

DECISION RECORD
Environmental Assessment
DOI-BLM-ID-B010-2012-0031-EA
Gold Hill Reclamation and Mining, Inc. Mining Plan of Operations

Proposed Action (Alternative B):

Gold Hill Reclamation and Mining, Inc. (Gold Hill), as outlined in their Mining Plan of Operations (EA, Appendix A), would excavate and haul 36,000 tons of unconsolidated rock material to a processing site on private lands a few miles to the south of the proposed project area.

Gold Hill proposes to use a Caterpillar Dozer to push the material down slope into a live loading pile, where it would be loaded by a track-mounted excavator into six haul trucks and transported offsite. The haul trucks would loop on approximately 20-minute cycles. The removal portion of the proposed project is estimated to take approximately fifteen consecutive days and would take place sometime between August 10, 2012 and September 30, 2012. Reclamation would take an additional three days to complete.

The material would be removed down to the original paleo-surface/soil horizon. The soil underlying the existing pile would be left in place and remain undisturbed. After on-site excavation and hauling activities are complete, Gold Hill would apply a BLM-approved seed mixture to the disturbed area and place wattling to control erosion, as needed. The reseeding and erosion control measures would be performed by Groundfx, a company responsible for reseeding and slope stabilization on Gold Hill's adjacent private property. An Environmental Protection Agency (EPA) regulated Storm Water Pollution Prevention Plan (SWPPP) will be implemented that addresses water quality issues on Granite Creek. A SWPPP was implemented on the adjoining private parcel to the north of the BLM parcel, which was mined by Gold Hill. The SWPPP for the project on BLM land will be implemented with similar erosion and sedimentation measures put in place to control potential sedimentation into Granite Creek.

Proposed project activities would use Granite Creek Road to access the mine dump. Granite Creek Road currently exists as mine dump material above the natural road base. After on-site excavation and hauling activities are complete, Gold Hill would re-construct the Granite Creek Road to its natural road base using Best Management Practice's (BMP's) for road specifications outlined below.

The SWPPP contains the following BMPs to prevent erosion and storm water discharge:

- Storm water is prevented from coming in contact with polluting materials to the extent possible
- Structural control measures are used together to minimize pollutants from entering the storm water
- Graded berms are in place along all sections of roadway near the West Fork of Granite Creek and around the Mud Flats processing facility

- All areas adjacent to the West Fork of Granite Creek are lined with perimeter controls (silt fencing or fiber rolls along the downslope toe of disturbed areas)
- Disturbed slopes will be regraded, reseeded with a BLM-approved seed mix, and protected to prevent erosion

Authorities:

The 1872 Mining Law [30 United States Code (U.S.C.) 22 *et seq.*] states that a person has a statutory right consistent with other laws and Departmental regulations to go upon the open (unappropriated and unreserved) public land for the purpose of mineral prospecting, exploration, development, and extraction.

The Federal Land Policy and Management Act (FLPMA) of 1976 (Public Law 94-579) require that the Secretary of the Interior regulate mining operation to prevent undue or unnecessary degradation of the public lands.

Compliance and Monitoring:

As part of this decision, and in conformance with 43 CFR 3809.600 and BLM Handbook H-3809-1, Inspection visits will be conducted, at a minimum, semi-annually by BLM minerals staff.

Stipulations/Post Reclamation Objectives

Gold Hill will adhere to the following Standard and Special Stipulations and will be required to meet Post Reclamation Objective listed below.

Standard Stipulations

1. The plan of operations would be conducted in accordance with 43 CFR Subpart 3809 - Surface Management under the Mining Laws.
2. The approved mining and reclamation plan and environmental assessment would be part of this plan of operations as special conditions governing all operations under the plan of operations.
3. Claimant/operator would not mine in the area covered by this plan of operations without a financial guarantee (43 CFR Section 3809.582) that has been approved by BLM's Authorized Officer.
4. If claimant/operator stops conducting operations then subchapter 3809.424 of 43 CFR must be followed. Requirements may include the removal of all equipment, personal property, and other improvements from the area and reclaim the area according to the approved reclamation plan.
5. Claimant/operator would indemnify and save harmless the United States of America against any liability for damages to life, person, or property arising from the use of the lands under this plan of operations.
6. This plan of operations does not grant the claimant/operator exclusive use of the public lands identified herein.
7. No construction waste material, other materials or debris may be hauled onto the site, stockpiled or used as fill material.

