



United States Department of the Interior  
BUREAU OF LAND MANAGEMENT  
Burley Field Office  
15 East 200 South  
Burley, Idaho 83318  
(208) 677-6600



In Reply Refer To:  
3600  
IDI-25940-04

May 12, 2014

**Decision Record  
for the  
Hillsdale Highway District (Buckhorn Pit)  
Free Use Permit Renewal  
DOI-BLM-ID-T020-2014-0009-DNA**

**A. PROPOSED ACTION**

Renew for a ten-year period the existing Free Use Permit (FUP) to be issued to Hillsdale Highway District for the Buckhorn pit site located approximately 17 miles southwest of Burley, ID and 10 miles southeast of Murtaugh, ID in Cassia County. This permit will authorize the removal of 10,000 cubic yards from the original site. The legal description for this site is:

Boise Meridian, T. 12 S., R. 20 E., Section 24, SWNWNE and SENWNE.

**B. PLAN CONFORMANCE REVIEW**

The applicable Land Use Plan (LUP) is the Cassia Resource Management Plan (RMP) that was approved on January 24, 1985.

**C. EXISTING NEPA REVIEW**

Cassia RMP Environmental Impact Statement (EIS), May 1984.  
Environmental Assessment (ID-077-2002-0039); Decision Record and Finding of No Significant Impact, signed May 21, 2002.

**D. DECISION**

This notice constitutes my decision to authorize a ten-year FUP with the attached Stipulations to Hillsdale Highway District for the removal of 10,000 cubic yards of mineral materials from the Buckhorn pit site indicated above. The DNA (NEPA No. DOI-BLM-ID-T020-2014-0009-DNA) completed for this project documents that the Proposed Action is allowed in the LUP and that the analysis of the selected alternative in the applicable NEPA document (Cassia RMP EIS) is adequate for this permit renewal. The DNA also documents that the Proposed Action was previously analyzed as the preferred alternative in the Environmental Assessment (ID-077-2002-0039) which was also determined adequate for this permit renewal.

## **E. APPEAL OPPORTUNITIES**

My 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 Idaho 83318. 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.

If an appeal is filed, the appellant may also file a petition for a stay of the effectiveness of this decision during the time that the appeal is being reviewed by the IBLA. The petition for a stay must accompany the 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 at the following address: Department of Interior, Boise Field Solicitor's Office, University Plaza, 960 Broadway Avenue, Suite 400, Boise, ID 83706.

## **F. Signature**

Authorizing Official: /s/Michael Courtney Date: 5/12/2014  
Name: Michael Courtney  
Title: Field Manager

### **Contact Person**

For additional information concerning this decision, contact Steve Lubinski, Geologist, (208) 677-6667, Burley Field Office, 15 East 200 South, Burley, Idaho 83318.

## Stipulations for the Hillsdale Highway District – Buckhorn Gravel Pit

1. The submitted mining and reclamation plan is hereby made a part of the Free Use Permit.
2. The Hillsdale Highway District shall be responsible for weed control on disturbed areas within the limits of the permit area. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods.
3. Migratory birds may now or hereafter be found to utilize habitats within and adjacent to the Buckhorn gravel pit. 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.
4. 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.
5. Hillsdale Highway District will be responsible for the clean-up 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.
6. Topsoil and/or overburden must be stripped prior to disturbing new ground. It should be stockpiled separately, to be saved for final reclamation of the site. The topsoil stockpile should be seeded with the seed mix below, to prevent weed germination and soil erosion.
7. For the safety of the public and livestock, no high, steep banks conducive to cave-in shall be left in the pit area after any gravel removal operation. A slope ratio of 3:1 is recommended.
8. Should any archaeological artifacts be uncovered during the gravel removal operation, the Hillsdale Highway District will cease operation immediately and notify the authorized officer.
9. Excavation shall take place no closer than 50 feet to any fence line or boundary of the permit.
10. In areas where the gravel resource has been depleted and no further work is anticipated, the disturbed area will be shaped to blend into the surrounding land contours and adequate drainage provided for. Stockpiled topsoil will be replaced, and the area will be re-vegetated by the Hillsdale Highway District, using the following seed mixture. Seed shall be planted and buried using a harrow if possible. The seeding shall be repeated until a satisfactory stand is established as determined by the authorized officer.

<u>Seed Mixture</u>	<u>Pounds/Acre PLS</u>
Crested Wheatgrass	10 lbs/acre
Yellow or white clover	1 lb/acre
Native rabbit brush	½ lb/acre
<u>Native sage brush</u>	<u>½ lb/acre</u>
Total	12 lb/acre