	Cultural, BLM
Valerie Lenhartzen	Geologist	BLM, Minerals/Geology
Jill Holderman	Wildlife Biologist	BLM, Wildlife
Amy J. Stillman	Biological Technician	BLM, Botany
Seth Flanigan	NEPA Specialist	BLM
J. Allan Tarter	Nat. Resource Specialist	BLM

Note: Refer to the EA for a complete list of the team members participating in the preparation of the original Environmental Analysis (ID-095-2000-00025, 1/5/2000).

F. Mitigation Measures:

The mitigation measures identified, analyzed and approved under the original EA were the Free Use Permit Standard Stipulations. The renewal of this permit would include these stipulations (as listed below) and are subject to change according to federal regulations and the Field Manager's discretion as new environmental considerations may evolve over the course of the life of this permit.

FREE USE PERMIT STANDARD STIPULATIONS

1. All materials removed would be extracted in accordance with approved conservation practices so as to preserve, to the maximum extent feasible, all scenic, recreational, watershed and other values of the land and resources (43 CFR § 3601.6).
2. When American antiquities or other objects of historic or scientific interest, including but not limited to: historic or prehistoric ruins, vertebrate fossils or artifacts, are discovered in the performance of this contract, the item(s) or condition(s) would be left intact and immediately brought to the attention of the district manager or his authorized representative.
3. The permittee shall maintain the area free of trash, refuse, and invasive plants during operations and termination of the contract.
4. Permittee shall be responsible for suppression costs of any fires resulting from actions under this permit or contract.
5. Each year, within 30 days of January 1st and 30 days prior to the expiration date of the permit, the permittee would submit a statement to the BLM indicating the type and volume of materials removed from the permit area during the previous year.
6. The approved mining and reclamation plan is part of this permit as special conditions governing all operations under the permit.
7. Any deviations from the approved reclamation plan and these stipulations would be subject to approval by the BLM authorized officer prior to such actions.
8. Upon expiration of the permit the permittee would, within 90 days, remove all equipment, personal property, and other improvements from the area.
9. The authorized officer may cancel the permit if the permittee fails to observe its terms and conditions, or if the permit has been issued erroneously (43 CFR § 3601.61).
10. The permittee shall indemnify and save harmless the United States of America against any liability for damages to life, person, or property arising from the use of the lands under this permit.
11. The subject site and haul roads shall be sprayed as necessary with water or other suitable material to minimize dust created by these activities.

12. Proper mufflers and spark arresters shall be maintained on equipment used in this project to reduce noise levels and to limit the potential for fires. In addition, the permittee and any contractors or subcontractors shall maintain and have on the site adequate fire prevention and extinguishing equipment.
13. The permittee shall remove only as much overburden and vegetation as is needed for each operation so as to keep visual, wildlife, and land stability impacts to a minimum.
14. No construction waste material or other debris may be hauled onto the site, stockpiled or used as fill material, other than that material which was found on the site at the time of signature of this contract.
15. Whenever possible, reclamation should proceed concurrently with excavation.
16. Upon completion of this project, the authorized officer would inspect the site to determine which quarry walls may be left intact for use as nesting sites for raptors. Sites not left intact shall be sloped to a minimum of 3:1 ratio. Overburden would be replaced and all remaining disturbed areas would be seeded with a mixture of seed and rate to be specified by the BLM at the time of reclamation.
17. This permit does not grant the permittee exclusive use of the public lands identified herein. The Bureau of Land Management reserves the right to remove materials from the land and the right to authorize other governmental agencies or individuals to obtain materials from the site, consistent with safe and orderly use of the lands.
18. All operators are required to provide employee training sufficient to meet the requirements of Title 30, CFR, Part 46 and 62, regarding operator safety training and noise exposure standards. Permittee's who contract crushing and screening of materials are responsible for ensuring that contractors have met all of the above requirements. Additional information may be obtained from the internet at www.msha.gov/.
19. Noxious weed and invasive plant control would be the responsibility of the permit holder. Best management practices would be followed. These include, but are not limited to:
 - a. Washing the undercarriage of all vehicles prior to use in any work area.
 - b. Monitoring of disturbed areas for noxious or invasive weeds for three (3) years after work completion.
 - c. Prompt treatment action after identification of noxious or invasive weed infestation, including proper application of BLM-approved herbicides, or physical removal and disposal.
 - d. At the completion of the permit, replanting with a BLM-approved seed mix to help prevent weed infestation.
 - e. Monitoring the site after completion of the permit to ensure that a self-sustaining population of BLM-approved native plants has been established.

G. Conclusion (*If you found that one or more of these criteria is not met, you will not be able to check this box.*)

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of NEPA.

/s/ Jeremy P. Bluma
Preparer

10-19-2011
Date

/s/ Seth Flanigan
NEPA Specialist

10-19-2011
Date

/s/ Terry A. Humphrey
Four Rivers Field Manager

10-19-2011
Date

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, a lease, permit, or other authorization based on this DNA would be subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.