



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Pocatello Field Office
4350 Cliffs Drive
Pocatello, Idaho 83204-2105
(208) 478-6340

In Reply Refer To:
3600
I-24585

October 1, 2009

Dear Interested Party:

The Bureau of Land Management (BLM) has completed our assessment of the proposal to hold a competitive mineral materials sale at the Bear Lake Community Pit. In accordance with the National Environmental Policy Act, BLM prepared an Environmental Assessment (EA) to analyze the proposal and possible alternatives. We appreciate and have considered the input that the public provided us during the process of preparing the EA.

The BLM has issued a decision to select the Proposed Action alternative and to hold a competitive mineral materials sale subject to the mitigation measures outlined in the EA. The BLM has signed a Finding of No Significant Impact for the project. A copy of the BLM decision and Finding of No Significant Impact is attached.

Thank you for your interest in the management of public lands. If you have any questions, please contact Barry Myers, BLM Minerals NEPA Coordinator, at (208)478-6369.

Sincerely,

David A. Pacioretty
Field Office Manager

1 Enclosure (3pp)

**Finding of No Significant Impact/Decision Record
Environmental Assessment # ID-320-2008-EA-388
Bear Lake Sandstone Quarry (I-24585)**

Decision

I have reviewed BLM Environmental Assessment #ID-320-2008-EA-388 (EA), including the explanation and resolution of any potentially significant impacts. I have considered both alternatives set forth in the EA. It is my decision to select the Proposed Action and to hold a competitive mineral materials sale subject to the mitigation measures outlined in the EA.

Public Scoping

Efforts to determine the scope and identify issues associated with this project began with a meeting at the Pocatello Field Office to notify potential BLM technical resource specialists and interdisciplinary evaluation team (ID team) members of the project in the Fall of 2007. This kickoff meeting was followed by a site visit with ID team members and the contractor on November 1, 2007. At this time key issues were preliminarily identified including sage grouse habitat, big game winter range, and visual impacts. On June 9, 2008, the PFO Field Manager and minerals staff met with the Bear Lake County Commissioners to notify them of the project and invite their comment.

In August 2008, a scoping letter soliciting public input was sent to a list of 52 recipients, including nearby landowners, government agencies, and non-government groups. In addition to this mailing, a public notice of scoping was published in Montpelier's local newspaper, The News Examiner, on August 13, 2008. Notification of the project is also posted on Idaho BLM's National Environmental Policy Act document Database on our public Website. In total, BLM received five written responses to the scoping request. Issues identified in these letters, as well as issues identified by the BLM ID team members, were used to prepare an Environmental Assessment for the proposed action and the associated mitigation measures.

BLM also coordinated with the Shoshone-Bannock Tribal staff regarding the proposed action. The project was discussed during the December 17, 2007 coordination meeting with Tribal staff at the Pocatello Field Office. After discussing the proposed action, Tribal staff did not identify specific concerns or a need for consultation with the Tribal Business Council, but expressed interest in knowing BLM's decision and being informed of proposed activities, such as exploration or development, that might occur in the future.

Description of Alternatives Considered

It is BLM policy to make mineral materials available, unless it is detrimental to the public interest to do so (43 CFR 3601.6(a)). In order to comply with this policy, and due to the commercial value and competitive interest in the mineral material at the quarry, the BLM has prepared EA #ID-320-2008-EA-388 to evaluate the potential impacts prior to holding a competitive mineral materials sale. The EA examined the possible environmental impacts of two alternatives: 1) a "Proposed Action" alternative that evaluated a mineral materials sale from the Bear Lake Community Pit through a competitive sale process; and 2) a "No Action" alternative under which BLM would continue to allow non-commercial extraction of mineral materials in the designated Community Pit area.

The proposed action anticipates a 10 year permit for 60,000 tons of sandstone that would be purchased through a competitive sale process. An operator would be assigned a specified area, approximately 2 acres, within which to exact the purchased tonnage. Initially, BLM would permit only one operation with the possibility that other similar operations could be considered subsequently or concurrently, depending upon the outcome of the initial operation. If all of the potential sales were completed there would be a total of approximately 17 acres of disturbance. This phased approach is intentionally situated to co-locate new disturbances with existing disturbances to the extent practicable.

