

FINDING OF NO SIGNIFICANT IMPACT

For the

Zanetti Bros., Inc. - Proposed Osburn Pit Expansion

Bureau of Land Management
Coeur d'Alene District
Coeur d'Alene Field Office, Idaho

Proposed Action: Approval of Zanetti Bros., Inc.'s (ZBI) Mine and Reclamation Plan (plan) submitted to the Bureau of Land Management's (BLM) Coeur d'Alene Field Office; case file IDI-36547.

EA Number: ID-410-2009-EA-3858

Contact Person: Scott Sanner, Mining Engineer, Coeur d'Alene Field Office, (208) 769-5032

Location of Action: ZBI's proposed operations would occur on BLM administered land located immediately north of Osburn, Idaho. The proposed operations would affect surface and mineral resources in Township 48 North, Range 4 East, Section 18 (N½NW¼), Boise Meridian, Shoshone County, Idaho.

Finding of No Significant Impact (FONSI)

I have reviewed the Environmental Assessment (EA) completed for this project which includes the explanation and resolution of any potentially significant impacts. I have determined that the BLM's approval of ZBI's proposed operations involving a potential seven (7.0) acres of public land will not have any significant impacts on the human environment and that an Environmental Impact Statement (EIS) is not required.

Implementing regulations for the National Environmental Policy Act (NEPA) found at Title 40 Code of Federal Regulations (40 CFR) §1508.27 provide criteria for determining the significance of effects. Significantly, as used in NEPA, requires consideration of both context and intensity. The text below cites 40 CFR 1508.27, with an explanation following each, stating how the proposed action conforms to this regulation.

Pursuant to 40 CFR 1508.13 and 1508.27, the potential "significance" of all reasonable alternatives was evaluated and it was concluded that there will be no significant effect on the human environment (including the natural and physical environment and the relationship of people with that environment). No significant irreversible or irretrievable resource commitments have been made, and long-term productivity has not been sacrificed in order to meet the project objectives, therefore, an EIS is not needed. This determination is based on:

- a) Context: This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the

affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant.

The disclosure of effects in the EA found the actions are limited in context, the project area is limited in size, and the activities are limited in duration. Effects are local in nature and are not likely to significantly affect regional or national resources.

b) Intensity: This refers to the severity of impact. The following were considered in evaluating intensity:

1. *Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effects will be beneficial.*

Impacts associated with the Proposed Action are discussed in the ‘Affected Environment / Environmental Effects’ section of the EA. While the overall impacts of this proposal are expected to be beneficial to some resources and adverse for others, the impact on any resource is not expected to be significant.

2. *The degree to which the proposed action affects public health or safety.*

The Proposed Action is not expected to have any impacts related to public health. Because heavy equipment will be used during proposed operations and falling hazards will be created during pit expansion, a Project Design Measure has been included that requires strategic placement of warning signs informing any visitor(s) of possible dangers and, where applicable, some type of physical barrier will be installed to restrict public access from work areas and danger zones.

3. *Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.*

The EA identified impacts during completion of the proposed pit expansion that will have adverse effects on one-quarter (0.25) acre of Riparian Conservation Area (RCA) in an unnamed gulch on the BLM parcel. The stream in the gulch is intermittent, does not provide habitat for fish, and currently drains into the existing rock pit, therefore no adverse effects to native fish species would occur. Because the 0.25 acre of riparian habitat would become part of the expanded pit, the attainment of Riparian Management Objectives (RMOs) in that small portion of RCA would be prevented. However, RMOs address fish habitat needs, and since this intermittent stream never contained fish or fish habitat, and since it drains into the existing rock pit and would not impact water quality in the South Fork of the Coeur d’Alene River, the impacts are negligible and would not cause any adverse effects to native fish species.

4. *The degree to which the effects on the quality of the human environment are likely to be highly controversial.*

The degree of the effects to the human environment is not highly controversial. The rock from the proposed expansion is expected to have beneficial effects to the human environment in the region. Also, final reclamation efforts are expected to benefit some of the affected resources.

5. *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.*

The Selected Action does not contain any unique or unknown risks to the human environment.

6. *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.*

The Selected Action does not set a precedent or alter existing management for the analysis area. The decision being made is site-specific and consistent with activities proposed on federal land that has been identified as open to mineral materials disposal.

