BLM

Sierra Front Field Office, Nevada

United Comstock Merger Mill at American Flat

Finding of No Significant Impact

DOI-BLM-NV-C020-2012-0040-EA

April 2013

Background

The Bureau of Land Management (BLM), Sierra Front Field Office has prepared an environmental assessment (EA) to evaluate the impacts to the natural and human environment from a Proposed Action and three alternatives considered to mitigate hazards to human health from the United Comstock Merger Mill at American Flat (AFM), while addressing historic resources.

The AFM (originally named the United Comstock Merger Mill) was built in 1922 to process local gold and silver ore. The mill operated from 1922 to about 1926 and produced $7.5 million worth of silver and gold. At the time it operated, AFM was considered the largest, most modern and sophisticated mill of its type in the U.S. The mill was shut down due to metallurgical problems and the dropping price of silver. When the mill was closed, all equipment, metal, and wood materials were scrapped and salvaged. The salvage process resulted in a great deal of damage, including large holes and voids left in the concrete, cut reinforcing steel, and broken concrete structural members.

Today the existing structures at the site consist of badly decayed concrete, exposed reinforcing steel, broken structural members, and large holes in the concrete floors; only the deteriorated concrete skeletons of the structures remain. A fatality occurred at the site in 1996 while an individual was 'crawling' stairs with an all-terrain vehicle (ATV) inside one of the AFM structures. In response, the BLM officially closed the interior of the AFM buildings to public entry on January 21, 1997 (FR Vol. 61, No. 246, p. 67343)[1]. The BLM has repeatedly fenced, gated, and posted closure signs at the mill site, and scarified access roads for public safety reasons. This closure order remains in effect today. Even with the closure order, some visitors continue to climb on the structures to post graffiti and hold parties. A 2008 audit of the site by Department of the Interior, Office of the Inspector General (OIG) found the property to be a high-risk liability to the U.S. Government.

The purpose of the Proposed Action is to promote public health and safety on BLM-managed lands and to comply with the direction of the OIG that the BLM "identify and resolve trespassing on abandon mine sites and assess and mitigate hazards associated with these sites." The need for the Proposed Action is to mitigate or abate the physical human safety hazards present on the AFM site, while addressing historic values.

Determination

On the basis of the information contained in the *United Comstock Merger Mill at American Flat Environmental Assessment* (EA) (DOI-BLM-NV-C020-2012-0040-EA), I have determined that the Proposed Action does not constitute a federal action having a significant effect on the human environment. Therefore an environmental impact statement (EIS) is not required.

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[1] In addition to closing the interior of the AFM structures to public entry, the closure order also banned: use of fireworks; detonation of explosive devices or rockets; painting of graffiti and possession of paint or spray paint cans; and restricted motorized vehicles to existing dirt roads. The closure order further restricted use of the AFM site to daylight hours only (sunrise to sunset).

This finding is based on my consideration of the Council on Environmental Quality (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the *context* and *intensity* of the impacts described in the EA.

Context

The AFM is the last remnant of the United Comstock and the Comstock Merger milling operations. As such, it contributes to the eligibility of the Virginia City National Register District (District) and the Virginia City National Historic Landmark (Landmark). These federal designations indicate the general importance of the region to the interpretation and appreciation of the nation's history. However, the AFM site alone is a single component within both designated areas and does not, in isolation, affect either of the federal designations.

While the AFM has retained some of its features, such as integrity of location, and to a lesser degree, its design, workmanship, material, and association, the previous removal of equipment and tanks has diminished these elements. The elements of setting and feeling have been compromised by the development of two leach milling operations on private lands adjacent to the site. Graffiti distracts from the historical nature, as do the impacts from trespass recreational users (vehicles, pedestrians, and the trash left behind). At the regional and local level, the degradation of the site has resulted in the appreciation of the site more for the recreational opportunities it provides than a fully-representative historic resource.

Intensity

1) Impacts that may be both beneficial and adverse.

The Proposed Action would result in both beneficial and adverse impacts to different resources at the AFM site. The Proposed Action would support the purpose and need by providing the greatest beneficial impacts to human health and safety by mitigating risk and hazards, as compared to all other alternatives considered. The Proposed Action would result in beneficial impacts related to hazardous and solid materials because the small amount of hazardous material found at the site would be removed under a separate removal action. In terms of the historic resources at the site, the Proposed Action would have the greatest adverse impacts; mitigation measures are stipulated in the Programmatic Agreement (PA) that was executed on March 5, 2012 between the BLM, Advisory Council on Historic Preservation (ACHP), and the Nevada State Historic Preservation Officer (SHPO)[2] (see Appendix B of the Final EA and question #8). In general, the Proposed Action would result in long-term beneficial impacts to biological resources by returning all or portions of the site to a more natural habitat condition. The Proposed Action would not result in significant impacts.

