

**DECISION RECORD**  
**Environmental Assessment**  
**DOI-BLM-ID-B010-2011-0008-EA**  
**Almaden Area Competitive Mineral Material Sale**

**Proposed Action:**

The proposed action (Alternative B) is to conduct a competitive mineral material sale to dispose of 4,000 tons of high-quality, silicified sandstone. The proposed sale would be held using sealed bids, and grant the highest bidder an exclusive, non-renewable, five-year contract. The proposed minimum bid would be \$20.00 per ton. Stone would be removed only from the surface – no excavation or blasting would be allowed. The stone would be removed using rubber tired equipment via overland travel, existing access roads, and two-tracks.

**Authorities:**

The authority for this decision is contained in 43 CFR 3601.3, the Material Act of July 31, 1947, as amended, which allows the Secretary of the Interior, in his discretion, to dispose of mineral materials not subject to mineral leasing or location on public lands when the benefits to be derived exceed aggregate damage values to public land (43 CFR 3601.6). A competitive mineral material sale, from 160 acres of land located adjacent to the Almaden Community Pit and southwest of the patented Almaden Mine, would fill the commercial need and demand for this material.

**Compliance and Monitoring:**

As part of this decision, and in conformance with 43 CFR 3602.29 and BLM Handbook H-3600-1, Mineral Materials Disposal Handbook, Chapter VII (D), Inspection and Enforcement/Product Verification (I&E/PV) site visits will be conducted, at a minimum, annually by BLM minerals staff.

**Terms / Conditions / Stipulations:**

As part of this decision, the following stipulations will be adhered to by the contract holder:

1. All materials removed will be extracted in accordance with approved conservation practices so as to preserve, to the maximum extent feasible, all scenic, recreational, watershed, and other values of the land and resources.
2. The contract holder will ensure vehicles are clean and free of vegetative material and mud/soil before entering the project area. Annual noxious weed inventories will be conducted by BLM staff and may result in limited overland travel exclusion zones. This means no rock collection or overland travel will be allowed within these exclusion zone. These zones would be brought to the contract holder's attention prior to each year's collection season.
3. Overland access within the sale area will not be allowed between November 15 and April 30, and when soils are saturated, to prevent excessive resource damage, and when vegetation is dry and wildfire potential exists.

4. When antiquities or other objects of historic or scientific interest, including, but not limited to, historic or prehistoric ruins, vertebrate fossils, or artifacts, are discovered and immediately brought to the attention of the District Manager or his/her Authorized Officer. The contract holder, or anyone working on the contract holder's behalf, will suspend all operations in the immediate area of such discovery, until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the Authorized Officer to determine appropriate values. The contract holder will be made by the Authorized Officer to determine appropriate values. The contract holder will be responsible for the cost of the evaluation. Any decision as to proper mitigation measures will be made by the Authorized Officer after consultation with the contract holder.
5. The contract holder will maintain the area free of trash and refuse during operations and through termination of the sales contract.
6. The contract holder will be responsible for suppression cost of any fires resulting from actions under this contract.
7. Any deviations from the approved reclamation plan and these stipulations will be subject to approval by the BLM Authorized Officer prior to such actions.
8. The Authorized Officer may cancel the contract if the holder fails to observe the contract terms and conditions or if the contract has been issued erroneously.
9. The contract holder will indemnify and save harmless the United States of America against any liability for damages to life, person or property arising from the use of the lands under this contract.
10. Proper mufflers and spark arresters will be maintained on equipment used in this project to reduce noise levels and limit fire potential.
11. This contract will not grant the holder exclusive use of the public land identified herein.
12. The competitive sale will not authorize collection of mineral materials from any private lands.
13. Access to the sale area will be through the existing roads within the Almaden Community Pit.
14. All rock will be removed from the surface only, leaving only divots in the soil where the rock has lain. Absolutely no blasting or quarrying will be permitted.
15. Disturbed areas, including those caused by overland travel, will undergo interim reclamation, to the extent practicable, in the fall at the end of every sale year. Final reclamation will take place at the end of the contract period.
16. A reclamation bond will be required from the contract holder upon award of the sales contract and prior to the onset of rock extraction.
17. The mining claimants for the approximately 15 unpatented mining claims in the sale area will not be held liable for any environmental infractions in the sale area, unless

said infractions are the direct result of actions by the mining claimant, their representative, licenses, or assignees.

18. If the BLM receives a complete and acceptable Mining Notice or Mining Plan of Operations from a mining claimant, their representative, licensee, or assignee, and said Notice or Plan of Operations indicates a conflict of activities between the mining operations and rock extraction in the sale area, the sales contract will be terminated. The unpatented mining claims hold a senior priority to the use of the lands and any resulting conflict will be resolved to the satisfaction of the mining claimants, their representatives, licensees, or assignees.

