

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

Twin Falls District
Burley Field Office
15 East 200 South
Burley, ID 83318

DECISION RECORD

for the

**Goat Springs Quarry
Free Use Permit**

NEPA No. DOI-BLM-ID- T020-2013-0028-EA

I. Decision

I have decided to select the Proposed Action, the issuance of a Free Use Permit (FUP) with the attached stipulations to the Twin Falls Highway District (TFHD), as described in the Goat Springs Quarry Environmental Assessment (EA). Based on my review of the EA and project record, I have concluded that the Proposed Action was analyzed in sufficient detail to allow me to make an informed decision. I have selected this alternative because the Proposed Action will provide for development of mineral material resources with minimal environmental impacts.

My decision is in accordance with the Twin Falls Management Framework Plan (MFP 1980). The Twin Falls MFP does not identify lands as open or closed to minerals development. However, Objective M-4 under the salable minerals section of the MFP is to:

“Provide for local needs of sand and gravel, borrow, and other varieties of salable minerals to meet the requirements of the building construction industry, for road construction and maintenance, and for other private non-commercial use.”

My decision also complies with the following statutes and regulations:

43 CFR 3604 – Free Use of Mineral Materials: Establishes procedures for the exploration, development, and disposal of mineral material resources on public lands, and for the protection of the resources and the environment.

Mineral Materials Act, July 31, 1947 as amended: This authority applies to sales and free use of mineral materials.

Section 302 of the Federal Land Policy and Management Act of 1976: Provides the general authority for BLM to manage the use, occupancy, and development of the public lands under the principals of multiple use and sustained yield in accordance with land use plans.

National Environmental Policy Act of 1969: This EA has been prepared for compliance with the National Environmental Policy Act of 1969 (NEPA). The EA analyzes the potential environmental effects that may be associated with proposed quarrying activities detailed in the Mining Plans submitted to the BLM. The EA will also assist the BLM, in determining whether an Environmental Impact Statement (EIS) would need to be prepared if a Finding of No Significant Impact (FONSI) cannot be reached.

Idaho Instruction Memorandum (IM) 2012-43: Greater-Sage Grouse Interim Management Policies and Procedures, outlines the interim conservation measures to be implemented while BLM develops and decides how to best incorporate long-term conservation measures for the Greater Sage-Grouse into applicable Land Use Plans (LUP). Specifically regarding saleable minerals, the IM states:

It is BLM policy that where a field office determines that it is appropriate to issue an authorization, the following process must be followed:

- *The BLM will document the reasons for its determination and implement measures to minimize impacts to sage-grouse habitat.*
- *In addition to considering opportunities for onsite mitigation, the BLM will, to the extent possible, cooperate with project proponents to develop and consider implementing appropriate offsite mitigation that the BLM, coordinating with the respective state wildlife agency, determines would avoid or minimize habitat and population-level effects (refer to WO-IM-2008-204, Off-Site Mitigation). When developing such mitigation, the BLM should consider compensating for the short-term and long-term direct and indirect loss of Greater Sage-Grouse and its habitat.*
- *Unless the BLM determines, in coordination with the respective state wildlife agency, that the proposed pit and mitigation measures would cumulatively maintain or enhance Greater Sage-Grouse habitat, the proposed pit authorization decision must be forwarded to the appropriate BLM State Director, State Wildlife Agency Director, and FWS representative for their review. If this group is unable to agree on the appropriate mitigation for the proposed authorization, then the proposed decision must be forwarded to the Greater Sage-Grouse National Policy Team with the addition of the State Wildlife Agency Director, when appropriate, for its review. If the National Policy Team and the State Wildlife Agency Director are unable to agree on the appropriate mitigation for the proposed authorization, the National Policy Team will coordinate with and brief the BLM Director for a final decision in absence of consensus.*
- *Exception- Pit Expansion Only: New permits may be issued for pit expansion, provided there are no adverse effects on Greater Sage-Grouse and its habitat.*

II. Other Alternatives Considered

A No Action alternative was considered in detail and is described on page six of the EA. This alternative was not selected because the Proposed Action would result in similar impacts and meets the proponent's needs more adequately.

A Closure alternative was also considered in detail and is described on page six of the EA. This alternative was not selected because the subject lands are available open to mineral leasing/sale, and issuing a permit to the TFHD from the Goat Springs quarry will provide high quality material, at no expense to taxpayers, and will result in a minimum impact to the environment.

III. Public Involvement

This project has been listed on the NEPA Register since June 17, 2013. On July 5, 2013 a scoping package was posted on BLM's website and letters were sent to all interested public with instructions on how to access the scoping package online or obtain a hard copy. The scoping package solicited comments for a 30 day period. BLM received comments from four organizations; these comments are summarized in the Public Involvement section on page three of the EA.

