

CATEGORICAL EXCLUSION DOCUMENTATION

CX No. DOI-BLM-ID-B020-2012-0006-CX

A. BACKGROUND

BLM Office: Bruneau Field Office

Lease/Serial/Case File No.: IDI-32667-01

Proposed Action Title/Type: Owyhee County R&B Cinder Pit Free Use Permit Renewal

Location of Proposed Action: Approximately eight miles southeast of Grasmere, ID
Owyhee County, Idaho

Description of Proposed Action:

Renew a Free Use Permit to Owyhee County Road & Bridge to quarry cinders from an existing pit. The permit would authorize the removal of up to 10,000 cubic yards over a ten-year period.

B. LAND USE PLAN CONFORMANCE

Land Use Plan Name: Bruneau Management Framework Plan

Date Approved or Amended: March 22, 1983

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions):

Minerals #4: "Provide sand, gravel, cinders, clay, bentonite, fill material, and building stone to meet the needs of local and state governments, industry, and individuals as the demand warrants."

C: COMPLIANCE WITH NEPA:

The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9 F(10)

Category Description F(10): Disposal of mineral materials, such as sandstone, 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 that would introduce potential effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM6 apply.

The following list of Extraordinary Circumstances (516 DM 2, Appendix 2) was considered:

1. Have significant impacts on public health or safety.

Yes No

Comments/Explanation:

No impact on public health or safety is anticipated. This cinders quarry has been in operation for ten years; no impacts have been reported or encountered. Annual inspections are performed to ensure the

activities are being performed in accordance with submitted plans and that hazardous conditions such as high walls are avoided and minimized.

Specialist Signature/Date: /s/ David Keeler Geologist 9/21/2012

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; or ecologically significant or critical areas, or is not in compliance with the Fish and Wildlife Coordination Act.**

Yes No

Comments/Explanation:

This is a renewal of an existing free use permit. The proposed action is essentially the same as what has been authorized for the past ten years. The site was reviewed in 1998, and no riparian resources were in or near the project area. Furthermore, the site has an existing pit so no migratory birds or ecologically important areas would be impacted by the continuation of activities. This site is not located in a wilderness area or adjacent to a wild scenic river. No impacts on natural resources, unique geographic characteristics, historic or cultural resources, or recreation areas are anticipated.

Specialist Signature/Date: /s/ Bruce C. Schoeberl, Bruneau FO Wildlife Biologist 9/24/12

3. **Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].**

Yes No

Comments/Explanation:

No controversial environmental effects or conflicts are anticipated with the continued removal of cinders from this site. No effects or concerns have been raised in the last ten years of active cinder removal.

Specialist Signature/Date: /s/ David Keeler Geologist 9/21/2012

4. **Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.**

Yes No

Comments/Explanation:

No environmental risks are anticipated by this action.

Specialist Signature/Date: /s/ David Keeler Geologist 9/21/2012

5. **Establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects.**

Yes No

Comments/Explanation:

No precedent will be set by the approval of the renewal of the free use permit for cinder. The proposed action is similar to the current free use permit. While additional material would be removed, the means of removal would be the same as the current permit.

Specialist Signature/Date: /s/ Seth Flanigan - NEPA Specialist 9/13/12

6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant environmental effects.

Yes No

Comments/Explanation:

The pit has been in use for over 10 years and its continued use of this quarry would not result in an incremental change to the current condition of the area.

Specialist Signature/Date: /s/ Seth Flanigan – NEPA Specialist 9/13/2012

7. Have significant impacts on properties listed or eligible for listing on the National Register of Historic Places as determined by either the bureau or office.

Yes No

Comments/Explanation:

Previous inventory indicates that there are no National Register of Historic Places eligible properties in the area of potential effect. I recommend that the cinder pit renewal be authorized as planned. If cultural material is located during pit operation, then work would cease until the site is evaluated, in consultation with SHPO and the tribes. Work would resume after notification from the authorized officer.

Specialist Signature/Date: Lois Palmgren, Bruneau FO Archaeologist 9/6/2012

8. Have significant impacts on species listed or proposed to be listed on the List of Endangered or Threatened Species, or on designated Critical Habitat for these species.

