

## **Finding of No Significant Impact**

Magic Lantern Mineral Materials Site Environmental Assessment  
NEPA Register Number DOI-BLM-OR-P040-2012-0049-EA  
US Department of the Interior, Bureau of Land Management  
Prineville Field Office, Oregon

### **Introduction**

The Bureau of Land Management (BLM) has completed an Environmental Assessment (EA No. DOI-BLM-OR-P000-2012-0049-EA) that analyzes the effects of the proposed action to develop a rock quarry within the existing Magic Lantern mineral materials site to produce crushed rock to be used in the resurfacing of adjacent BLM roads such as the South Fork (SF) John Day River Road. An access road of approximately 1500-1700 feet long would be constructed from the SF John Day road to the materials site. The Magic Lantern mineral materials site is 20 miles south of Dayville, Oregon in Grant County. The EA is incorporated by reference in this Finding of No Significant Impact (FONSI).

The Council on Environmental Quality (CEQ) regulations state that the significance of impacts must be determined in terms of both context and intensity (40 CFR 1508.27).

### **Context**

The Proposed Action would occur on BLM managed lands along the SF John Day River and would have local impacts on affected interests, lands, and resources similar to and within the scope of those described and considered in the following Resource Management Plans (RMP): John Day Resource Management Plan, Record of Decision, August 1985 and the Record of Decision, John Day River Management Plan and John Day RMP Amendments, February 2001.

The 40 acre material site, OR037134, was designated for a minerals material site in 1979-80 and noted in the master title plats. The SF John Day River road requires normal and routine maintenance, including resurfacing the road with rock. The road provides access to the SF John Day Wild and Scenic River, SF John Day State Scenic Waterway, and the SF John Day Backcountry Byway, along with providing access to several private residences. Maintenance of the SF Road was provided for in the Record of Decision, John Day River Management Plan and John Day RMP Amendments, February 2001. Maintenance was to provide for continued safe access and resource protection.

The actions described represent anticipated program implementation within the scope and context of the RMPs. The materials site development and access road would not have international, national, regional, or state-wide importance not previously considered in the NEPA analysis for these RMPs.

## Intensity

We have considered the potential intensity and severity of the impacts anticipated from implementation of a Decision on this EA relative to each of the ten areas suggested for consideration by the CEQ. With regard to each:

1. **Would any of the alternatives have significant beneficial or adverse impacts (40 CFR 1508.27(b)(1))?** No.

**Rationale:** The proposed action would have impacts as described in the EA. Mitigations to reduce impacts were incorporated in the design of the proposed action. These project design features are outlined in Chapter 2 Alternatives of the EA. None of the environmental effects discussed in detail in the EA are considered significant, nor do the effects exceed those described in the RMPs.

2. **Would any of the alternatives have significant adverse impacts on public health and safety (40 CFR 1508.27(b)(2))?** No.

**Rationale:** The proposed action is designed to provide materials that will be used to reduce potential public safety concerns off site. There are no known effects to public health or safety of the project.

3. **Would any of the alternatives have significant adverse impacts on unique geographic characteristics (cultural or historic resources, park lands, prime and unique farmlands, wetlands, wild and scenic rivers, designated wilderness or wilderness study areas, or ecologically critical areas (ACECs, RNAs, significant caves)) (40 CFR 1508.27(b)(3))?** No.

**Rationale:** The project area is in a Wild and Scenic River corridor and a State Scenic Waterway; the alternatives have been designed to protect and enhance these river values. There is a potential cultural resource site in the vicinity of the project, but the project includes design features (Chapter 2 of EA) that ensure no impacts to the site. There are no wetlands, wilderness, wilderness study areas, or ecologically critical areas within or near the project area that would be affected by the proposed action or any other alternative.

4. **Would any of the alternatives have highly controversial effects (40 CFR 1508.27(b)(4))?** No.

**Rationale:** There are no effects which are expected to be highly controversial.

5. **Would any of the alternatives have highly uncertain effects or involve unique or unknown risks (40 CFR 1508.27(b)(5))?** No.

**Rationale:** There are no uncertain effects or unique or unknown risks associated with this project. All effects are described in Chapter 3 of the EA..

6. **Would any of the alternatives establish a precedent for future actions with significant impacts (40 CFR 1508.27(b)(6))?** No.

**Rationale:** The proposed actions (including the development of a mineral material site and construction of an access road) and actions in other alternatives are common on public land, and would not set a precedent for future actions with significant impacts.

7. **Are any of the alternatives related to other actions with potentially significant cumulative impacts (40 CFR 1508.27(b)(7))?** No.

**Rationale:** The actions considered in the proposed action were considered by the interdisciplinary team within the context of past, present, and reasonably foreseeable future actions. Significant cumulative effects are not predicted. An analysis of the effects of the proposed action is described in the EA.

8. **Would any of the alternatives have significant adverse impacts on scientific, cultural, or historic resources, including those listed or eligible for listing on the National Register of Historic Resources (40 CFR 1508.27(b)(8))?** No.

**Rationale:** The project will not adversely affect scientific, cultural, or historic resources, including those eligible for listing in the National Register of Historic Places. An analysis of the effects of alternatives is described in the EA.

9. **Would any of the alternatives have significant adverse impacts on threatened or endangered species or their critical habitat (40 CFR 1508.27(b)(9))?** No.

**Rationale:** The proposed action and alternatives would have no effect on threatened or endangered species.

10. **Would any of the alternatives have effects that threaten to violate Federal, State, or local law or requirements imposed for the protection of the environment (40 CFR 1508.27(b)(10))?** No.