IV. Stipulations

The following stipulations were identified through internal and external scoping, were analyzed in the EA, and will be included as a part of the permit:

1. The TFHD shall comply with the submitted mining and reclamation plan with the addition of the following stipulations and mitigation measures, as well as any mitigation measures selected for implementation by the authorized officer.
2. Access is limited to use of existing roads. Twin Falls Highway District shall not close roads or trails commonly in public use.
3. Any fuel, petroleum products, or hazardous materials are to be stored in secondary containment areas.
4. The TFHD shall take appropriate measures for abating dust including but not limited to watering roads during operational periods. This includes dust control while conducting crushing operations if necessary.
5. Berms will be constructed and maintained on the south and east sides of the quarry to ensure all runoff remains within the quarry.
6. For safety of the public, no high, steep banks conducive to cave-in will be left in the quarry area after any gravel removal operation. Interim slopes shall be 1:1 or flatter, or benched so that no vertical face will be left greater than 20 feet, as described in the mining plan.
7. The TFHD will repair, restore, or replace any presently existing or subsequently installed range improvements such as roads, fences, wells, pipelines, etc. which are

damaged or demolished by the TFHD's use of the permitted area. Such repairs or replacements shall be made in acceptable manner and to the satisfaction of the authorized officer.

8. The TFHD will be responsible for cleanup of all waste and prompt disposal at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, old asphalt, and equipment.
9. All topsoil and/or overburden will be stripped and stockpiled separately. Topsoil and overburden will be used during reclamation.
10. No surface disturbance or construction will be allowed within 50 feet of roads, structures, or fences. Any deviation from this requirement shall have the prior written approval of the authorized officer.
11. Migratory birds may now or hereafter be found to utilize habitats within and adjacent to the Goat Springs Quarry. To avoid the potential take of migratory birds, no vegetation disturbing activities are to occur during the migratory bird nesting season from March 15 to July 31. Additionally, migratory birds have been observed nesting in overburden piles and highwalls. If occupied migratory bird nests, cavities, or burrows are found within the project area, operations must immediately cease and the authorized officer notified. The authorized officer will coordinate with the U.S. Fish and Wildlife Service and notify the operator how to resolve the issue. Avoiding vertical escarpments would minimize the potential for migratory birds to initiate nesting.
12. To minimize impacts to wintering mule deer, gravel operations may be limited between January 16th to March 15th. In the event of severe weather during the aforementioned dates gravel operations may be prohibited or altered.
13. The project area may now or in the future contain threatened, endangered, or special-status plants and/or animals, or their habitats. BLM may require modifications to, or disapproval of, ongoing and/or proposed activities that may harm such species or their habitat. Project specific studies may be required to inventory special status species prior to activities that have the potential to harm these species or their habitat. BLM will not approve ground-disturbing activities that may affect such species or critical habitat until it completes its consultation obligations under applicable requirements of the Endangered Species Act as amended, 16 USC 1531 et seq., including implementation of additional mitigation requirements necessary to avoid impacts to special status species.
14. The TFHD is responsible for preventing the spread of noxious weeds designated by the State of Idaho (www.idahoweedawareness.net) or other invasive plants. If these species are encountered in the project area, the TFHD is responsible for control using BLM approved herbicide or treatments.
15. Twin Falls Highway District shall not knowingly disturb, alter, injure, or destroy any scientifically important paleontological remains or any historical or archeological site, structure, building, or object on Federal lands. Twin Falls Highway District shall immediately bring to the attention of the authorized officer any cultural and/or paleontological resources that might be altered or destroyed on Federal lands by his/her operations, and shall leave such discovery intact until told

to proceed by the authorized officer. All operations in the immediate area of such a discovery shall be suspended until written authorization to proceed is issued by the authorizing officer.

16. A production report will be submitted annually.
17. Compliance inspections will be conducted at least twice yearly by the BLM. If any deficiencies are noted, the TFHD will be contacted. If the TFHD fails, after adequate notice, to observe the terms and conditions of the permit, the authorized officer may cancel the permit.
18. Reclamation, including contouring and seeding, will be completed on areas that are depleted of gravel and are no longer needed for processing or stockpiling in the fall following depletion. The TFHD shall contact the Burley Field Office for a biologist recommended native seed mix. Best times for seeding are fall through early spring.
19. Prior to final termination of the permit, the TFHD shall contact the authorized officer to arrange a joint inspection to plan final reclamation of the site.
20. Upon termination of operations at the site, the disturbed area would be shaped to blend into the surrounding land contours and adequate drainage provided for. Stockpiled topsoil would be replaced, and the site would be re-vegetated by the TFHD.
21. All applicable State and Federal laws and regulations must be complied with.

V. Appeals

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4. Any appeal must be filed within 30 days of this decision. Any notice of appeal must be filed with the Burley Field Manager, 15 East 200 South, Burley, ID, 83318. The appellant shall serve a copy of the notice of appeal and any statement of reasons, written arguments, or briefs on each adverse party named in the decision, not later than 15 days after filing such document (see 43 CFR 4.413(a)). Failure to serve within the time required will subject the appeal to summary dismissal (see 43 CFR 4.413(b)). If a statement of reasons for the appeal is not included with the notice, it must be filed with the 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 Burley Field Manager.

Notwithstanding the provisions of 43 CFR 4.21(a)(1), filing a notice of appeal under 43 CFR Part 4 does not automatically suspend the effect of the decision. If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal.

A petition for a stay is required to 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.

In the event a request for stay or an appeal is filed, the person/party requesting the stay or filing the appeal must serve a copy of the appeal on the Office of the Field Solicitor, 960 Broadway Ave., Suite 400, Boise, ID 83706.

/s/Michael Courtney
Michael Courtney
Burley Field Manager

5/12/2014
Date