

**U.S Department of the Interior
Bureau of Land Management**

Wenatchee Field Office
915 Walla Walla Avenue
Wenatchee, Washington 98801

DECISION RECORD

Orondo Mineral Material Competitive Sale
DOI-BLM-ORWA-W020-2015-0001-EA

1. Background

On February 5, 2015, the Bureau of Land Management (BLM) received a letter (dated January 30, 2015) from Mitchell Trucking & Paving (Mitchell) requesting an agreement/lease of a 25-acre parcel of federal land managed by BLM adjacent (east) to their current mining operations. Mitchell is seeking authorization to continue mining to the east onto the BLM parcel as mineable reserves are depleted on their private lands. Mitchell has been mining sand and gravel from private property (about 20 acres) adjacent to the BLM project area since the mid-1990s (Mitchell, 2015).

The subject parcel is located about 1 mile east of Orondo, Washington in Douglas County. The legal description of the BLM parcel (project area) is Township 25 North, Range 21 East, Section 28, S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, Willamette Meridian.

The company expressed interest in bidding for access to mineral materials on the subject BLM parcel. Since the inquiry involves purchase of mineral materials (sand and gravel) from a private party of more than 200,000 cubic yards of material, BLM must initiate and hold a competitive mineral material sale.

The BLM prepared an Environmental Assessment (EA) to consider, analyze, and disclose the impacts of permitting the development of a sand and gravel pit for the commercial sale of these common variety mineral materials. This analysis is contained in the *Orondo Mineral Material Competitive Sale Environmental Assessment* (DOI-BLM-ORWA-W020-2015-0001-EA). The EA considered two alternatives. The proposed action would offer mineral materials from the BLM parcel for competitive bid sale. Under the no action alternative BLM would not offer mineral materials for competitive bid sale.

The EA considered, analyzed, and disclosed the potential impacts of activities proposed to occur in the project area, including:



- Offering mineral materials for disposal through competitive sale, allowing for removal of up to 2,000,000 cubic yards (approximately 100,000 cy/year) of sand and gravel from the project area over an estimated 20-year period.
- Spraying water to reduce fugitive dust during all phases of material handling.
- Constructing and removing temporary haul road(s) within the pit as necessary to access the deposit as mining progresses eastward.
- Trucking water needed to support operations from offsite.
- Controlling noxious weeds and invasive plants through herbicide, biological control, and mechanical treatment methods. These activities would occur along the access road and within the project area to actively minimize noxious weeds and invasive plants.

2. Decision

I have decided to implement the proposed action as described in the attached EA DOI-BLM-ORWA-W020-2015-0001 and above. My decision allows for the commercial sale of common variety mineral materials and development of a sand and gravel pit to remove those materials from the subject parcel. As described in the EA (pp. 6-10), my decision also includes several measures to minimize the environmental effects related to sand and gravel mining.

In making this decision, I also considered a no action alternative. The no action alternative was not selected because it would not respond to the request for BLM to make minerals available on the subject parcel and therefore would not meet the need for action (EA page 1) which arises from BLM's requirement to respond to requests for mineral material proposals under federal laws and regulations regarding minerals and noxious and invasive weed management (as described in the EA on page 2 and in Section 3 below).

3. Authority and Rationale for Decision

Section 302 of the Federal Land Policy and Management Act of 1976 directs the Secretary of the Interior to manage public lands under the principles of multiple use and sustained yield. Mineral exploration and production are specifically identified as one of the principal or major uses in the Act. My decision conforms to the Act by allowing the removal of sand and gravel from the project area.

BLM's authority to dispose of sand, gravel, and other mineral material is the Act of July 31, 1947 as amended; this Act is commonly referred to as the Materials Act. The Code of Federal Regulations (43 CFR 3601.6) states that it is BLM's policy "to make mineral material available unless it is detrimental to the public interest to do so;" and "to protect public land resources and the environment and minimize damage to public health and safety during the exploration for and

the removal of such minerals.” In this instance, conducting a competitive mineral sale is consistent with BLM’s policy and my decision includes several measures to minimize impacts to public lands and public health and safety.

