

**U.S. Department of the Interior**  
Bureau of Land Management  
Coeur d'Alene Field Office  
3815 Schreiber Way  
Coeur d'Alene, Idaho 83815

**Decision Record**

Harrison 2014 Rock Sale  
DOI-BLM-ID-C010-2014-0006-CX

**1. Background**

An applicant has requested to purchase 10 tons of river rock (mineral materials) from the same site he has removed stone from on previous sales. These sales include:

IDI36275 – 11/26/08; 40 tons  
IDI35671 - 9/15/06; 40 tons  
IDI34653 - 7/15/04; 40 tons

**2. Decision**

It is my decision to sell 10 tons of river rock from the above described BLM administered land to the applicant. The permit will include the attached stipulations which will be adhered to during the duration (12 months) of this permit.

**3. Authority**

BLM's authority to dispose of sand, gravel, and other mineral...materials...is the Act of July 31, 1947, as amended (30 U.S.C. 601 et seq.), commonly referred to as the Materials Act. [Code of Federal Regulation, Title 43, Subpart 3601.3 (a)]

**4. Rationale**

I have taken into account the removal method (hand picking rock and stacking on pallets), location (dry portion of river bed), access (existing roads), and the applicant's past performance on similar projects at the same site. The proposed action is in conformance with the RMP and pre- and post- inspections of the site for previous sales have shown that the project as designed and implemented has had no impact on other resources in the area. Also, as described in the attached Categorical Exclusion Documentation, this type of action is one that does not normally cause significant effects and, therefore, no further environmental analysis is required.

**5. Protest and Appeal**

This decision constitutes my final decision. Any party that is adversely affected by it may appeal to the Interior Board of Land Appeals in accordance with the regulations contained in 43 CFR, Part 4. A notice of appeal must be filed in this office (Coeur

d'Alene Field Office, 3815 N. Schreiber Way, Coeur d'Alene, Idaho 83815) within 30 days from receipt of this decision. The Notice of appeal must be sent certified mail. The appellant has the burden of showing that the decision is in error in a statement of reasons. 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-QC, Arlington, VA 22203 within 30 days of filing the notice of appeal with the authorized officer. Any request for stay of this decision, in accordance with 43 CFR 4.21, must be filed with your notice of appeal.

/s/ Kurt Pavlat  
Kurt Pavlat  
Field Manager

6/23/2014  
Date

**Attachments:**

- Stipulations
- Categorical Exclusion Documentation

**Stipulations For  
Harrison 2014 Rock Sale  
IDI-37761**

1. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public. The authorized officer may suspend or terminate in whole, or in part, any notice to proceed which has been issued when, in his judgment, unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.
2. No hauling activities shall be performed when the soil is too wet to adequately support vehicles. The soil shall be deemed too wet to adequately support vehicles if vehicles create ruts in excess of 6 inches deep. All mobile equipment used at the site will be washed before use at the site to remove noxious plants/seeds if the equipment has been used off of maintained roads prior to entering the site.
3. Holder shall comply with all applicable Federal, State, and local laws and regulations, existing or hereafter enacted or promulgated, with regard to any Hazardous Material, as defined in this paragraph. "Hazardous Material" means any substance, pollutant or contaminant that is listed as hazardous under the CERCLA of 1980, as amended, 42 U.S.C. 9601 et seq., and its regulations. The term hazardous materials also includes any nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et seq. The term does not include petroleum, including crude oil or any fraction thereof that is not otherwise specifically listed or designated as a hazardous substance under CERCLA section 101(14), 42 U.S.C. 9601 (14), nor does the term include natural gas.
4. Holder agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the CERCLA of 1980, 42 U.S.C. 9601, et seq. or the RCRA of 1985, 42 U.S.C. 6901, et seq.) within the working area unless the release or threatened release is wholly unrelated to the holder's activities. This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.
5. Should any cultural or paleontological resources be discovered during the course of operations, the operator will stop operations and notify the authorized officer. The authorized officer will determine the appropriate mitigation measures, if any, after consultation with the operator.

**U.S. Department of the Interior**  
Bureau of Land Management  
Coeur d'Alene Field Office  
3815 Schreiber Way  
Coeur d'Alene, Idaho 83815

**Categorical Exclusion Documentation**

Harrison 2014 Rock Sale

DOI-BLM-ID-C010-2014-0006-CX

**1. Proposed Action**

An applicant has requested to purchase 10 tons of river rock from BLM administered land. The rock would be taken from a cobble and gravel bar located adjacent to the southern bank of the West Fork of Pine Creek just above its confluence with Jackass Creek. The removal location is within that portion of the channel that is seasonally dry and has no established vegetation. And, the removal location is within a depositional zone meaning the removed bedload material would be replenished by high flows during seasonal run-off. The loose rock lying on the surface would be hand sorted and stacked on wooden pallets. The underlying armor layer of larger, embedded rock providing stability against channel incision in extreme floods would not be disturbed. The only anticipated use of mechanized equipment would be a forklift to load the pallets onto a truck for transport. Equipment would only be on-site when needed. Workers would travel to the site on existing roads and park in an approved area.

**2. Location**

T. 48 N., R. 2 E., Sec. 31, Boise Meridian; Shoshone County, Idaho; About 5 miles S-SW of Pinehurst, Idaho. (Map attached.)