2) The degree to which the proposed action affects public health or safety.

The Proposed Action would have the greatest degree of beneficial impacts to public health and safety by mitigating hazards and risks currently represented on the AFM site, compared to all other alternatives considered. All safety hazards found in the OIG audit would be eliminated by the removal of all structures and buildings, and with the subsequent fill and recontouring/ re-

[2] The BLM, ACHP and SHPO are signatories to the PA. The Comstock Historic District Commission and the National Park Service are concurring parties to the PA.

vegetation of the site. The Proposed Action would fully meet the public safety objectives identified in the project purpose and need.

3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

No wetlands, park lands, prime farmlands, wild and scenic rivers, or ecological critical areas are present on, or in the vicinity of, the AFM site and therefore would not be impacted by the Proposed Action. The AFM is located within the District and Landmark.

4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.

During 30-day public scoping periods held in 2011 under Section 106 of the NHPA, and a 30-day public review of the 2012 draft EA, concerns were raised by the public, State and local agencies that several alternatives would result in the demolition of some or all buildings at AFM, resulting in permanently removing these features from the context of the Virginia City area. Many who expressed concerns about the loss of these resources also acknowledged the risks to human health and safety that the AFM presents. Comments received by the BLM through several public involvement efforts to date have ranged from support for demolition to support of the No Action Alternative (Current Management). Implementation of the Proposed Action has not been deemed to be highly controversial[3].

5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

The AFM site itself has been thoroughly characterized for risks to the human environment. The impacts of the Proposed Action and alternatives to resources and issues are well understood and thoroughly analyzed. There is little to no uncertainty regarding the estimated effects of the Proposed Action; nor is there unique or unknown risks presented by implementation of the Proposed Action.

6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

The Proposed Action does not set a precedent for future actions. The Proposed Action was developed to meet the purpose and need for this action. Potential future actions in similar situations would be subject to assessment and disclosure of impacts through the appropriate NEPA process and documentation.

7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

The Proposed Action does not relate to other actions with individually insignificant but cumulatively significant impacts.

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[3] According to the Interior Board of Land Appeals (88 IBLA 143) the term "highly controversial" refers to substantial dispute as to the size, nature or effect of a major federal action rather than to the existence of opposition to a use."

8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the NRHP or may cause loss of destruction of significant scientific, cultural, or historical resources.

The Proposed Action (Demolition) would have the greatest adverse impacts to historical resources, as compared to all other alternatives that had been considered. However, as the AFM site has lost most of its integrity, these impacts are not significant. These impacts would diminish the integrity of the AFM site to the extent that it would no longer retain importance as a contributing element to the District and Landmark. However, these impacts would not compromise the overall integrity of the District and Landmark. Adverse impacts under the Proposed Action would be mitigated by measures included in the PA, which was executed on March 5, 2012 by the BLM, ACHP and SHPO (see Appendix B of the EA). Mitigation measures for the Proposed Action include the following:

- Develop and install four wayside exhibits, consisting of a three paneled sign kiosk, to be placed in Virginia City, Gold Hill, Carson City and at the Nevada State Railroad Museum or locations to be determined by the signatories of the PA;
- Link the interpretive sign locations in MapQuest/Google Earth and make available the locations via a link on the AFM website;
- Develop a tri-fold brochure for AFM, which would include a map of key features noted. The BLM will print 10,000 copies of the brochure and would provide an electronic version of the brochure for reprinting;
- The BLM will develop a Quick Response code for Smartphone users that would be incorporated into print media;
- Develop a website documenting the historical significance of AFM and its association with the NHL;
- Produce a high definition video documentary, 15 minutes in length;
- Develop an audio podcast discussing historical information about AFM;
- Consider adding the new technology to the AFM interpretive library as new technology becomes available;
- Develop a one-lesson heritage education plan for use in the Carson and Reno schools that could be incorporated into the Nevada Twentieth Century mining history curriculum;
- Create a tabletop diorama for one of the museums to give visitors an idea of what AFM looked like during the height of the mining activity. The BLM will coordinate with public institutions on hosting the diorama; and
- Develop a two-page written interpretation material for the V&T Railway.

9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the ESA or 1973.

No federally listed species under the ESA, or its critical habitat for such species, are present on, or in the vicinity of, the AFM site and therefore would not be impacted by the Proposed Action.

10) Whether the action threatens a violation of federal, State, or local law or requirements imposed for the protection of the environment.

The Proposed Action is in conformance with the Carson City Field Office Consolidated Resource Management Plan. Implementation of the Proposed Action would not violate or threaten to violate any federal, State, or local law or requirement imposed for the protection of the environment.

Leon Thomas
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4-3-2013
date