

**UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
POCATELLO FIELD OFFICE  
Decision Record  
For the  
Wooley Valley Mineral Material Free Use Permit Environmental Assessment  
DOI-BLM-ID-I020-2016-0005-EA**

**Introduction and Background**

Caribou County Road & Bridge Department (CCRB) submitted an application to the Bureau of Land Management (BLM) Pocatello Field Office for a Mineral Materials Free Use Permit serialized as IDI-32798-02. The material site consists of an unreclaimed limestone highwall of the Wooley Valley Unit One mine which is within Federal Phosphate Lease IDI-04775. Activities proposed under the application would involve quarrying the limestone from the highwall to be stockpiled and crushed. CCRB utilizes the material for local road projects. Operations would continue to mine the highwall northward in the area previously designated under Free Use Permit IDI-32798-01. The application also involves expansion of the pit to the west of the current operation. The area where pit expansion is proposed also involves an unreclaimed portion of the Wooley Valley Unit 1 Highwall. CCRB currently utilizes a disturbed area of 4.8 acres. It is projected that during the life of the permit operations would expand to require an area of approximately 8.5 acres of which approximately 1 acre would be new disturbance. The Free Use Permit would be issued for a term of ten years and the permit amount would be 100,000 cubic yards.

In compliance with the National Environmental Policy Act (NEPA), an Environmental Assessment (EA #: DOI-BLM-ID-I020-2016-0005-EA) was prepared by the BLM to assess potential impacts to the human environment and natural resources that may result from issuing the Mineral Material Free Use Permit. Two alternatives which consisted of Alternative A, the No Action Alternative, and Alternative B, the Applicant's Preferred Alternative, were considered during preparation of the Environmental Assessment. Information regarding the CCRB Free Use Permit Application was also posted on BLM's Eplanning NEPA register ([https://eplanning.blm.gov/epl-front-office/eplanning/nepa/nepa\\_register.do](https://eplanning.blm.gov/epl-front-office/eplanning/nepa/nepa_register.do)) on January 13, 2016. No written external comments were received regarding the CCRB Free Use Permit Application.

**Decision**

It is my decision to select Alternative B (Applicant's Preferred Alternative) in DOI-BLM-ID-I020-2016-0005-EA. The action approves the CCRB application for a mineral material free use permit. The permit will be issued for a period of ten years with a quantity of 100,000 cubic yards. Conditions of approval can be found attached to the decision record.

**Rationale**

I have determined that the Alternative B (Applicant’s Preferred Alternative) is in conformance with the following Minerals and Energy management direction in the Pocatello Resource Management Plan (April 2012), approved July 10, 2012, by the Idaho BLM State Director:

Goal ME-2. Develop mineral resources (oil and gas, geothermal, solid minerals) consistent with other resources and uses as part of an ecologically healthy ecosystem (pg. ARMP-97).

Objective ME-2.6. Manage approximately 582,400 acres of federal mineral estate (salable minerals) as open to mineral material disposal subject to standard permit terms and conditions (pg. ARMP-106). The public lands included in the Mineral Materials Free Use Permit application are identified as open to mineral material disposal.

Action ME-2.6.3 Site specific mitigation measures will be developed through the NEPA process and applied to ensure that operations comply with applicable laws, land use plan guidance and do not result in unnecessary degradation (pg. ARMP-111).

**Protest and Appeals Information:**

Refer to 43 Code of Federal Regulations (CFR), Part 4 for appeals information.

If you have any questions please contact Bryce Anderson, Pocatello Field Office Geologist, at (208) 478-6353.