**3. Land Use Plan Conformance**

Land Use Plan (LUP) Name: Coeur d'Alene Field Office Resource Management Plan

Date Approved/Amended: Record of Decision - June, 2007

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is consistent with the following LUP decision(s): Objective MN 2.1, Allocation MN 2.1.2 (ROD, Pg 46) which states, "Approximately 76,048 acres are open to...mineral material disposal...(See Map 13 in Appendix G.)" Map 13 of the ROD indicates the subject land is open to mineral material disposal.

**4. Compliance with the National Environmental Policy Act (NEPA)**

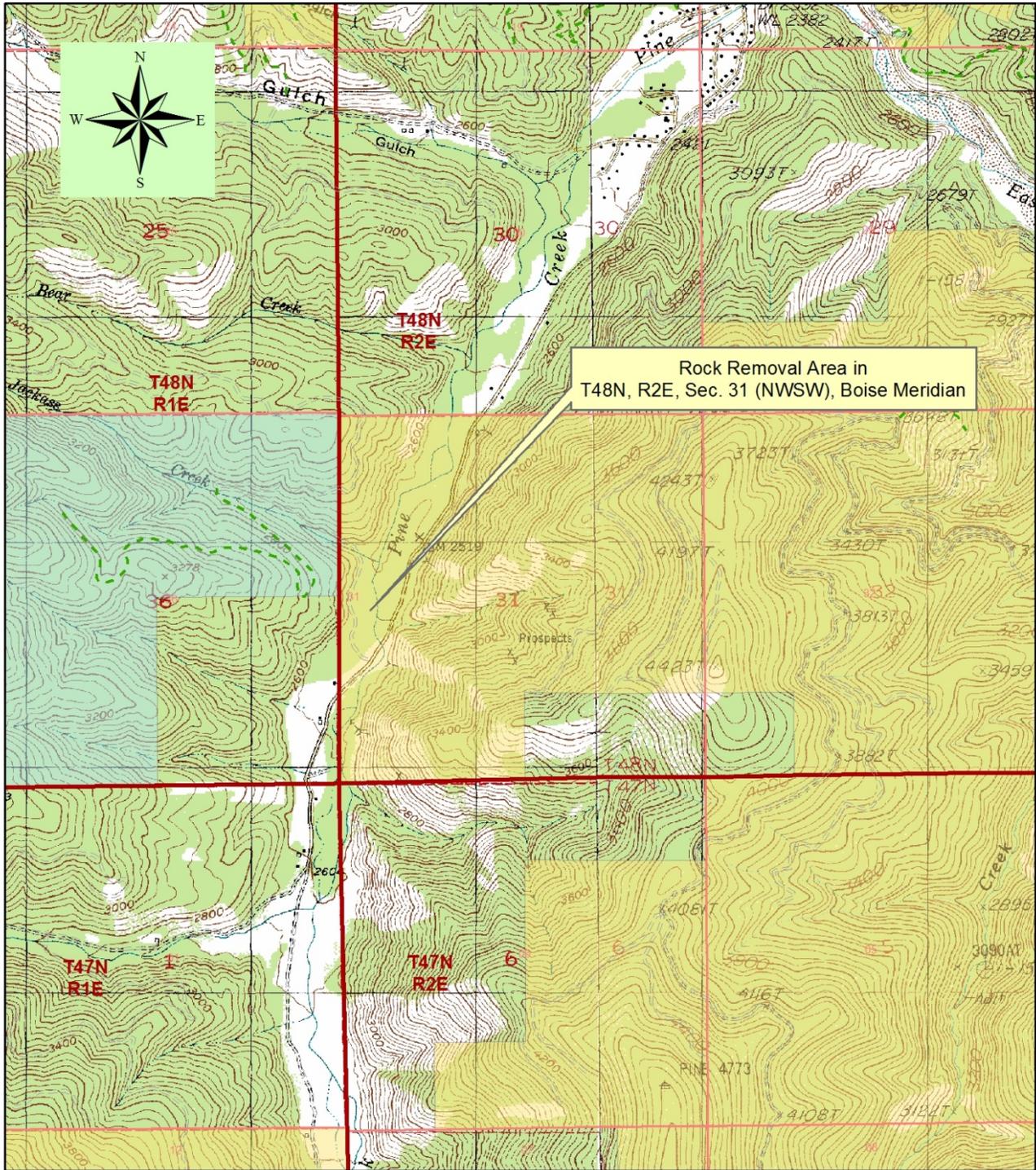
The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, F (10) which states;

“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.” The requested amount (10 tons) is less than 50,000 cubic yards; there would be less than 5 acres of disturbance;. Application of this categorical exclusion is appropriate in this situation because there are no extraordinary circumstances having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2, Appendix C, exist.

/s/ Kurt Pavlat  
Kurt Pavlat  
Field Manager

6/23/2014  
Date

Attachments: General Location Map  
Extraordinary Circumstances Review

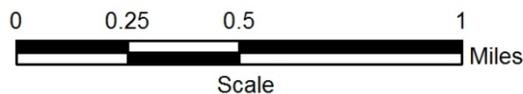


**Location Map - IDI37761 - Harrison 2014 Rock Sale**

Datum: Nad 83; Zone 11



No warranty is made by the Bureau of Land Management for use of the data for purposes not intended by BLM.



**Ownership**

- BLM
- PRIVATE
- STATE