### **PLAN CONFORMANCE AND CONSISTENCY:**

The proposed action and alternatives have been reviewed and found to be in conformance with the following BLM Land Use Plan and the associated decision;

The Cascade Proposed Resource Management Plan and Final Environmental Impact Statement (RMP-FEIS) that was signed in August 1987 and the Record of Decision (RMP-ROD) that was signed in July 1988. Mineral material disposal is specifically provided for in the following RMP-FEIS and RMP-ROD management direction and guidelines:

#### **RMP-FEIS:**

Page 17- “Minerals Management, Saleable: Sands, gravels and other saleable minerals would be made available from three material sites and 16 free use sites. Rationale: The plan recognizes a continuing demand for mineral materials and the policy to make these materials available where consistent with protection of other resource values. The procedures for saleables allows for protection of resource values through the sale agreement and for adequate site rehabilitation after the materials have been removed.”

Page 56- “BLM will manage geological, energy, and minerals resources on the public lands. Geological resources will be managed so that significant scientific, recreational, ecological and educational values will be maintained or enhanced. Generally, the public lands are available for mineral exploration and development, subject to applicable regulations and Federal and State laws.”

“Mineral material sales are discretionary actions. All mineral disposals will be made in accordance with 43 CFR 3600. The general policy shall be to promote the use of existing sites. New sites may be set up if it is determined that an existing site will not meet the applicant’s needs and site impacts can be sufficiently mitigated.” The proposed action would be to set up a new site to meet the needs of applicants that cannot be met through existing sites.

“Exploration for new sites will be the responsibility of the applicant. Exploration will be allowed where appropriate under a letter of authorization from the Area Manager. Sale approval will be subject to environmental analysis and may include stipulations to protect other resources.”

Page 63- “Consistency with Other Plans, Minerals (Energy and Nonenergy): The local land use plan supports the development of mineral resources in a manner compatible with environmental goals (protects streams and minimizes unfavorable visual impacts).”

Page 65- “Implementation, Minerals (Energy and Nonenergy): Procedures outlined in current laws and regulations (federal and state) will be applied to all applications. Mineral reports and environmental assessments will be prepared and appropriate clearances obtained. Standard and special stipulations will be followed.”

### **Alternatives Considered:**

Other alternatives considered but not analyzed were 1) Opening a Different Building Stone Site – This alternative was not analyzed because the desired rock material is regionally scarce, but amply available within the proposed site (Preferred Alternative B) Additionally, the proposed site provides for existing access through the adjacent Almaden Community Pit; and 2) Reject the Proposed Competitive Sale – This alternative was not analyzed because it would require authorizing numerous non-competitive mineral material sales within the preferred sales area to meet the commercial demand for the material. This action is not practical as the desired rock is randomly dispersed upon the landscape. The other alternative analyzed was Alternative A – No Action/Continue Present Management.

### **Decision and Rationale:**

It is my decision to authorize the competitive sale of mineral materials as described in Alternative B (Proposed Action) of the Environmental Assessment #DOI-BLM-ID-B010-2011-0008. The actions analyzed in the Environmental Assessment will not constitute a major federal action that would significantly affect the quality of the human environment; therefore, an Environmental Impact Statement was not required and a finding was made of no significant impact (FONSI – signed January 13, 2012).

My decision to authorize the proposed action (Alternative B) will potentially lessen the occurrence of rock theft in the area and will facilitate a five-year commercial supply of much-desired landscape and building material to one operator, thus limiting the impacts to the human environment that would otherwise occur if multiple non-competitive sales were authorized in the same area (Alternative A). Additionally, this action will provide revenue, at a minimum, of \$80,000 to the BLM.

### **Public Involvement:**

Unpatented mining claimants were contacted via mail and, per 43 CFR 3601.14, were required to submit a Mineral Materials Waiver. This waives their right to the mineral materials (saleables) located on the surface of their claims within the project area. For more information see the Environmental Assessment.

The proposed project was presented to the Shoshone-Paiute Tribes at a March 17, 2011, Boise District Wings and Roots Native American Campfire consultation.

**Appeal:** Any appeal of this decision must follow the procedures set forth in 43 CFR Part 4. Within 30 days of the decision, a notice of appeal must be filed in the office of the authorized officer at the Bureau of Land Management Four Rivers Field Office, 3948 Development Avenue, Boise, Idaho, 83705. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals (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 the authorized officer.

To file a petition for stay pursuant to 43 CFR part 4.21(b), it must accompany your notice of appeal and must 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.

If a petition for stay is submitted with the notice of appeal, a notice of appeal and petition for stay must be served on each adverse party named in the decision from which the appeal is taken and on the *Office of the Solicitor, Field Solicitor – U. S. Department of the Interior, University Plaza, 960 Broadway Avenue, Suite 400, Boise, Idaho, 83706*, not later than 15 days after filing the document with the authorized officer and/or IBLA.

If you have any questions regarding this decision, or your appeal rights, please contact Valerie Lenhartzen, Boise District Geologist, at (208) 384-3395, or e-mail her at [vlenhartzen@blm.gov](mailto:valenhartzen@blm.gov).

/s/ Terry A. Humphrey  
Terry A. Humphrey  
Four Rivers Field Manager

1/13/2012  
Date