Decision Rationale

BLM lands encompassing the project area are presently administered by the Pocatello Resource Management Plan (RMP) and Environmental Impact Statement (BLM 1987). The minerals management objective of the RMP is to manage for mineral and energy exploration and development while minimizing adverse impacts to other resource values. The project area is included in the acreage to be open for mineral materials disposal. The proposed action is therefore in conformance with the RMP and it is appropriate that the BLM hold a competitive sale of mineral materials for commercial development of this resource.

The recent growth in northern Utah and southeastern Idaho has created an increased demand for landscaping and construction materials. This demand is both for small, non-commercial sales and larger, planned, commercial-sized operations. As referenced above, BLM policy is to make mineral materials available, unless it is detrimental to the public interest to do so. In addition, it is suspected that some unauthorized taking of the resource occurs each year. This unauthorized taking of the resource is contrary to regulations (43CFR 3601.6 (e) (f)) which state that BLM wishes to prevent unauthorized removal of mineral materials and require purchasers and permittees to account for all removals of mineral materials. Having an authorized operator on-site would tend to serve as a deterrent to unauthorized removal of materials. Selection of the No-Action Alternative would not provide for the commercial value and competitive interest, nor does it mitigate the unauthorized taking of the resource.

The Proposed Action alternative meets commercial demand, would allow more options, and provide for a more effective development of the Community Pit area. The Proposed Action alternative allows for a more orderly accounting and payment for mineral materials extracted from the project area, and would aid in helping to prevent mineral trespass situations. Since the impacts from the selected alternative can be adequately mitigated, I have rejected the No-Action Alternative.

As disclosed in the EA, a few members of the public had concerns regarding additional noise and dust, noxious weed infestations, impacts to cattle, loss of paleontological resources, and adverse impacts to property values. In addition, the BLM had concerns regarding impacts to greater sage grouse, wintering mule deer, and migratory birds. The EA describes various aspects of the proposed action which address and mitigate these issues. There has been a long history of quarrying stone from this area. Even without commercial-sized operations, this location will still see use associated with removal of stone. Dust suppression during mining will minimize impacts from dust. Vertebrate fossils will not be subject to sale. Increased mining could make more fossils available for study, which would otherwise go undiscovered. If vertebrate fossils are identified during

mining, those resources will be avoided until given permission to continue by BLM. Fences and gates will be installed by operators to separate cattle from the mining areas. Operators will be responsible for weed control and subject to BLM inspection. The season of use will be restricted, as explained in the EA, in order to minimize the potential for impacts to greater sage grouse, migratory birds, and wintering mule deer. Limiting the season of use also limits road damage in wet seasons and minimizes the impacts to surrounding landowners and property values.

Finding of No Significant Impact

I have reviewed the impacts to the human environment and the mitigation measures designed to reduce these impacts as described in the EA. It is my determination that no significant impacts to the human environment would occur from implementation of the decision and, according to regulations found at 15 CFR 1508.13, an Environmental Impact Statement will not be prepared. This Finding of No Significant Impact and Decision Record constitute the Bureau's compliance with the National Environmental Policy Act.



David A. Pacioretty
Field Office Manager

10/1/2009
Date

Appeal Rights

Any party who is adversely affected by this decision has a right to appeal to the Interior Board of Land Appeals, in accordance with the provisions described in 43 CFR Part 4. A person who wishes to appeal must file in the office of the officer who made the decision a notice that he wishes to appeal. In this case, the deciding officer is the Manager, Pocatello Field Office, 4350 Cliffs Drive, Pocatello, ID 83204. This notice must be filed within 30 days after the party is served with this decision. A petition for stay, if any, (43 CFR 4.21) must be delivered to the Pocatello Field Office within the same 30-day period. The notice of appeal must identify the decision being appealed and may include a statement of reasons for the appeal and any argument the appellant wishes to make. If the notice of appeal does not include the statement of reasons for the appeal, the appellant shall file such a statement with the Interior Board of Land Appeals, Office of Hearings and Appeals, 801 North Quincy Street, Arlington, Virginia 22203, within 30 days after the notice of appeal was filed. The appellant shall serve a copy of the notice of appeal and of any statement of reasons and arguments on the Field Solicitor, U.S. Department of the Interior, Federal Building & U.S. Courthouse, 550 West Fort Street, MSC 020, Boise, ID 83724, not later than 15 days after filing the document. Service of the copy may be made by delivering the copy personally or by sending it by registered or certified mail, return receipt requested.