



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Burley Field Office
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Burley, Idaho 83318
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In Reply Refer To:
3600 (220)
IDI-23750-04

April 22, 2009

**Decision Record
for the
Oakley Highway District (Marion/Trout Pit)
Free Use Permit Renewal
ID-220-2009-DNA-3618**

A. PROPOSED ACTION

Renew, for a ten-year period, the existing Free Use Permit (FUP) to the Oakley Highway District for the Marion/Trout pit site located approximately one mile north of the Marion Siding (North of Oakley). This permit will authorize the removal of up to 50,000 cubic yards from the original site. No new surface disturbance is authorized with this permit. The legal description for this site is:

Township 13 South, Range 22 East, Section 8, NW¹/₄NE¹/₄ (40 Acres).

B. PLAN CONFORMANCE REVIEW

The applicable Land Use Plan (LUP) is the Cassia Resource Management Plan (RMP) that was approved on January 24, 1985.

The proposed action is in conformance with the applicable LUP because it is generally provided for in the following LUP Resource Management Guidelines: Geology, Energy and Minerals, Page 6 (A) Geology, Energy and Minerals Management: "BLM will manage geological, energy and minerals resources on the public lands. Geological resources will be managed so that significant scientific, recreational and educational values will be maintained or enhanced. Generally, the public lands are available for exploration and development, subject to applicable regulations and federal and state law."

C. EXISTING NEPA REVIEW

Cassia RMP Environmental Impact Statement (EIS), May 1984.

Oakley Hwy district FUP Renewal (Marion Pit) Environmental Assessment (EA) (ID-020-95-038); Decision Record and Finding of No Significant Impact, signed March 17, 1995. This EA

authorized a 10-yr FUP to the Oakley Highway District for removal of 80,000 cubic yards (~100,000 tons) from the Marion/Trout site.

D. DECISION

I have decided to authorize a 10-year FUP with the attached Special Stipulations to the Oakley Highway District for the removal of 50,000 cubic yards of mineral materials from the Marion/Trout site indicated above. The DNA (NEPA No. ID-220-2009-DNA-3618) completed for this project documents that the proposed action is allowed in the LUP and is a feature of the selected alternative which was analyzed and authorized for removal of more mineral materials in the Oakley Highway District FUP Renewal (Marion Pit) EA (ID-020-95-038).

E. APPEAL OPPORTUNITIES

My decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4. Any appeal must be filed within 30 days of this decision. Any notice of appeal must be filed with the Burley Field Manager, 15 East 200 South, Burley Idaho 83318. If a statement of reasons for the appeal is not included with the notice, it must be filed with the 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 Burley Field Manager.

If an appeal is filed, the appellant may also file a petition for a stay of the effectiveness of this decision during the time that the appeal is being reviewed by the IBLA. 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 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.

In the event a request for stay or an appeal is filed, the person/party requesting the stay or filing the appeal must serve a copy of the appeal on the Office of the Field Solicitor at the following address: Department of Interior, Boise Field Solicitor's Office, University Plaza, 960 Broadway Avenue, Suite 400, Boise, ID 83706.

F. Signature

Authorizing Official: _____/s/ Jim Tharp (for)_____ Date: _____4/22/2009_____

Name: Michael Courtney
Title: Field Manager

Contact Person

For additional information concerning this decision, contact Valerie Lenhartzen, Geologist, (208) 677-6667, Burley Field Office, 15 East 200 South, Burley, Idaho 83318.