

Worksheet
Determination of NEPA Adequacy (DNA)
U.S. Department of the Interior
Bureau of Land Management

OFFICE Humboldt River Field Office, Winnemucca District Office

TRACKING NUMBER: DOI-BLM-NV-W010-2012-0011-DNA

CASEFILE/PROJECT NUMBER: N90454/N20-12-003U

PROPOSED ACTION TITLE/TYPE Dusty Mine Occupancy

LOCATION/LEGAL DESCRIPTION Township 32 North, Range 32 East, Section 30

APPLICANT (if any):

A. Description of the Proposed Action with attached map(s) and any applicable mitigation measures. Daniel Myers is requesting an occupancy to set up and operate a processing plant for placer gold recovery. The items proposed to occupy the site include a motor home, travel trailer, backhoe, bobcat-type loader/backhoe water pumps, mill (trommel, screens, sluice boxes, etc.), and electric generator. The motor home would be used to maintain a presence so that his equipment and/or ore are not stolen or vandalized as he works his mill and recovers gold. The area to be occupied by this equipment would be in a previously disturbed area that is mostly void of vegetation and currently has a water well that he would intend to use in his process. He would also use two shallow (approximately 18 inches deep) ponds to hold his water during processing. The proposed occupancy would total less than one acre and would continue until the associated notice expires or the occupancy is found to be in noncompliance with the regulations and is revoked.

B. Land Use Plan (LUP) Conformance

LUP Name*Sonoma-Gerlach Management Framework Plan Date Approved July 9, 1982

Other document _____ Date Approved _____

Other document _____ Date Approved _____

*List applicable LUPs (for example, resource management plans; activity, project, management, or program plans; or applicable amendments thereto)

The proposed action is in conformance with the applicable LUP because it is specifically provided for the following LUP decisions:

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 decisions (objective, terms, and conditions):

Although this action is not specifically addressed in the Sonoma-Gerlach Resource Area Management Framework Plan, it is consistent with the objectives of the plan which allows for mineral resource development .

M 1.2: Make no land-use decisions that would interfere with the potential development of economically important minerals occurring on public lands or other federally owned minerals within mining districts or other areas outside designated mining districts.

C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

List by name, number and date (DR/FONSI or ROD) all applicable NEPA documents that cover the proposed action.

Finding of No Significant Impacts and Preliminary Programmatic Environmental Assessment for: Selected Actions for Mining Claim and Millsite Use and Occupancy in Nevada. (March, 2000) (Publication Number: BLM/NV/PL-00/009+3833).

Standard Mine Project Expansion Environmental Assessment. (Decision Record/Finding of No Significant Impact March 2010). (DOI-BLM-NV-W010-2010-0002-EA)

List by name and date other documentation relevant to the proposed action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA documents(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

Documentation of answer and explanation:

The Finding of No Significant Impacts and Preliminary Programmatic Environmental Assessment for: Selected Actions for Mining Claim and Millsite Use and Occupancy in

Nevada.(Programmatic EA) define Occupancy as “Full or part-time residence on the public lands. It also means activities that involve residence; the construction, presence or maintenance of temporary or permanent structures that may be used for such purposes; or the use of a watchman or caretaker for the purpose of monitoring activities. Residence or structures include, but are not limited to barriers to access, fences, tents, motor homes, trailers, cabins, houses, buildings, and storage of equipment or supplies. (43 CFR 3715)” The proposed action complies with this definition and is the same as the following alternatives analyzed in the Programmatic EA for: Selected Actions for Mining Claims and Millsite Use and Occupancy in Nevada :

Alternative One: The Proposed Action, Occupancy 2: Placing on public lands and using operational structures, process buildings, and storage structures needed for mining, milling and beneficiation in operations that are either generally permitted or exempted from the Bureau of Mining Regulations & Reclamation (BMRR) program.

Alternative One: The Proposed Action, Occupancy 3: Placing on public lands and using residential structures as part of operations that are exempt from the BMRR program, are generally permitted or require a Water Pollution Control Permit (WPCP) and Reclamation Permit (RP) issued by NDEP. These structures designed for and used as residences.

In addition, the proposed action would be essentially similar to the selected action analyzed in the Standard Mine Project Expansion Environmental Assessment. (Decision Record/Finding of No Significant Impact March 2010). (DOI-BLM-NV-W010-2010-0002-EA) (Standard EA) . The action analyzed in the Standard EA included surface occupancy activities of the similar type and extent as the proposed project herein.

