

## **DECISION RECORD**

**Stockpile Reserves LLC  
Fencemaker Antimony Mine Project  
Environmental Assessment  
DOI-BLM-NV-WO10-2012-0021-EA**

### **Introduction/Background**

Stockpile Reserves, LLC (Stockpile Reserves) submitted a Plan of Operations (POO) for the resumption of mining activities at an existing underground antimony mine. The components of the Plan of Operations are collectively referred to as the Proposed Action in this document. Mining-related activities would include using an existing cleared and leveled area (0.38 acres) and clearing an addition 0.25 acres (0.63 acres total) for parking vehicles, staging ore, equipment maintenance, temporarily staging ore, equipment maintenance, storage sheds and parking a watchman trailer. A Right-of-Way would also be secured for the existing Fencemaker Pass Road in order to access the Project Area.

The project is located in Fencemaker Pass on the western side of the Stillwater Range, in Pershing County, Nevada. The project encompasses 0.63 total acres and is approximately 5,520 feet in elevation above mean sea level. This area is already disturbed with an existing mine adit, a road and a leveled unvegetated staging area.

The project is located on public lands administered by the BLM Winnemucca District Office, Humboldt River Field Office (HRFO). The project is planned to run for approximately 15 years. The Project is located within Township 26 North, Range 37 East, section 31, Mount Diablo Base and Meridian 38 miles east-southeast of Lovelock, Nevada and 62 miles south-southwest of Winnemucca, Nevada.

### **DECISION**

Based on the Fencemaker Antimony Mine Environmental Assessment (EA), DOI-BLM-NV-WO10-2012-0021-EA and the Finding of No Significant Impact (FONSI) it is my decision to select the Proposed Action Alternative. The Proposed Action Alternative consists of resuming underground mining at the site in accordance with the Plan of Operations revised in July 2012. Any authorization implementing the Proposed Action is subject to the following condition:

- It is the responsibility of Stockpile Reserves to ensure all on-site employees and contractors are aware of the conditions of the approval to operate at the site and be aware of potential consequences of conducting activities that are not part of a current approved Plan of Operations. Accordingly, Stockpile Reserves will be required to provide all employees and contractors who intend to work at the project copies of a current approved Plan of Operation, plan approval letter, Finding of No Significant Impact and this Decision

Record. Stockpile Reserves should also provide employees and contractors a copy of the associated Environmental Assessment.

### **Rationale**

The following rationale was taken into consideration in reaching the Decision:

- Conformance with the Sonoma-Gerlach Management Framework Plan.
- EA
- The FONSI
- Public Involvement (refer to section below).
- Implementation of the Proposed Action will not result in any unnecessary or undue environmental degradation of public lands.
- Through the NEPA process, Stockpile Reserves committed to the attached environmental measures as part of their Plan of Operations for the Fencemaker Antimony Project.
- Authority for this decision as it relates to the BLM-managed public lands is contained in the Mining Law, the Surface Resources Act of 1955, the Federal Land Policy Management Act, and the Code of Federal Regulations (CFR) at 43 CFR 3809 and 43 CFR 3715.
- Based on the President's National Energy Policy and Executive Order 13212, the proposed action will not generate any adverse energy impacts or limit energy production and distribution. Therefore, no "Statement of Adverse Energy Impact" is required per WO IM No 2002-053 and NV IM 2002-049.

### **Compliance/Conformance**

The Proposed Action is in conformance with the Sonoma-Gerlach Management Framework Plan, approved 1982. The Proposed Action is consistent with other Federal agency, state, and local plans to the maximum extent consistent with Federal law and Federal Land Policy Management Act provisions. No federal, state, or local law, or requirement imposed for the protection of the environment will be threatened or violated.

### **Public Involvement**

The scoping process began with an interdisciplinary team meeting, including then operator Ken Vogel and his consultant, held at the BLM office in Winnemucca on October 3, 2005. At this meeting, the BLM defined issues and made initial determination of what needed to be analyzed in this EA, data needs, possible alternatives, and public outreach needs.

On May 24, 2012, public notification of the availability of a Preliminary EA was provided to 42 groups and individuals via direct mail and the Preliminary EA was also posted to the BLM

website. In addition, a letter and copy of the Preliminary EA were provided to the Lovelock Paiute Tribe and the Fallon Paiute & Shoshone Tribe.

An interdisciplinary team meeting was held on June 26, 2012, to review comments received and evaluate potential modifications to the document. The Nevada Clearinghouse provided four comment letters on the proposed Project. Two of the comment letters supported the project and/or Preliminary EA as written. One comment requested "Night Sky" and site visual compatibility practices and mitigations should be included and one comment provided information regarding use of water in the state of Nevada. Given a discussion regarding "Night Sky" and visual compatibility practices was already included in the document, the review of public comments did not identify any areas that required additional clarification. Comments received did not result in substantial change to the analysis or conclusions made from the analysis.

