

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

Twin Falls District
Burley Field Office
15 East 200 South
Burley, ID 83318
Phone: (208) 677-6600

DECISION RECORD

for the

**Northern Stone Granite Quarry
NEPA No. DOI-BLM-ID-T020-2015-0008-EA**

I. Decision

I have decided to select the Proposed Action with the attached conditions of approval for implementation as described in the Northern Stone Granite 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 meet the applicant's needs, and will provide for the current and future demand for granite building stone. I have decided to approve Northern Stone's (Northern) Plan of Operations (POO), IDI-33978, with the conditions of approval listed below.

Terms / Conditions / Stipulations:

- Northern 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.
- Proper signage will be maintained in and around the quarry to provide for the safety of the public.
- Quarry activities that will involve disturbance to the vegetation at the Project Area will be limited to the time-frame between July 15 and February 28 as a mitigation measure to prevent impacts to BLM sensitive birds and other migratory birds that may nest and/or forage within the Project Area.
- Blasting and crushing operations will be limited to the time frame between July 1 and March 15 as a mitigation measure to prevent impacts to lekking or nesting sage-grouse.
- No repeated or sustained behavioral disturbance (e.g., visual, noise over 10 dbA at lek, etc.) to lekking birds from 6:00 pm to 9:00 am within 2 miles (3.2 km) of leks during the lekking season, from March 15 to April 30.
- Land disturbance associated with the Proposed Action could be conducive to infestation of non-native invasive noxious weeds. Noxious weeds will be treated a minimum of once per year, by pulling or with a BLM approved

herbicide, or as often as necessary to control them. For Scotch Thistle, herbicide should be applied in the summer months between the rosette and pre-bud stages.

- Apply the identified Inland Native Fish Strategy (INFISH) Riparian Conservation Area (RCA) buffers for perennial non-fish bearing streams (USDA 1995) to the tributaries to Cold Creek and Cold Creek, respectively to the quarry, material stockpile areas, and equipment and material staging areas. Ground disturbing activities cannot occur within 150 feet of the perennial riparian area.
- Apply standard BMPs along the access roads to and within the quarry to minimize the potential for sediment to be eroded off the identified project area. BMPs include but are not limited to installing water bars, settling basins, silt fencing, erosion matting or other treatments to prevent soil erosion and reduce runoff from roads. On-site project monitoring throughout the life of the project will determine where and what type of treatments are needed to prevent surface erosion.
- BLM approved seed stocks should be applied to the side casted road fill materials at the culvert crossing near the entrance to the quarry. Avoid side casting additional materials in the vicinity of the culvert crossing and consider the use of erosion fencing to reduce the potential for additional surface erosion from entering the perennial non-fish bearing stream at the culvert (Spring Creek). Erosion control structures should be constructed to divert runoff away from streams, and if runoff into the spring creek cannot be avoided using this method, a small settling basin could be constructed near the culvert to capture surface erosion from the road and prevent it from being deposited into Spring Creek.
- All Simpson's hedgehog cacti present in areas to be disturbed will be transplanted and saved for use during reclamation of this or other projects.
- Solid waste will be collected and taken to the Oakley waste transfer station or disposed of in a manner consistent with the POO.
- In the unlikely event that human remains or any previously undiscovered cultural, historical, or archaeological resource or vertebrate paleontological resources are discovered during quarrying activities, Northern will immediately cease all activities within 200 feet of the discovery, ensure that the discovery is properly protected, and immediately notify the BLM by telephone. Work will not resume until the discovery is evaluated by the BLM and the BLM issues notification that quarrying operations can proceed.
- Northern agrees to reclaim the Project Area in Accordance with the Reclamation Plan found within the Mining and Reclamation Plan.
- All disturbed areas will be re-seeded with a BLM approved seed mix during final reclamation. Reclamation will not be deemed complete until seeding is deemed successful by the authorized officer. Additional seeding will be required if initial seedings are unsuccessful.
- Suspension of Operations: If operations are to be suspended, site stabilization procedures should be implemented in a timely fashion. Temporary suspension

procedures should include installation of long-term erosion control measures around waste rock piles, re-vegetating slopes, and treating noxious weeds.

Monitoring

The sites will be monitored in accordance with BLM Policy including the 3809 Handbook and the regulations at 43CFR3809.600. The handbook specifies that POO level operations be inspected at a minimum of twice annually.

Plan Conformance and Consistency

My decision is in conformance with the Cassia Resource Management Plan (RMP, 1985) as the public lands listed in the Plan of Operations are available for exploration and development, subject to applicable regulations and Federal and State law for exploration and development. My decision will also provide for the orderly development of the Building Stone Resources on Middle Mountain as stated in the Cassia in RMP Management Area 4-Middle Mountain Area. My decision also complies with the 1872 Mining Law [30 USC 22 *et seq.*], the Federal Land Policy and Management Act (FLPMA) of 1976 (Public Law 94-579), the National Environmental Policy Act of 1969 (NEPA), and the Idaho Instruction Memorandum (IM) 2012-43, Greater-Sage Grouse Interim Management Policies and Procedures.

II. Finding of No Significant Impact

I have reviewed the direct, indirect, and cumulative effects of the proposed activities documented in the EA for the Northern Stone Granite Quarry, DOI-BLM-ID-T020-2015-0008-EA. I have also reviewed the Finding of No Significant Impact (FONSI) and the project record for this analysis. I have determined that authorizing Northern Stone to operate their Granite Quarry as described in the EA will not significantly affect the quality of the human environment. Accordingly, I have determined that the preparation of an Environmental Impact Statement is not necessary.

III. Other Alternatives Considered

A No Action alternative was considered in the EA and is described on page 12. The No Action Alternative included rejecting the POO and requiring that all existing disturbance be reclaimed. This alternative was not selected because it does not meet the purpose and need, as well as it would not be consistent with the Mining Law of 1872 and the regulations at 43 CFR 3809. The claimants have valid existing rights to the mineral resources existing on the claims and the POO with the attached stipulations would not result in unnecessary or undue degradation of the BLM lands involved.

IV. Public Involvement

This project has been listed on the NEPA Register since February 19, 2015. On March 12, 2015 scoping packages were mailed to 9 interested organizations and 22 interested members of the public. The scoping package solicited comments for a 30 day period.

BLM received comments from one organization during this period. These comments were reviewed, and several issues identified through scoping were determined to be important for analysis of effects, or were incorporated as design features and are discussed on pages 5 and 6 of the EA.

The EA, the FONSI, and this decision are posted on the web at, <https://eplanning.blm.gov/epl-front-office/eplanning/projectSummary.do?methodName=renderDefaultProjectSummary&projectId=44588>.

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 Kenneth Crane, 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 Kenneth Crane, 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/Kenneth Crane
Kenneth Crane
Burley Field Manager

9/17/2015
Date

cc:

Northern Stone Supply, Inc.

PO Box 249

Oakley, ID 83346

Allan Young (ID933)