

**Bureau of Land Management
Winnemucca District Office
Categorical Exclusion**

[X] HRFO (1000) [] BRFO (3000) [] District ()

CX#: DOI-BLM-NV-W010-2012-0019-CX	Date:1-31-2012
Regulatory Authority (CFR or Law): 3809/3720/3830	Lease / Case File / Serial #:
BLM Manual:	
Subject Function Code: 3720	
Project Lead Preliminary Review: Is the project located within a Sage Grouse 75% Bird Breeding Density Area? No.	

1. BLM District Office: Winnemucca District Office
2. Name of Project Lead: Daniel Atkinson
3. Project Title: Permanent Abandoned Mine Land Closures at the Cordero Mine
4. Applicant: BLM
5. Project Description: The Proposed Action is to permanently secure 18 hazardous Abandoned Mine Land (AML) features at the Cordero Mine near McDermitt in Humboldt County, Nevada. These sites would be closed with ARRA monies that remain following the completion of the current AML closure project. The sites have had cultural and biological surveys completed. Bat surveys were recently completed and there is a need for bat compatible closures at up to 10 of the 18 locations at the Cordero Mine. The remaining AML sites would be closed permanently by backfilling with waste rock materials and/or foam closure. This is a joint project between the Bureau of Land Management (BLM), ARMY Corps of Engineers (ACOE), Nevada Division of Minerals (NDOM), and Bureau of Reclamation (BOR). The hazard identification numbers associated with each of these sites are:

Cordero Mine: HU-685, HU-691, HU-692, HU-694, HU-695, HU-696, HU-697, HU-698, HU-699, HU-700, HU-711, HU-712, HU-713, HU-715, HU-722, HU-727, HU-728, and HU-729

Again, up to 10 of these sites would be secured with bat compatible closures, and at least 1 sites would be closed using polyurethane foam. The remaining sites (7) would likely be backfilled with available material, however, if no backfill material is available, the sites would be closed using foam.

All closure work would be completed by the ACOE and BOR. Existing access roads would be used. Where no roads access the sites, materials would be brought in via helicopter. Closures would occur over the next several months depending on weather conditions, when project activities would be slowed by snow.

Project dimensions (length, width, height, depth): Approx. 20'x20' per site Acreage: 0.17 acres

Will the project result in new surface disturbance? Yes X No _____

Project Title: Permanent AML Closures at the Cordero Mine

Has the project area been previously disturbed? Yes X No _____ N/A _____. If yes, what percent of the project area has been disturbed? 98%. If only part of the project area has been disturbed, indicate disturbed area on map. Describe disturbance (and attach photo of disturbed area if you have one): The Cordero Mine has been extensively disturbed from recent past mining. See attached aerial photo.

6. Legal Description: Closure activities would be conducted within:
T47N, R37E, sections 33 and 34

USGS 24k Quad names: Cordero Mine

100k map names: Quinn River Valley

Land Status: BLM X Private _____ Other _____

7. Create PDFs of 1:24000 Project Location Map and 1:100,000 general vicinity map. (See template and instructions in S:\NEPA_2010\NEPA Templates 2010\Proposed Action_Needs Assessment).

Project Title: Permanent AML Closures at the Cordero Mine

Part I: Plan Conformance Review

The proposed Action is subject to the:

- Paradise-Denio Management Framework Plan
- Sonoma-Gerlach Management Framework Plan
- Black Rock Desert-High Rock Canyon Emigrant Trails NCA and Associated Wilderness and Other Contiguous Lands in Nevada RMP

(The Proposed Action has been reviewed for conformance with this plan (43 CFR 1610.5, BLM Manual 1617.3).

Objective M 2.0: Eliminate hazards connected with past mining activity.

Part II: NEPA Review

Categorical Exclusion Review: This Proposed Action qualifies as a categorical exclusion under:

43 CFR 46.210 DOI Implementation of NEPA of 1969, Listing of Departmental Categorical Exclusions *(formerly 516 DM2 Appendix 1)*

516 DM11.9, (BLM) J.8 - Installation of minor devices to protect human life (e.g., grates across mines).

ESA and BLM Sensitive Status Species

Evaluation Criteria	Yes	No
1. Are species listed under the Endangered Species Act likely to occur in the project area? If yes, list the species in Table 1 below. Verify with USFWS or use approved list.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Are BLM NV Sensitive Species, based upon the current IM, likely to occur in the project area? If yes, list the species in the Table 1 below.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Could the proposed action result in “take” under the Migratory Bird Treaty Act? If yes, attach appropriate mitigation measures.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Table 1. Special Status Species that may occur in the project area:

ESA	BLM	Common (Scientific) Name	May Be Affected?	Mitigation for BLM Sensitive Species <i>(Attach ESA Section 7 Compliance to Form)</i>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sage-grouse	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	No impacts to sage-grouse are anticipated. The project is located outside of the PMU and 75 % BBDA area.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	All bat species	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Surveys have been completed to determine the presence or absence of bats. All abandoned mines with bats or potential bat habitat would be secured with bat compatible closures.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Lonesome Milkvetch	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	No plant surveys have been conducted on site. A site visit occurred on March 5, 2012 to determine whether or not habitat existed for the milkvetch. It was determined that in the areas that had past mining activities, the

				habitat did not exist. Habitat does exist in undisturbed patches of Wyoming sagebrush. To mitigate impacts to lonesome milkvetch, disturbance of Wyoming sagebrush should be kept to a minimum where practicable.
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Table 2 Migratory Bird Treaty Act Consideration