### *Native American Consultation*

The BLM contacted the Lovelock Paiute Tribe by letter, meeting and follow-up telephone calls regarding this project. A sacred site in the vicinity of the Project Area was identified by the Tribe and a consultation field trip was held with the Tribe. A Native American consultation tour of the project area on November 22, 2005, was attended by members of the Lovelock Tribe. Since the sacred site would be avoided by the proposed mining project and all disturbance associated with the proposed action would be reclaimed, it was determined that the proposed action would not impact the sacred site.

On May 24, 2012, a letter and copy of the Preliminary EA were provided to the Lovelock Paiute Tribe and the Fallon Paiute & Shoshone Tribe. No comments or concerns were provided to the BLM from the Native American groups contacted regarding review of the Preliminary EA. There will be no direct or indirect impacts to Native American Religious Concerns from the Proposed Action.

### **Authority**

The authority for this decision is contained in the Mining Law of May 10, 1872, as amended (17 Stat. 91), the Surface Resources Act of 1955 (30 United States Code (U.S.C.) 611-614), the Federal Land Policy Management Act (FLPMA) of 1976 (43 U.S.C. 1701 et seq.), and the Code of Federal Regulations (CFR) at 43 CFR 3809 and 43 CFR 3715.

### Appeal of the Decision

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 Michael Truden Field Manager Humboldt River Field Office 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 (enclosed) 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.

Mandy D. Forest for  
Michael Truden  
Field Manager  
Humboldt River Field Office

July 11, 2012  
Date

Attachments:  
Environmental Measures Committed to by the Operator  
Form 1842-1 (September 2005)

**Stockpile Reserves LLC  
Fencemaker Antimony Mine Project  
Environmental Assessment  
DOI-BLM-NV-WO10-2012-0021-EA**

Environmental Measures Committed to by the Operator

Through the NEPA process, Stockpile Reserves, LLC committed to the following environmental measures as part of their Plan of Operations for the Fencemaker Antimony Project.

*Air Quality*

- Emissions of fugitive dust from disturbed surfaces would be minimized by utilizing appropriate control measures. Surface application of water is the control measure that would be employed at the site to control dust. Speeds would be limited to 15 miles per hour on the unpaved roads to control dust. Loaded dump trucks would be covered/tarped prior to leaving the Project Area.

*Cultural Resources*

- Any cultural resource discovered by the operator, or any person working on their behalf, during the course of activities on federal land would be immediately reported to the authorized officer by telephone, with written confirmation. The operator would suspend all operations in the immediate area of such discovery and protect it until an evaluation of the discovery can be made by the authorized officer. This evaluation will determine the significance of the discovery and what mitigation measures are necessary to allow activities to proceed. The operator is responsible for the cost of evaluation and mitigation. Operations may resume only upon written authorization to proceed from the authorized officer.

*Invasive and Nonnative Weeds*

- Noxious weeds would be controlled through implementation of the following BMPs: concurrent reclamation efforts; operator control; removal of invasive, nonnative, and noxious weeds on reclaimed areas; washing vehicles prior to entering the Project Area; and avoiding areas of known invasive, nonnative, and noxious weeds during periods when the weeds could be spread by vehicles.

*Migratory Birds*

- Land clearing or other surface disturbance associated with the Proposed Action would be conducted outside of the avian breeding season, whenever feasible, to avoid potential destruction of or disturbance to active bird nests (with eggs or young). When surface disturbance must be created during the avian breeding season (March 1 through August 31), a qualified biologist would survey the area prior to land clearing or other disturbance activities. This survey would include a search for nesting raptors within ½ mile line-of-

sight. This survey should be performed no more than 10 days and no less than 1 day prior to the proposed activity. The survey will be conducted within the time frame of one hour pre-sunrise to 2 hours post-sunrise and/or 1 hour pre-sunset to 2 hours post-sunset when birds are most active. If active nests (including raptor nests) are located, or if other evidence of nesting (i.e., mated pairs, territorial defense, carrying nest material, and/or transporting food) is observed, the BLM biologist will be notified to determine pre-disturbance mitigation. In addition, results (positive or negative) of the nesting survey would be reported to the BLM biologist in writing within 7 working days of survey completion. Any questions about the Migratory Bird Treaty Act should be referred to the Reno Office of the U.S. Fish and Wildlife Service at (775) 861-6300, or email at [asknevada@fws.gov](mailto:asknevada@fws.gov).

#### *Native American Religious Concerns*

- Pursuant to 43 CFR 10.4(g), Stockpile Reserves would notify the BLM authorized officer, by telephone, and with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined in 43 CFR 10.2). Further pursuant to 43 CFR 10.4 (c) and (d), the operator would immediately stop all activities in the vicinity of the discovery and not commence again for 30 days or when notified to proceed by the BLM authorized officer.
- In the event that the noise related to the Proposed Action negatively affects the TCP, noise reduction measures (such as increased sound muffling devices on equipment or modifying work times) would be employed immediately.

