

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

[] HRFO (1000)	[X] BRFO (3000)	[] District ()
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CX#: DOI-BLM-NV-W030-2012-0004-CX	Date: 2/21/2012
Regulatory Authority (CFR or Law): 2800	Lease / Case File / Serial #: N-46292
BLM Manual: 2800	
Subject Function Code: 2800	
Project Lead Preliminary Review: Yes	
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: Julie McKinnon
3. Project Title: Hycroft Communication site Amendment—N-46292
4. Applicant: Hycroft Resources

5. Project Description: (briefly describe who, what, when, where, why, how)

Hycroft Resources is proposing an amendment to their existing communication site and facilities. Hycroft has a 50' x 50' authorized communication site at Floka Peak. This facility is used to facilitate internal radio communications within the Hycroft Mine Site for mine operation and emergency and safety purposes.

Their proposal is to add a new 60' self-supporting galvanized lattice tower with an 8'x8'x8' base, and remove the two existing towers, 20' and 40', and relocate the microwave dishes and radio antennae that are on the two existing towers to the new 60' proposed tower. This tower would be placed where the 20' tower currently exists, with a new foundation. They are also proposing to add an 8' x 8' pre-fabricated communications shelter that would sit on a concrete foundation with a 6'x 8' concrete slab adjacent to and placed at the rear of the shelter for future auxiliary power installation. A small concrete slab is also proposed to be constructed in front of the shelter access door. The proposed upgrade activities would take place within the existing authorized communication site footprint. An ice bridge would be added between the tower and shelter facility. Hycroft would flag the area prior to construction. A crane and excavator would be used to remove the existing towers; the materials would be hauled off site to an approved landfill. The equipment proposed for site preparation and construction would involve a backhoe, grader, water truck, compaction equipment and dump truck. A concrete truck would be utilized to deliver material for the foundation, auxiliary power pad and access door pad. No new disturbance is proposed outside of the right-of-way boundary.

Access to the site would be by the existing authorized road, N-54892. No new construction or improvements are proposed for the road.

Project dimensions (length, width, height, depth): 50' x 50' Acreage: 0.06

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

Has the project area been previously disturbed? Yes X No N/A . If yes, what

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percent of the project area has been disturbed? 80% . 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):

6. Legal Description: T. 35 N., R. 30 E., sec. 29 , SW¹/₄NW¹/₄, N¹/₂SW¹/₄;
sec. 30 , S¹/₂NE¹/₄, N¹/₂SE¹/₄.

USGS 24k Quad name: Floka Peak

100k map name: Eugene Mtns.

Land Status: BLM X Private _____ Other _____

7. Create PDFs of 1:24000 Project Location Map and 1:100,000 general vicinity map. (See S:\NEPA\NEPA_2012\NEPA 2012 Templates\Proposed Action\CX Proposed Action Form and Instructions

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Part I: Plan Conformance Review

The proposed Action is subject to the:

- Paradise-Denio Management Framework Plan

Objective L 6.0 Provide public lands for communication site development.

Decision L 6.1 Provide for communication sites on public land by using existing sites when frequencies are compatible.

- Sonoma-Gerlach Management Framework Plan

Objective L-4: To provide lands for rights-of-way on or across public lands.

Decision L 4.2: Reserve all mountain tops and ridges for communication sites.

- 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).

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)* (Define Exclusion – see lists available at: S:\NEPA_2010\NEPA Templates 2010\CX\CX Lists\ DOI CXs)

- 516 DM11.9, (BLM) E. Realty #13 (Amendments to existing rights-of-way, such as the upgrading of existing facilities, which entail no additional disturbances outside the right-of-way boundary.)

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 type="checkbox"/>	<input checked="" 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 (Attach ESA Section 7 Compliance to Form)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Several sensitive avian species	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Collision risk - Tower should be unlighted (if Federal Aviation Administration regulations permit).
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Several sensitive bat species	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

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<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Yes	
			<input type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Yes	
			<input type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Yes	
			<input type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Yes	
			<input type="checkbox"/> No	

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
Several species possible	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	1) Collision risk - Tower should be unlighted (if Federal Aviation Administration regulations permit). 2) Pre-disturbance nest search (including raptors) - Apply standard migratory bird stipulations.
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	

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: (if there are any applicable mitigation measures, including any standard stipulations, conditions of approval, terms of conditions, etc. that would be attached to the permit, state "See Attached" and attach a copy to the CX.)

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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/ Sheila Mallory Date: 4/19/2012
(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 Sheila Mallory, Field Manager, 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 4.47I(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.

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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)).