The proposed action would be located in sufficiently similar geographic areas and resource conditions as those addressed in the Programmatic EA which analyzed features of Nevada in general. The Standard EA is located approximately 8 miles northeast from the proposed action. The resources at each location are similar.

2. Is the range of alternatives analyzed in the existing NEPA documents(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?

Documentation of answer and explanation:

The Programmatic(s) analyzed a proposed action for 6 various types of occupancy and a No Action (no occupancy) alternative. This range of alternatives is appropriate with respect to the new proposed action. Current environmental concerns that have arisen since March of 2000 include issues relating to migratory birds and sage grouse.

The Proposed Action listed the following six “typical occupancies”:

Occupancy 1: Placing on public lands and using operational structures, process buildings, and storage structures needed for mining, milling and beneficiation in operations for

which the Nevada Division of Environmental Protection (NDEP) has issued a WPCP and a RP;

Occupancy 2: Placing on public lands and using operational structures, process buildings, and storage structures needed for mining, milling and beneficiation in operations that are either generally permitted or exempted from the BMRR program;

Occupancy 3: Placing on public lands and using residential structures as part of operations that are exempt from the BMRR program, are generally permitted or require a WPCP and RP issued by NDEP. These structures include tents, motor homes, campers, trailers, cabins, houses, guard shacks, and any other structures designed for and used as residences;

Occupancy 4: Placing on public lands and using residential septic systems that can be generally permitted under the NDEP WPCP permit program. These septic systems operate at over 5,000 gpd and may include systems for trailers, cabins, houses, guard shacks, and any other structures designed for and used as residences;

Occupancy 5: Placing on public lands and using temporary or residential septic systems that operate at less than 5,000 gpd. These systems may be permitted by the local Health Department or the State Bureau of Health Protection Services; and

Occupancy 6: Placing on public lands fences, gates, or signs designed to limit public access.

The Programmatic EA did not address migratory birds or sage-grouse. Migratory bird surveys and sage-grouse surveys and studies have not been completed in the project area, Migratory bird surveys and sage-grouse studies were completed during the analysis of the Standard Mine Expansion Project EA. Although migratory birds and sage-grouse may travel through the area, given the paucity of vegetation on the existing disturbed ground, the proposal should not adversely impact them.

Those activities in the Standard EA that are similar to this proposed action were analyzed under the proposed action and no action alternatives for the Standard Mine Expansion.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

Documentation of answer and explanation

Yes. The Programmatic EA analyzed effects that an occupancy would have on climate, air quality, geology, topography, soils, water resources, vegetation, wildlife, and wild horses and burros. The Standard EA reviewed effects that the occupancy would have on

air quality, wildlife (including migratory birds and special status species), invasive, non-native species, wastes (hazardous and solid), water quality (including wetlands and riparian zones), geology, noise and vibration, paleontology, range, recreation, social values and economics, soils, vegetation and visual resources. Accordingly, the existing analysis is still valid in light of new information (i.e., migratory birds, updated sensitive species list) and circumstances. This new information and circumstances should not substantially change the analysis of the new proposed action.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Documentation of answer and explanation

Yes. The Programmatic EA reviewed effects that the occupancy would have on climate, air quality, geology, topography, soils, water resources, vegetation, wildlife, and wild horses and burros. The Standard EA analyzed effects that the occupancy would have on air quality, wildlife (including migratory birds and special status species), invasive, non-native species, wastes (hazardous and solid), water quality (including wetlands and riparian zones), geology, noise and vibration, paleontology, range, recreation, social values and economics, soils, vegetation and visual resources. Any potential impacts from an occupancy have been included in these analyses. Accordingly any direct, indirect, and cumulative effects that would result from implementation of the new proposed action would be similar to those analyzed in the Programmatic EA and Standard EAs.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Documentation of answer and explanation

Yes. Scoping for the Programmatic EA included approximately 200 signed FONSIIs and supporting EAs mailed to other Federal Agencies, State Agencies and County Agencies, a Notice of Availability in the Federal Register, and a 30-day comment period. Eight comment letters were received. Scoping for the Standard EA included 920 scoping letters mailed to interested parties, Federal Agencies, State Agencies and County Agencies and a 30-day comment period. Thirty three responses were received during this period. Given the similarities regarding occupancy, the public involvement and interagency review associated with the existing Programmatic and Standard EA documents are still adequate.

E. Persons/Agencies/BLM Staff Consulted

See Attached Section E for Review Signatures and Conclusion