**Rationale:** None of the alternatives would have effects that threaten to violate any laws.

## **Finding**

On the basis of the information contained in the EA, the consideration of intensity factors described above, all other information available to us, it is our determination that: (1) implementation of the alternatives would not have significant environmental impacts beyond those already addressed in the John Day RMPs; (2) the alternatives are in conformance with the John Day Resource Management Plan; and (3) none of the alternatives would constitute a major federal action having a significant effect on the human environment. Therefore, an EIS or a supplement to the existing EIS is not necessary and will not be prepared.

  
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H.F. "Chip" Faver  
Field Manager, Central Oregon Resource Area

  
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Date

# Decision Record

**NEPA Register Number:** DOI-BLM-OR- P040-2012-0049-EA

**Title of Action:** Magic Lantern Mineral Materials Site

**BLM Office:** Central Oregon Field Office, Prineville, Oregon

## 1. Proposed or Selected Alternative

An Environmental Assessment (EA) and Finding of No Significant Impacts (FONSI) for the proposed Magic Lantern Mineral Materials Site (DOI-BLM-OR-PO40-2012-0049-EA) were prepared by the Prineville District of the Bureau of Land Management (BLM). The actions included in this Decision Record were analyzed in the EA, and will occur on approximately 40 acres of BLM land within Grant County, Oregon. Based on the analysis documented in the EA and FONSI, it is my decision to implement **Alternative 2, Proposed Action**, because it best meets the purpose and need of the project. This alternative is described on pages 6-7 of the EA, and below:

A rock quarry would be developed within the existing 40 acre Magic Lantern minerals material site. Within the quarry basalt rock would be mined and crushed. As development within the quarry moves laterally, mined areas would be reclaimed. An access road would be constructed to access the quarry. Project design features are incorporated to mitigate potential effects to resources.

## 2. Compliance

### **John Day Resource Management Plan (1985)**

Alternative 2 would be in conformance with the John Day Resource Management Plan (USDI BLM 1985).

Page 24, "Areas not specifically withdrawn from mineral entry will continue to be managed through the 43 CFR 3809 regulations and the mining laws to help meet demand for minerals while preventing unnecessary or undue degradation of other resource values."

### **John Day River Management Plan, Two Rivers, John Day, and Baker Resource Management Plan Amendments (2001)**

Page 14: "We have decided to manage lands adjacent to the river to meet state water quality requirements, satisfy obligations of the Clean Water Act, and to protect and enhance outstandingly remarkable values, especially anadromous salmonids." Due to the proposed actions being proposed in an existing salable minerals site, even though the proposed action falls within the River corridor, the actions would conform to the

decision on page 22: "To protect river values we have decided not to permit new sites for production of salable minerals on public lands within the River corridor."

### **The Oregon Parks and Recreation Department (OPRD)**

In addition to BLM approval, the proposed rock quarry and road also has to be approved by the OPRD, due to the proposal's location. The proposal would conform to the following OPRD rules for management (OAR 736-040-0035 - Rules of Land Management) of the state waterway:

(5) Prospecting, Mining, Dredging, and Quarrying:

(a) All prospecting, mining, dredging, and quarrying operations, including removal or movement of gravel, rocks and sand within related adjacent lands, require notification to the Commission as prescribed herein;

(b) Such notification shall include plans to ensure that debris, silt, chemicals or other materials, will not be discharged into or allowed to reach the waters within a scenic waterway and that the natural beauty of the scenic waterway will not be impaired substantially.

### **3. Public Involvement**

In July 2012 the Prineville BLM solicited comments on the Magic Lantern Minerals Material Site project from 52 individuals, adjacent landowners, organizations, tribal governments, and state government agencies. A public notice soliciting comments on this project was also published in the Central Oregonian on July 27, 2012. No comments were received.

### **4. Rationale for the Decision**

Chapter 2 of the EA described two alternatives: Alternative 1 the "No Action" alternative and Alternative 2 the "Proposed Action" alternative. The purpose of the project (page 3 in EA) is to develop a site that would provide local crushed rock for resource protection actions and road maintenance in the SF John Day River area. Having a site for crushed rock for road maintenance close to the SF John Day River area, and specifically the SF John Day River Road, is important because the John Day Wild and Scenic River (WSR) Plan directs the BLM to "improve ditches, culverts, and apply gravel to surface of the SF Road" (USDI BLM 2001).

The No Action alternative was not selected because it would not meet the purpose of the project. Crushed rock for road maintenance projects would have to be purchased and hauled from greater distance to complete local projects..

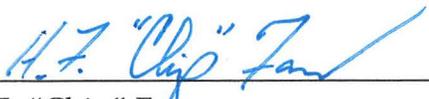
Alternative 2 would meet the purpose and need of the project. It would provide a local source of crushed rock near proposed projects and within an existing mineral material

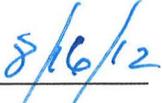
site. Project design features have been incorporated into the design so that effects to resources have been mitigated. The access road has been designed so that scenic quality will not be affected. Effects are summarized on page 12 of EA.

Based on the analysis of potential impacts contained in the EA, I have determined in the Finding of No Significant Impacts (FONSI) that the Magic Lantern Minerals Material Site development will not have a significant impact on the human environment within the meaning of Section 102(2) (c) of the National Environmental Policy Act of 1969 (FONSI pages 1-4). Thus, an EA is the appropriate level of analysis, and an Environmental Impact Statement will not be prepared.

## 5. Protest and Appeal Opportunities

This decision constitutes my final decision and may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (3050 N.E. Third Street, Prineville, OR 97754) within 30 days from receipt of this decision. Notice of appeal must be sent certified mail. The appellant has the burden of showing that the decision appealed from is in error. Any request for stay of this decision in accordance with 43 CFR 4.21 must be filed with your appeal.

  
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H.F. "Chip" Faver  
Field Manager, Central Oregon Resource Area

  
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Date