7. *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.*

The EA identified historical, on-going and foreseeable future activities in north Idaho's Silver Valley region. The quantifiable and qualifiable cumulative impacts of past and current activities were evaluated in the EA. A careful review of the cumulative impacts associated with the Selected Action and reasonably foreseeable future actions indicates there will be no significant cumulative effects on the environment.

8. *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.*

No direct, indirect or cumulative impacts to cultural resources are expected because a cultural resource inventory was completed and there are no significant cultural resources in the project area.

9. *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act (ESA) of 1973.*

A "no effect" determination was concluded for the ESA listed species which may occur within the analysis area.

10. *Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.*

DECISION RECORD

Zanetti Bros., Inc. - Proposed Osburn Pit Expansion

ID-410-2009-EA-3858

Bureau of Land Management
Coeur d'Alene District
Coeur d'Alene Field Office, Idaho

Decision

It is my decision to approve Zanetti Bros., Inc.'s Mine and Reclamation Plan for the Osburn Pit Expansion to remove an estimated 30,000 cubic yards (60,000 to 65,000 tons) of rock from the BLM administered land in T. 48N., R. 4E., Section 18 (N1/2NW1/4), B.M., Shoshone County, Idaho. A mineral material sale and permit will incorporate design features outlined in the *Project Design Measures* and the *Fuel Transport, Storage and Emergency Spill Plan* (Appendix A and B of the EA); as well as mitigation identified in the EA requiring periodic water quality monitoring of the stream in Jewell Gulch and surface run-off water retained in the in-pit catch basin.

A mineral material sales permit will be issued to Zanetti Bros., Inc. for a five-year period and allow development of approximately three (3.0) acres of public land for use as a quarry for construction grade rock (sand & gravel, rip-rap, etc.) which is supported by the Shoshone County Commissioners.

Rationale for Decision

This project is an example of the BLM complying with the mandate of the Federal Land Policy Act of 1976 requiring federal land managing agencies to: "Manage public lands and their resource values so they are utilized in the combination that best meets the present and future needs of the American people." Furthermore, this project helps fulfill the BLM's mission of providing multiple use of America's public lands while sustaining the health, diversity and productivity of those lands.

The decision to sell mineral materials from federal land is discretionary; however, the BLM's policy is to make them available for use by the public unless it is detrimental to the public interest to do so. After reviewing the EA, I have determined that the selected alternative (Proposed Action) will have no significant impacts (see signed FONSI in case file) and will not require preparation of an environmental impact statement (EIS). The Coeur d'Alene Resource Management Plan (RMP, 2007) identifies goals for the various resources on the federal land administered by the Coeur d'Alene Field Office. The Proposed Action is in conformance with the following RMP goals and objectives:

Minerals (MN):

Goal MN-2 for mineral resources is;

“Make...mineral materials...available for exploration, acquisition, and production...consistent with other resource goals.”

To meet this goal, Objective MN-2.1 was developed which states;

“Identify area(s) open to...mineral material disposal...”

Social and Economic (SE):

Goal SE-3 for social and economic resources states;

“Provide opportunities for economic benefits while protecting cultural and natural resources.”

To meet this goal, Objective SE-3.1 was developed which states;

“Balance resource protection with opportunities for commercial activities and other noncommercial human uses.”

The identified BLM administered land is open to mineral material disposal (Objective MN-2.1). The BLM’s decision to review the Proposed Action is in conformance with the RMP’s Objective SE-3.1. The direct, indirect and cumulative effects identified in the EA support my determination that the sale of the identified mineral materials would not be a significant action and would be in the best public interest to do so.

Authority

This action is authorized in accordance with the Act of July 31, 1947, as amended, (commonly referred to as the Materials Act); the Federal Land Policy and Management Act of 1976, as amended; and it complies with various laws and regulations including the National Environmental Policy Act (NEPA), the Clean Water Act, the Endangered Species Act, the National Historic Preservation Act, and Title 43, Code of Federal Regulations, Part 3600, (43 CFR 3600) Mineral Materials Disposal. Appropriate agencies and specialists were consulted during the BLM’s analysis and the project was cleared for implementation.

Any sale contract or use permit issued under 43 CFR 3600 is subject to the continuing right of the United States to issue leases, permits and licenses for the use and occupancy of the lands, if such use would not endanger or materially interfere with the production or removal of the materials under contract or permit.

I am implementing this action by the authority delegated to the BLM found in Section 302 (b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732).

