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
Idahome Lane Free Use Permit
NEPA No. DOI-BLM-ID-T020-2014-0019-CX

I. Decision

I have decided to authorize the Raft River Highway District to mine up to 10,000 cubic yards of pit run gravel material over a ten year period from the existing Idahome Lane pit as described in the Idahome Lane Free Use Permit (FUP) Categorical Exclusion (CX) with the attached stipulations. Based on my review of the CX and consideration of extraordinary circumstances, I have concluded that the Proposed Action was analyzed in sufficient detail to allow me to make an informed decision. I have decided to implement the Idahome Lane FUP because the proposed activity will provide a reliable source of gravel material to meet the public need.

II. 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 Michael C. Courtney, at the Burley Field Office, 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.

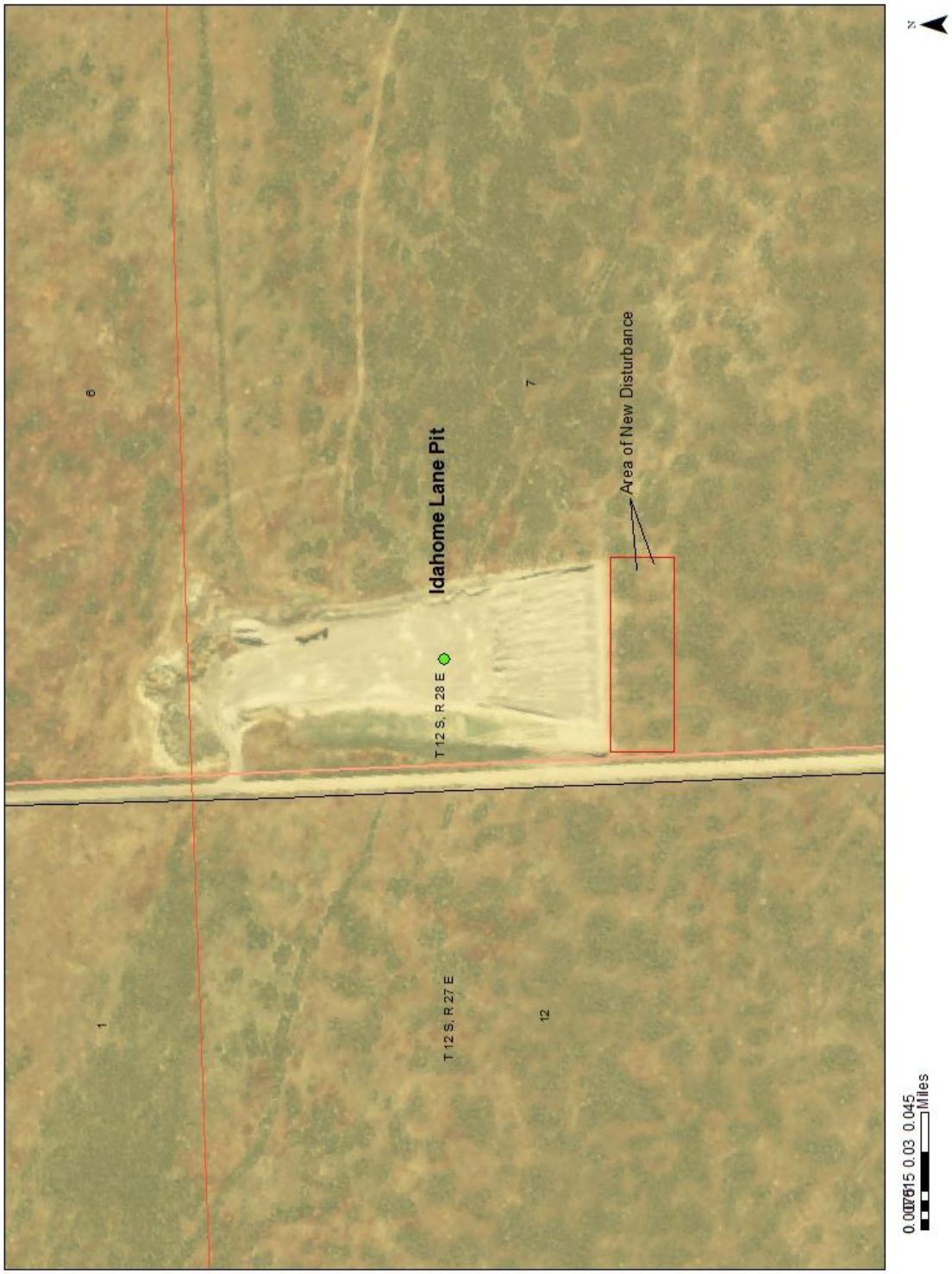
In the event a request for stay or an appeal is filed, the person/party requesting the stay or filing the appeal must serve a copy of the appeal on the Office of the Field Solicitor, 960 Broadway Ave., Suite 400, Boise ID, 83706.

