

**U.S. DEPARTMENT OF THE INTERIOR**  
**BUREAU OF LAND MANAGEMENT**  
**CATEGORICAL EXCLUSION DOCUMENTATION**  
**and**  
**DECISION RECORD**

ORIGINATING OFFICE: Pocatello Field Office, Idaho Falls District

PROPOSED ACTION: Issue Mineral Material Free Use Permit

NEPA NUMBER: DOI-BLM-ID-I020-2013-0004-CX

CASE NUMBER: IDI-037436

DESCRIPTION OF PROPOSED ACTION:

The Natural Resource Conservation Service (NRCS) has applied for a Free Use Permit to remove sand and gravel within the previously established Virginia Pit. The pit is primarily operated by the Idaho Transportation Department (ITD) under Free Use Permit IDI-025353-02 as well as Material Site Right of Ways IDI-0004054 and IDI-0001086. The application area is located within T. 10 S.; R. 37 E.; Section 32; W½SW approximately 3.5 miles south of Arimo, Bannock County, Idaho. Figure 1 is a location map of the Virginia Pit. When issued the Free Use Permit a designated contractor for the NRCS will remove sand and gravel material from reject material stockpiles produced by the ITD. All proposed activities occur within previously disturbed areas of the Virginia Pit. Material will be utilized as backfill for a local irrigation project that was planned and engineered by the NRCS. The proposed action is to issue a Free Use Permit to the NRCS for up to 15,000 cubic yards of material which would expire in one year.

The following environmental conditions would be attached to the permit:

1. The operator shall conduct all operations in a safe and prudent manner. In particular, the operator shall ensure that the operations do not pose any hazards to people, animals, roads or power lines.
2. The operator shall obey all applicable laws and regulations, e.g., Mine Safety and Health Administration regulations regarding training plans and required levels of training (30 CFR part 46).
3. Disposal of waste or dumping of material is not permitted at the site. Removal of waste and debris generated by operator is required at the end of each project.
4. The operator shall take all reasonable precautions to prevent, control, or suppress fire at the site, including compliance with any fire restrictions in place.
5. The operator will not excavate, remove, damage or otherwise alter or deface any cultural, archaeological and-or paleontological resource on public land. The operator will immediately bring to the attention of the BLM Pocatello Field Office any such resources

- that might be altered or destroyed on public land by the operations, and will leave such discovery intact until notified by the authorized officer that the operations may continue.
6. Chris Chapman, ITD District five McCammon Maintenance Forman, shall be contacted prior to removal operations at office phone (208) 254-3171 or cell phone (208) 201-3307.
  7. The operator shall coordinate the removal of material within the Virginia Pit with either Scott MacKenzie, ITD District Five Interim Source Manager, at (208) 239-3352, or Dan Harelson, P.E., ITD District Five Materials Engineer, at (208) 239-3317.
  8. Operator must have the Free Use Permit and Special Conditions in possession while removing material from the pit.
  9. Report the total amount of material removed from the permit area at the end of every calendar year as well as upon expiration of the permit.

#### CONSULTATION / COORDINATION:

The Pocatello Field Office will maintain a publicly available record of this Categorical Exclusion (CX) Documentation. Information regarding the (CX) is also available in Idaho BLM's NEPA Register which can be accessed via Idaho BLM's public website. Notice to the public was posted on October 26, 2012.

The ITD holds a Mineral Material Free Use Permit as well as two Material Site Rights of Ways within the application area. The Pocatello Field Office coordinated the NRCS application for a Free Use Permit with the ITD to determine if the proposal conflicts with ongoing operations. The ITD has agreed that the NRCS can remove material from the reject material stockpiles and that the proposal will not interfere with any ongoing ITD operations.

#### ANALYSIS / RECOMMENDATION:

Certain actions have been determined to be excluded, by category, from documentation requirements of NEPA. The authority for this categorical exclusion is found in the Departmental Manual 516 DM 6, Appendix 5, Section 5.4, F (10) which states that the following types of actions normally do not require preparation of an EA or EIS:

*Disposal of mineral materials such as sand, stone, gravel, pumice, pumicite, cinders, and clay in amounts not exceeding 50,000 cubic yards or disturbing more than 5 acres, except in riparian areas.*

A list of certain exceptions to categorical exclusions is found in the Departmental Manual at DOI 516 DM 2, Appendix 2. A categorical exclusion cannot be used for any action for which any of these exceptions apply.

The action described above, in categorical exclusion DOI-BLM-ID-I020-2013-0004-CX, has been reviewed and a determination has been made that **none** of the extraordinary circumstances listed below pertain to the proposed action.

DM # Extraordinary Circumstance

- 2.1 Have significant impacts on public health or safety.
- 2.2 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; and other ecologically significant or critical areas.
- 2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)].
- 2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.
- 2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.
- 2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.
- 2.7 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.
- 2.8 Have significant impacts on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have significant impacts on designated critical habitat for these species.
- 2.9 Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.
- 2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).
- 2.11 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).
- 2.12 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).

**DECISION RECORD / RATIONALE:**

It is my decision to approve the NRCS's application for a Free Use Permit. This decision is within the scope of provisions for mineral material disposal under the Categorical Exclusion list contained in Departmental Manual 516 DM 6, Appendix 5, Section 5.4, F (10) and no extraordinary circumstances exist that would require further NEPA analysis.

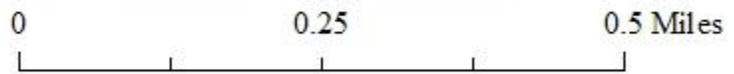
It is BLM policy to make mineral material available unless it is detrimental to the public to do so. The mineral material permit, as described above, meets the criteria of the Categorical Exclusion for mineral material removal of less than 50,000 cubic yards of material and less than 5 acres of disturbance. None of the extraordinary circumstances apply.



**Figure 1. Location Map of Free Use Permit Application IDI-037436.**



T. 10 S., R. 37 E., Idaho B.M.,  
Section 32, W $\frac{1}{2}$ SW.



**Surface Management Status**

-  Bureau of Land Management
-  Private



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