

**DECISION RECORD**  
**Environmental Assessment**  
**DOI-BLM-ID-B020-20012-0005-EA**  
**Owyhee County Road and Bridge Shoofly and Shop Pit Free Use Permit**  
**Renewals**

**Proposed Action (Alternative 2):**

The proposed action (Alternative 2) is to renew two existing free use permits (FUPs) at Shoofly and Shop Pits for Owyhee County Road & Bridge as described in EA # DOI-BLM-ID-B020-2012-0005.

**Authorities:**

43 CFR 3604.12 allows for “any Federal, State, or territorial agency, unit, or subdivision, including municipalities, or any non-profit organization, may apply for a free use permit to extract and use mineral materials.”

**Compliance and Monitoring:**

As part of this decision, and in conformance with BLM Handbook H-3600-1, Mineral Materials Disposal Handbook, Chapter VII (E), Inspection and Enforcement Requirements for Free Use Permits, site visits will be conducted, at a minimum, annually by BLM minerals staff.

**Stipulations/Post Reclamation Objectives**

Owyhee County Road and Bridge will adhere to the following 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 permit, 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 noxious weeds 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<sup>st</sup> 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. Permittees that 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/](http://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.
20. Pursuant to 43 CFR 10.4(b), the permittee must notify the BLM Field Manager, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined in 43CFR10.2) on federal land. Pursuant to 43 CFR 10.4 (c), the permittee must immediately stop any ongoing activities connected with the discovery and make a reasonable effort to protect the discovered remains or objects.

### **Plan Conformance and Consistency:**

The proposed action is consistent with the Bruneau Management Framework Plan (MFP) dated March 22, 1983. Specifically, in the Decision M-4.1, the MFP states, "Designate free-use sites of up to 20 acres for federal, state, county or city government needs..." While the proposed 22.5 acre boundary for Shoofly exceeds the 20 acres specifically mentioned, allowing for 22.5 acres of disturbance falls under the main objective which states, "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." Additionally, the MFP states, "Where economically feasible limit the development of new sources and where practical and economic allow private sales from same sources." Demand of sand and gravel for road maintenance and construction has increased over the past 30 years and is expected to increase in the future. Allowing this site to expand to 22.5 acres would also prevent the need to find and develop a new source of sand and gravel for many years.

### **Other Alternatives Considered**

A No Action Alternative was considered. This alternative would have required that the current disturbance area be reclaimed, and no additional mining would have been authorized. No other alternatives were considered. If, after completing clearances, special status species or cultural resources were discovered, an additional alternative may have been considered. However, staff did not identify the need for an additional alternative.

## **Public Involvement**

The proposed action was listed on the ePlanning [NEPA Register](https://www.blm.gov/epl-front-office/eplanning/nepa/nepa_register.do) webpage<sup>1</sup>. The proposed action was also presented to the Shoshone Paiute tribes during Wings and Roots consultation meeting held June 19, 2014.

## **Decision and Rationale:**

It is my decision to authorize the FUP renewal in Alternative 2 (Proposed Action) of the Environmental Assessment #DOI-BLM-ID-B020-2012-0005. The actions analyzed in the Environmental Assessment will not constitute a major federal action that would significantly affect the quality of the human environment; therefore, an Environmental Impact Statement was not required and a finding was made of no significant impact (FONSI – signed September 30, 2014).

My decision to authorize the proposed action (Alternative 2) will provide source material to Owyhee County Road and Bridge in the repair and maintenance of roads used by the general public for up to ten years.

## **Appeal:**

Any appeal of this decision must follow the procedures set forth in 43 CFR Part 4. Within 30 days of the decision, a notice of appeal must be filed in the office of the authorized officer at the *Bureau of Land Management Bruneau Field Office, 3948 Development Avenue, Boise, Idaho, 83705*. If a statement of reasons for the appeal is not included with the notice, it must be filed with the *Interior Board of Land Appeals (IBLA), Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203* within 30 days after the notice of appeal is filed with the authorized officer.

To file a petition for stay pursuant to 43 CFR Part 4.21(b), it must accompany your notice of appeal and must show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

If a petition for stay is submitted with the notice of appeal, a notice of appeal and petition for stay must be served on each adverse party named in the decision from which the appeal is taken and on the *Office of the Solicitor, Field Solicitor – U. S. Department of the Interior, University Plaza, 960 Broadway Avenue, Suite 400, Boise, Idaho, 83706*, not later than 15 days after filing the document with the authorized officer and/or IBLA.

If you have any questions regarding this decision, or your appeal rights, please contact David Keeler, Bruneau Field Office Geologist, at (208) 384-3315, or e-mail him at [dkeeler@blm.gov](mailto:dkeeler@blm.gov).

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<sup>1</sup> [https://www.blm.gov/epl-front-office/eplanning/nepa/nepa\\_register.do](https://www.blm.gov/epl-front-office/eplanning/nepa/nepa_register.do)

*/s/ Tanya Thrift*

*09/30/2014*

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Tanya Thrift  
Bruneau Field Office Manager

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Date