The 1987 Spokane Resource Management Plan (RMP) (p. 29) states “Salable minerals, including common varieties of sand, gravel, and stone will continue to be made available to local governments and the general public.” The RMP (p. 29) also states “new material sites may be developed as needed, when they are consistent with the protection of other resource values.” My decision conforms to the RMP because it allows for developing new material sites and making sand and gravel available to the general public.

Additionally, as indicated in the attached EA and Finding of No Significant Impact (FONSI), I have not identified any potential significant impacts to the human or natural environment that would result from implementing the proposed action.

4. Coordination and Consultation

The BLM coordinated with Mitchell Trucking and Paving, verbally and in writing, on various dates throughout the EA process to clarify Mitchell’s Plan of Operations for the proposed gravel pit development. The BLM also coordinated with Department of Ecology (DOE) to obtain their input for developing a gravel pit within the floodplain of Pine/Corbaley Canyon. Their response in an electronic mail dated August 24, 2015 stated that buildings and any septic control systems need to be elevated above the Base Flood Elevation and the operator will need a sand and gravel general permit from the DOE Water Quality department.

The BLM provided the EA for public review and comment on their public website (https://eplanning.blm.gov/epl-front-office/eplanning/nepa/nepa_register.do) from February 5 to March 6, 2016. One response was received; the letter indicated a concern with the competitive sales process. BLM will follow the competitive sales process outlined in its implementing regulations at 43 CFR 3602.40 to 3602.49. The comment did not result in any changes to the EA.

Formal National Historic Preservation Act (NHPA) Section 106 consultation was conducted with the Washington State Historic Preservation Officer - Department of Archaeology and Historic Preservation (DAHP) and potentially affected Native American tribes:

- Consultation regarding the Area of Potential Effect (APE) was initiated on January 15, 2015, with the DAHP, Confederated Tribes of the Colville Reservation (CCT), and Yakama Nation. The DAHP concurred with the APE. In the letter of February 6, 2015, the CCT requested a review for traditional cultural properties in the project area. No concerns were identified by the Yakama Nation.
- Consultation regarding effects to historic properties was initiated on October 16, 2015 with DAHP and the CCT. In consultation, the CCT identified the area as part of a historically significant transportation corridor between the Waterville Plateau and the

Columbia River, suggested sensitive sites occur in the area, and, in addition to a Class III cultural resource inventory, recommended a limited Traditional Cultural Property (TCP) study be undertaken.

- The TCP review conducted by the CCT indicated that TCPs were not located within the APE for the undertaking. The completed TCP report references an 1884 General Land Office cadastral survey map, which marks a trail in close proximity to the project area boundary. Culturally important areas were identified outside of the APE for the project. A small trash scatter was identified in the APE but the site was not eligible to the National Register of Historic Places. DAHP concurred with a determination of no effects to historic properties in the letter of October 26, 2015.
- A Class III cultural inventory was completed for this site and no cultural resources were found. The DAHP has given concurrence that no historic properties would be affected by project implementation.

5. Administrative Review or Appeal Opportunities

Any party that is adversely affected and determined to be a party to the case, may appeal my decision to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4. A notice of appeal must be filed in this office (at the address below) within 30 days of receipt of this decision. The appellant has the burden of showing that the decision is in error.

An appellant may also file a petition for a stay (suspension) of this decision during the time that the appeal is being reviewed by the Board pursuant to Part 4, Subpart B, 43 CFR Part 4.21. 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 standards listed below.

Copies of the notice of appeal and petition for a stay must also be submitted to Mitchell Trucking and Paving, as named in this decision, the Interior Board of Land Appeals, and the Office of the Solicitor (see 43 CFR 4.413); Regional Solicitor, Pacific Northwest Region, U.S. Department of the Interior, 805 SW Broadway, Suite 600, Portland, OR 97205; at the same time the original documents are filed with this office.

The appellant has the burden of proof of demonstrating that a stay should be granted.

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of decision pending appeal shall show sufficient justification based on the following standards:

- (a) The relative harm to the parties if the stay is granted or denied,
- (b) The likelihood of the appellant's success on the merits,
- (c) The likelihood of immediate and irreparable harm if the stay is not granted, and

(d) Whether the public interest favors granting the stay.

/s/ Michael Kinsey

03/30/2016

Michael Kinsey
Field Manager

Date

Attachments:

Environmental Assessment

Finding of No Significant Impact