Yes No

Comments/Explanation:

Special status plants do not occur within the project area or within the immediate vicinity.

Plants Specialist Signature/Date: /s/ Holly Beck, Bruneau Field Office Botanist 9/11/12

Comments/Explanation: The project area contains an existing pit so wildlife species in the area have had time to adapt to the disturbance or avoid the area. Additionally, the small project area does not impact habitat that is limiting for any wildlife species. See the Special Status Animal Clearance Worksheet for more detailed analyses.

Wildlife Specialist Signature/Date: /s/ Bruce C. Schoeberl, Bruneau FO Wildlife Biologist 9/25/12

Comments/Explanation: The site was reviewed in 1998 and no streams or other fisheries resources were in or near the project area.

Aquatics Specialist Signature/Date: /s/ Dave Mays, Bruneau Field Office Fish Biologist, 9/11/12

9. Violate a Federal, State, local, or tribal law or requirement imposed for the protection of the environment.

Yes No

Comments/Explanation:

Implementation of this project would not be in violation of federal, state, local, or tribal law, or requirements imposed for the protection of the environment.

Specialist Signature/Date: /s/ Seth Flanigan NEPA Specialist 9/26/2012

10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

Yes No

Comments/Explanation:

There are no low income or minority populations living in the proposed area, which is southeast of the old town site of Grasmere off of Highway 51. Low income or minority persons driving through the area along Highway 51 would not be affected any differently by the proposed activities than any other visitor. The gravel that is proposed to be stockpiled at this location would be used to repave Highway 51, which would benefit the public equally regardless of income level or minority status.

Specialist Signature/Date: /s/ Seth Flanigan NEPA Specialist 9/25/2012

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

Comments/Explanation:

No impacts to access or use of ceremonial or Indian sacred sites or adverse effects to the physical integrity of such sites are anticipated by this action. This action is a renewal of an existing free use permit; no impacts to these activities or sites are known to have occurred in the ten years the site has already been active.

Specialist Signature/Date: /s/ Seth Flanigan NEPA Specialist 9/26/2012

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

Comments/Explanation:

The proposed action is similar to the current free use permit. While additional material would be removed, the means of removal would be the same as the current permit. Non-native invasive plants are known to occur in the area but the proposed action would not contribute to the spread of those species. Stipulations include steps for combating noxious and invasive weeds. At a minimum, annual compliance inspections will be conducted by BLM personnel, any problems will be identified to the permit holder for prompt remediation.

Specialist Signature/Date: /s/ Kavi Koleini, Ecologist 9-12-12

D: SIGNATURE

I certify that none of the Departmental exceptions (Extraordinary Circumstances) listed in the above Part II (516 DM 2, Appendix 2) apply to this action; therefore, this categorical exclusion is appropriate for this situation.

Authorizing Official: /s/ Aimee D Betts (Acting) Date: 9/27/2012
(Signature)

Arnold L. Pike
Field Manager
Bruneau Field Office

Prepared By/Contact Person:

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FREE USE PERMIT
STANDARD STIPULATIONS

1. All materials removed will 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 CR § 3621.4)
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) will be left intact and immediately brought to the attention of the district manager or his authorized representative.
3. 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 1, the permittee shall submit a statement to the BLM indicating the type and volume of materials removed from the permit area during that 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 will be subject to approval by the BLM authorized officer prior to such actions.
8. Upon expiration of the permit, the permittee will, 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 §3621.1).
10. 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 hold down the dust created by these activities.
12. Proper mufflers and spark arresters shall be maintained on equipment used in this project to reduce noise level 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. 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, all pit walls shall be sloped to a minimum of 2:1 ratio; overburden shall be replaced, and all disturbed areas shall be seeded with a mixture of seed and at a 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.

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. Permittees who contract crushing and screening of materials are responsible for insuring that contractor 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 will be the responsibility of the permit holder. Best management practices will 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 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 a self sustaining population of BLM approved native plants has been established.

20. Permittee would immediately notify the BLM's Authorized Officer of any human remains unearthed during mining operations. (25 USC 3002 Section 3 (d) "*Inadvertent discovery of Native American remains and objects*").