#### *Waste, Hazardous or Solid*

- Stockpile Reserves would follow an approved Spill Prevention Plan.
- All solid wastes, including grey water, would be disposed of in a state, federal, or local designated site.
- Pursuant to 43 CFR 8365.1-1(b)(3), no sewage, petroleum products, or refuse would be dumped or discharged from any trailer or vehicle onto the project area.

#### *Water Quality (surface and ground)*

- Surface water drainage control would be accomplished by diverting precipitation event surface flow (run-on) away from the surface disturbance at the mine area, isolating runoff, from the surface disturbance, and utilizing appropriate control measures.

#### *Geology*

- Any survey monuments, witness corners, or reference monuments would be protected to the extent economically and technically feasible.

*Paleontology*

- In the event that previously undiscovered paleontological resources are discovered in the performance of any surface disturbing activities, the item(s) or condition(s) would be left intact and immediately brought to the attention of the authorized officer of the BLM. If significant paleontological resources are found, avoidance, recordation, and/or data recovery would be required.

*Public Access*

- Stockpile Reserves would comply with all applicable state and federal fire laws and regulations and all reasonable measures would be taken to prevent and suppress fires in the Project Area.
- Public safety would be maintained throughout the life of the Project. All equipment and other facilities would be maintained in a safe and orderly manner.

*Visual*

- Stockpile Reserves would utilize directional lighting directed downward, to protect “dark-skies”, on the pertinent site and away from adjacent areas. Stockpile Reserves would utilize lighting that is hooded and shielded so as not to allow the bulb to shine up or out. Equipment and structures would be painted earth-tone colors with low reflectivity to reduce potential visual impacts.

**Monitoring Programs**

Monitoring of the Project Area would include periodic visual inspections, primarily after storm events to identify potential erosion concerns.

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

**INFORMATION ON TAKING APPEALS TO THE BOARD OF LAND APPEALS**

**DO NOT APPEAL UNLESS**

1. This decision is adverse to you.
- AND**
2. You believe it is incorrect.

**IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED:**

1. **NOTICE OF APPEAL....**A person served with the decision being appealed must transmit the *notice of appeal* in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the Federal Register, a person not served with the decision must transmit a *Notice of Appeal* in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413). You may state your reasons for appealing, if you desire.

2. **WHERE TO FILE NOTICE OF APPEAL**

U.S. Dept. of the Interior  
Office of the Secretary  
Office of Hearings & Appeals  
Board of Land Appeals  
801 North Quincy St., MS 300-QC  
Arlington VA 22203  
(703) 235-3750

U.S. Dept. of the Interior  
Office of the Solicitor  
Pacific Southwest Region  
2800 Cottage Way, Room E-2753  
Sacramento CA 95825-1890  
(916) 978-5670

U.S. Dept. of the Interior  
Bureau of Land Management  
5100 E. Winnemucca Blvd.  
Winnemucca, NV 89445  
(775) 623-1500

3. **STATEMENT OF REASONS....**Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the **United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy St., MS 300-QC, Arlington, VA 22203**. If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary (43 CFR 4.412 and 4.413). Also send a copy to: **U.S. Dept. of the Interior, Office of the Solicitor, Pacific Southwest Region, 2800 Cottage Way, Room E-2753, Sacramento CA 95825-1890**.
4. **ADVERSE PARTIES....**Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413). If the decision concerns the use and disposition of public lands, including land selections under the Alaska Native Claims Settlement Act, as amended, service will be made upon the Associated Solicitor, Division of Land and Water Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240. If the decision concerns the use and disposition of mineral resources, service will be made upon the Associate Solicitor, Division of Mineral Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240.
5. **PROOF OF SERVICE....**Within 15 days after any document is served on an adverse party, file proof of that service with the **United States Department of the Interior, Office of the Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy St., MS 300-QC, Arlington, VA 22203**. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)(2)).
6. **REQUEST FOR STAY....**except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your *Notice of Appeal* (43 CFR 4.21 or 43 CFR 2804.1). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards For Obtaining A Stay. Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall 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.

Unless these procedures are followed your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

**NOTE:** A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, subpart b for general rules relating to procedures and practices involving appeals.

#### **43 CFR SUBPART 1821—GENERAL INFORMATION**

Sec. 1821.10. Where are BLM offices located?

(a) In addition to the Headquarters Office in Washington, D.C., and seven national level support and service centers, the BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

##### **STATE OFFICES AND AREAS OF JURISDICTION**

Alaska State---Alaska

Arizona State Office---Arizona

California State Office---California

Colorado State Office---Colorado

Eastern States Office---Arkansas, Iowa, Louisiana, Minnesota, Missouri, and all States east of the Mississippi River

Idaho State Office---Idaho

Montana State Office---Montana, North Dakota, and South Dakota

Nevada State Office---Nevada

New Mexico State Office---Kansas, New Mexico, Oklahoma, and Texas

Oregon State Office---Oregon and Washington

Utah State Office---Utah

Wyoming State Office---Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the BLM can be obtained at the above addresses or any office of the BLM, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

Form 1842-1 (September 2005)