/s/ David A. Pacioretty  
David A. Pacioretty  
Pocatello Field Manager

3/23/2016  
Date

Attachments:  
1 – Conditions of Approval

Copies Sent To:  
Bonneville Power Administration  
Idaho Department of Lands

Caribou County Road and Bridge Department  
Free Use Permit IDI-32798-02  
Conditions of Approval

1. The operator shall conduct all operations in a safe and prudent manner. In particular, the operator shall ensure that the operations do not pose any hazards to people, animals, roads or power lines, e.g., no unstable slopes shall be left unattended. At the conclusion of the operations, all highwalls shall be reduced to a stable angle and-or bermed (above and below as necessary) to protect wildlife and people from the highwall.
2. No materials, apart from mineral material stockpiles derived from the site, or equipment shall be stored at the site except during active work periods or as identified on the permit.
3. The operator shall maintain the site in an orderly manner, and promptly remove all operational solid waste from the site.
4. The operator shall take all reasonable precautions to prevent, control, or suppress fire at the site, including compliance with any fire restrictions in place.
5. Pit floor and slopes will be left in a reasonably smooth condition and all slopes shall be left at a 3:1 slope or flatter.
6. The operator shall report the number of acres disturbed and reclaimed as well as the total amount of material removed from the permit area at the end of each calendar year to the BLM Pocatello Field Office.
7. Please report any unauthorized use or unsafe conditions to the Bureau of Land Management, Pocatello Field Office, 4350 Cliffs Drive, Pocatello, Idaho 83204 ((208) 478-6340).
8. The operator shall cause no undue or unnecessary degradation, and shall minimize surface disturbance as much as practicable, e.g., sedimentation and-or erosion control structures shall be installed and maintained for any operation where such is necessary to prevent excessive sediment loss from the site.
9. Save all available topsoil and overburden for future reclamation. At the time of reclamation the CCRB will replace topsoil in areas of disturbance. Overburden and topsoil will be stockpiled as shown on the Mine and Reclamation Plan.
10. The CCRB will ensure that fugitive dust will be controlled during operations.
11. Whenever possible, reclamation should proceed concurrently with excavation.
12. The operator will not excavate, remove, damage or otherwise alter or deface any cultural, archaeological and-or paleontological resource on public land. The operator will immediately bring to the attention of the BLM Pocatello Field Office any such resources that

might be altered or destroyed on public land by the operations, and will leave such discovery intact until notified by the authorized officer that the operations may continue.

13. The permit holder shall be responsible for weed control within the Free Use Permit area. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations).
14. Use of all pesticides (including fungicides, herbicides, insecticides, etc.) shall comply with the applicable Federal and State laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the holder shall obtain from the authorized officer written approval of a plan (i.e. Pesticide Use Proposal) showing the type and quantity of material to be used , pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. Post pesticide use, the holder shall provide all pesticide application records back to the Authorized Officer by December 31st of every year. Emergency use of pesticides shall be approved in writing by the authorized officer prior to such use.
15. During surface disturbing construction and maintenance activities, the holder shall ensure that all construction equipment and vehicles are cleaned of all vegetation (stems, leaves, seeds, and all other vegetative parts) prior to entering public lands in order to minimize the transport and spread of noxious weeds. During surface disturbing construction and maintenance activities, the holder shall ensure that all construction equipment and vehicles are cleaned of all vegetation (stems, leaves, seeds, and all other vegetative parts) prior to leaving public lands in areas that are known by the authorized officer of the BLM to be infested with noxious weeds.
16. Land clearing of vegetated habitat capable of supporting migratory bird nesting within the Application Area would be conducted outside of the avian breeding season, whenever feasible, to avoid potential destruction of active bird nests or young birds in the area. When surface disturbance must be conducted during the avian breeding season (March 15 through August 15), a qualified biologist would survey the area prior to land clearing activities. Pre-disturbance surveys for migratory birds are only valid for 14 days. If the disturbance for the specific location does not occur within 14 days of the survey, another survey would be needed. However, if the vegetation has been fully cleared from the work area within the 14 day clearance survey time frame, no additional clearance survey would be required for the disturbed area because it would no longer consist of potential migratory bird nesting habitat. If active nests are located, or if other evidence of nesting (i.e., mated pairs, territorial defense, carrying nesting material, transporting of food) is observed, a protective buffer (the size depending on the habitat requirements of the species and location of the nest) would be delineated after consultation with the BLM resource specialist and the entire area avoided, preventing destruction or disturbance to nests until birds fledge or nest abandonment occurs.