

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

Twin Falls District  
Burley Field Office  
15 East, 200 South  
Burley, ID 83318

**Buhl Highway District Lucerne Pit FUP**

**NEPA No. DOI-BLM-ID-T020-2016-0007-CX**

**A. Background**

BLM Office: Burley Field Office Lease/Serial/Case File No.: IDI-23750 04

Proposed Action Title/Type: Buhl Highway District Lucerne Pit Free Use Permit

Location of Proposed Action: Boise Meridian, T. 09 S., R. 13 E., Section 12, SWSE

Description of Proposed Action: The Buhl Highway District has proposed to mine 45,000 Cubic Yards (CY) of pit run gravel material from the Lucerne Pit. Operations would include a front end loader or dozer scraping off topsoil and exposing the deposit, then stockpiling the topsoil for use in reclamation. Then gravel would be mined directly from the exposed deposit and loaded onto haul trucks to be taken to road maintenance project sites.

**B. Land Use Plan (LUP) Conformance**

Land Use Plan Name: Twin Falls Management Framework Plan.

Date Approved/Amended: 1987

\_\_\_\_\_ The Proposed Action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):

  x   The Proposed Action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions):

*Objective M4:*

*Provide for local needs of sand and gravel borrow and other varieties of saleable mineral materials to meet the requirements of the building construction industry for road construction and maintenance and for other private noncommercial use*

**C. Consideration of Extraordinary Circumstances:**

This CER Sheet documents the review of the Proposed Action to determine if any of the extraordinary circumstances described in 43 Code of Federal Regulations (CFR) 46.215 apply. If any of the extraordinary circumstances apply to the Proposed Action, then an Environmental Assessment or Environmental Impact Statement must be prepared. Any evidence or concerns

that one or more of the exceptions may apply must be brought to the attention of the manager who is authorized to approve the Proposed Action.

1. The Proposed Action would not have significant impacts on public health or safety.

The Proposed Action would not have significant impacts on public health or safety, the pit is located in an isolated area and any steep walls would be sloped to increase slope stability.

2. The Proposed Action would not have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.

There have been no historic or cultural resources (see #7 below); park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; national monuments; migratory birds (see #9 below); or other ecologically significant or critical areas identified at the site.

3. The Proposed Action would not have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].

Gravel pits and mineral materials sites are common in the Burley Field Office on both private lands and public lands. Many mineral material sites that include sand and gravel pits and rock quarries have been authorized in the past on public lands in the Burley Field Office.

4. The Proposed Action would not have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

The impacts for mining sand and gravel material are not significant and are not uncertain. Many mineral materials sites that mine fill material, sand, and gravel have been authorized in the past on public lands with little environmental effect. This site has been used for over 25 years.

5. The Proposed Action would not establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects.

This Proposed Action does not establish a precedent for any future actions. All future actions will be analyzed for significant environmental effects individually and without regard to this action.

6. The Proposed Action would not have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.

This action will authorize three acres of new disturbance and does not have a direct relationship with other actions that would cumulatively result in significant environmental effects.

7. The Proposed Action would not have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.

The Proposed Action would have no impacts on properties listed or eligible for listing on the National Register of Historic Places based on a cultural survey conducted for the site and no cultural resources were found in the area.

If there are any future or inadvertent historic, cultural or paleontological property discoveries made during project operation, there will be an immediate cessation of project activities and the Burley Field Manager and Archaeologist will be contacted for further investigation (see also 36 CFR 800.11 and SPA). In the event that American Indian human remains, unassociated funerary objects, or grave goods are encountered, work in the immediate vicinity of the discovery will cease, and BLM shall comply with the Native American Graves Protection and Repatriation Act as outlined in 43 CFR 10 by consulting with the State Historic Preservation Officer and implementing appropriate mitigation.

8. The Proposed Action would not have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated critical habitat for these species.

There are no listed or proposed to be listed species (on the List of Endangered or Threatened Species), nor critical habitat, occurring in the project area or potentially affected by this project.

9. The Proposed Action would not violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.

Migratory birds could be present and nest in the area, however, a stipulation which requires operations to avoid surface disturbing activities during the migratory bird nesting season from March 1 to July 31 would protect nesting migratory birds. The Twin Falls MFP also restricts surface mining activities within this time frame within one half mile of the Salmon Falls Creek Canyon. This stipulation also meets the intent of this restriction.

Subsequent to the initial clearing of vegetation, in future operating years, there is potential to disturb nesting migratory birds. If nests are active, operations at this gravel pit must cease until the nests are no longer active.

If the previously stated stipulations are included, the Proposed Action would not violate any laws or requirements imposed for the protection of the environment.

10. The Proposed Action would not have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

The Proposed Action will have no adverse impact on low income or minority populations, or any population.

11. The Proposed Action would not limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).

The project will not limit any access either to the project area, or any outlying areas. In addition, no Indian sacred sites have been identified in the area.

12. The Proposed Action would not contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).

The Proposed Action, when authorized, will be required to follow stipulations that include prevention of the spread of Idaho's official list of 57 species of noxious weeds and other non-native invasive species and require the extermination of the same if encountered on site.

#### **D. Compliance with NEPA:**

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with Solid Minerals CX number 10 for,

“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. “

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply.

#### **Contact Person**

For additional information concerning this CX review, contact Steve Lubinski, Geologist for the Burley Field Office at (208) 677-6667, or e-mail at [Slubinski@blm.gov](mailto:Slubinski@blm.gov).