III. Contact Person

For additional information concerning this project, contact: Steve Lubinski, Geologist, Burley Field Office, 15 East, 200 South, Burley, ID 83318, (208) 677-6667 or Slubinski@blm.gov.

__/s/ _____ _7/30/2014_
Jim Tharp Date
Burley Field Manager (Acting)

cc:
Raft River Highway District
320 North Main Street
Malta, ID 83342


Idahome Lane Pit
Area of New Disturbance
T 12 S, R 28 E
T 12 S, R 27 E
6
7
1
12
0.0075 0.015 0.03 0.045
Miles
N

Stipulations for IDI-23730-06

1. For the safety of the public and livestock, no high, steep banks conducive to cave-in will be left in the pit area after any gravel removal operation. A slope ratio of 3:1 (3 = length, 1 = height) is recommended.
2. Raft River Highway District 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.
3. All topsoil and/or overburden will be stripped and stockpiled separately. Topsoil and overburden will be used during reclamation.
4. Access is limited to existing roads and trails.
5. Migratory birds may now or hereafter occupy the action area, including nesting. Operations must avoid take of migratory birds. Take as defined by 50 CFR 10.12, "means to pursue, hunt, shoot, wound, kill, trap, capture, or collect". Active nesting could occur within operating area. The operator must inform the BLM authorized officer if active nesting locations are identified.
6. To help avoid the potential take of migratory birds, new surface disturbance (i.e. vegetation removal) should not occur during the migratory bird nesting season from March 15 to July 31. Active nesting may also occur on disturbed areas (e.g. kill deer) and pit walls/overburden (e.g. bank swallow). Active nesting in disturbed areas is of particular concern if the operation area has been idle for a prolonged time leading up to and during the migratory bird nesting season (March 15 to July 31). Operations must avoid take. Avoiding vertical escarpments on pit walls and overburden piles may help reduce potential conflicts with nesting migratory birds.
7. Should it be determined that a new or previously unknown active ferruginous hawk nest is found to occur within 1 km (~ 2/3 miles) of an active gravel pit, a biological assessment will be conducted by a Burley Field Office wildlife biologist to determine if continued use of the pit would be detrimental to the nesting birds. Curtailment of activity between March 1 and July 31 may be necessary in some instances.
8. Raft River Highway District 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 pit, Raft River Highway District is responsible for control using BLM approved herbicide or treatments.
9. Raft River 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. Raft River 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.

10. Reclamation will be completed on areas that are depleted of material and are no longer needed for processing or stockpiling.
11. A production report will be submitted annually.
12. Prior to final termination of the permit, the Raft River Highway District shall contact the authorized officer to arrange a joint inspection to plan final reclamation of the site. Any disturbed areas will be shaped to blend into the surrounding land contours and adequate drainage provided for. Stockpiled topsoil will be replaced, and the site will be re-vegetated by Raft River Highway District.
13. Raft River Highway District shall seed all disturbed areas with a seed mixture prescribed by the BLM authorized officer. Seed shall be planted using a drill if possible. The seeding will be repeated until a satisfactory stand is established as determined by the authorized officer.
14. Compliance inspections will be conducted at least once yearly by the BLM. If any deficiencies are noted, Raft River Highway District will be contacted. If Raft River Highway District fails, after adequate notice, to observe the terms and conditions of the permit, the authorized officer may cancel the permit.