Potential MBTA Species w/in the Project Area Common (<i>Scientific</i>) Name	May Be Affected?	Proposed Mitigation
black-throated sparrow (<i>Amphispiza bilineata</i>), Brewer’s blackbird (<i>Euphagus cyanocephalus</i>), Brewer’s sparrow (<i>Spizella breweri</i>), canyon wren (<i>Catherpes mexicanus</i>), gray flycatcher (<i>Empidonax wrightii</i>), green-tailed towhee (<i>Pipilo chlorurus</i>), rock wren (<i>Salpinctes obsoletus</i>), sage sparrow (<i>Amphispiza belli</i>), sage thrasher (<i>Oreoscoptes montanus</i>), western meadowlark (<i>Sturnella neglecta</i>), and vesper sparrow (<i>Pooecetes gramineus</i>)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Surface disturbing activities will take place prior to the “peak” nesting bird season which begins April 15. Should the work go past this date, the worker’s would should observe the area prior to disturbance and note any unusual bird activities (breeding displays, birds trying to distract worker’s from an area, or being dive bombed, etc). Should these behaviors be observed worker’s should stay clear of the area with any ground disturbing activities.

The Proposed Action has been reviewed to determine if any exceptions described in 43 CFR 46.215 Categorical Exclusions: Extraordinary Circumstances apply. (See attached page)

Mitigation Measures/Remarks:

SSS and MBTA:

All abandoned mines with bats or potential bat habitat would be secured with bat compatible closures.

To mitigate impacts to lonesome milkvetch, disturbance of Wyoming sagebrush should be kept to a minimum where practicable.

Surface disturbing activities will take place prior to the “peak” nesting bird season which begins April 15. Should the work go past this date, the worker’s would should observe the area prior to disturbance and note any unusual bird activities (breeding displays, birds trying to distract worker’s from an area, or being dive bombed, etc). Should these behaviors be observed workers should stay clear of the area with any ground disturbing activities.

Cultural Resources:

The following closure procedures are to be followed for the below listed historic mining sites:

1. Hardening Foam closure or other simplest method if approved by the qualified historic archaeologist and/or the AML district archaeologist
2. Black and White photos
3. Monitor
4. Monitor report

During closure, either a qualified historical archaeologist or an appropriately trained DAT will:

(a) monitor placement of fill into each shaft/adit to ensure that significant historical archaeological features are not damaged by the activities;

(b) take 5 x 7 inch black and white photographs of the shafts/adits after closure and of any fill/borrow areas after removal or use, including overviews depicting setting within the landscape;

(c) file a final monitoring report with the BLM and SHPO that outlines field procedures employed to ensure compliance with this item;

(d) ensure that fill is taken only from areas previously inventoried by a qualified archaeologist and is not part of another archaeological/ historic site;

(e) ensure that the landscape is restored to the no adverse effect standard defined in Section IV.B. 3. within the historic landscape; and

(f) files a final monitoring report with BLM and SHPO that outlines field procedures employed to ensure compliance with this item.

(g) Appropriately trained DATs are those persons who have successfully completed a regimen of instruction provided by Nevada BLM in the identification of archaeological remains (particularly those of the historic period), map reading, site record interpretation, photography, and use of GPS locating devices.

Part III: DECISION: I have reviewed this plan conformance and NEPA compliance record and have determined that the proposed project is in conformance with the approved land use plan and that no other environmental analysis is required. Project authorization is subject to mitigation measures identified above.

Remarks reserved for authorized officer:

Authorized Official \S\ Michael Truden Date: 3/8/2012
(Signature)

Administrative Review or Appeal Opportunities:

A person who wishes to appeal to the Interior Board of Land Appeals must do so under 43 CFR 4.411 and must file in the office of the officer who made the decision (not the board), in writing to [name and title of authorized official signing this CX], Black Rock Field Office, 5100 East Winnemucca Boulevard, Winnemucca, Nevada 89445. A person served with the decision being appealed must transmit the notice of appeal in time to be filed in the office where it is required to be filed within thirty (30) days after the date of service.

The notice of appeal must give the serial number or other identification of the case and may include a statement of reasons for the appeal, a statement of standing if required by § 4.412(b), and any arguments the appellant wishes to make. Form 1842-1 provides additional information regarding filing an appeal.

No extension of time will be granted for filing a notice of appeal. If a notice of appeal is filed after the grace period provided in §4.401(a), the notice of appeal will not be considered and the case will be closed by the officer from whose decision the appeal is taken. If the appeal is filed during the grace period provided in §4.401(a) and the delay in filing is not waived, as provided in that section, the notice of appeal will not be considered and the appeal will be dismissed by the Board.

The appellant shall serve a copy of the notice of appeal and any statements of reason, written arguments, or briefs under §4.413 on each adverse party named in the decision from which the appeal is taken and on the Office of the Solicitor, Pacific Southwest Regional Solicitor, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, California 95825-1890. Service must be accompanied by personally serving a copy to the party or by sending the document by registered or certified mail, return receipt requested, to the address of record in the bureau, no later than 15 days after filing the document.

In addition, within thirty (30) days of receipt of this decision you have the right to file a petition for a stay together with your appeal in accordance with the regulations at 43 CFR 4.21. The petition must be served upon the same parties specified above.

Pursuant to 43 CFR 4.471(c), a petition for stay, if filed, 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.

43 CFR 4.471 (d) provides that the appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

At the conclusion of any document that a party must serve, the party or its representative must sign a written statement certifying that service has been or will be made in accordance with the applicable rules and specifying the date and manner of such service (43 CFR 4.422(c)(2)).