8. Claimant/operator would maintain the area free of trash and refuse during operations and termination of the contract.
9. The claimant/operator would ensure that vehicles and equipment used in his operation are free of vegetative material before entering the project area to mitigate the spread of noxious weeds.
10. Whenever possible, reclamation would proceed concurrently with excavation.
11. For final reclamation, the claimant/operator would follow the approved reclamation objectives outlined in the Special Stipulations and as part of the Post-Construction Reclamation Objectives outlined below and developed initially as part of the MPO in Appendix A.
12. Claimant/operator would be responsible for suppression costs of any fires resulting from actions under this permit or contract.
13. Proper mufflers and spark arresters would be maintained on equipment used in this project to reduce noise levels and to limit the potential for fires. In addition, the claimant/operator and any contractors or subcontractors would maintain and have on the site adequate fire prevention and extinguishing equipment including water, fire extinguishers, and shovels.
14. The subject site and haul roads would be sprayed as necessary with water or other suitable material to hold down the dust created by these activities.
15. Claimant/operator would follow the SWPPP and its BMPs for this project.
16. Claimant/operator would immediately notify the BLM's Authorized Officer of any human remains unearthed during mining operations. (25 USC 3002 Section 3 (d) "*Inadvertent discovery of Native American remains and objects*").
17. The BLM Authorized Officer may cancel the plan of operations if the claimant/operator fails to observe its terms and conditions (to include these stipulations), or if the plan of operation has been issued erroneously (43 CFR §3809.602).
18. Any deviations from the approved MPO (Appendix A) would be subject to approval by the BLM authorized officer prior to such actions.

Special Stipulations

1. Claimant/operator would monitor disturbed and reclaimed areas and notify the BLM's Authorized Officer of the presence of any noxious weeds. Monitoring will occur each year in spring for a minimum of 3 years along Granite Creek Road leading to the project site and within and adjacent to the 1.1 acre BLM parcel with mine dumps proposed to be removed and hauled off site. The 1.1 acre BLM parcel will be reclaimed as well with appropriate seeding based on BLM seed mix recommendations. The reseeded of the 1.1 acre BLM parcel will also be monitored once each spring for a minimum of 3 years to evaluate the success of reseeded. Success means that within 3 years no visible erosion of the 1.1 BLM parcel will be noticeable during spring monitoring.
2. Any natural vegetation between the road and Granite Creek would be protected from disturbance and erosion by silt fencing.

3. Claimant/operator would operate no more than three to eight tractor trailer vehicles per day from 8:00 am to 5:00 pm, Monday through Friday and noting school bus hours of 7:00 am to 8:00 am and 3:15 pm to 4:40 pm.
4. Claimant/operator would operate between March 1 and December 25, 2012 and be closed on federal holidays.
5. Claimant/operator would take all possible noise mitigation measures and would keep noise level at 65 decibels or less from the edge of the project area.
6. Claimant shall work with a three person neighborhood task force to mitigate concerns, per request of Boise County.
7. Claimant shall submit an analytical report immediately after operations are complete that outlines water quality downstream, air and soil quality, and noise.
8. Signs would be posted during excavation and hauling operations to warn the traveling public and OHV users of equipment use along and near the Granite Creek Road.
9. Claimant/operator would purchase a wood permit from the BLM before removing the three standing ponderosa pine trees greater than 12 inches diameter breast height (dbh) in the mine dump area.

Post-Construction Reclamation

Objectives

1. Increase stability of the slopes and soil to ensure public safety and maintain acceptable water and fisheries quality in Granite Creek.
2. Promote the growth of re-introduced native vegetation that would blend with existing, undisturbed vegetation.
3. Prevent the introduction or spread of noxious weeds or invasive species.
4. Improve visual resources by restoring the land to its previous topography and natural vegetation.

Vegetation Treatments and Objectives

Treatments*

Recommended treatments include, but are not limited to the following:

1. Seed perennial forbs and grasses. Plant seedlings and/or seed shrubs (e.g., mountain sagebrush, basin big sagebrush, snowberry, and antelope bitterbrush). Seeds and/or seedlings would be from locally collected or locally adapted (if locally collected is infeasible) stock. Overall rate of seeded plants should total approximately 10 pounds. The use of hydro mulch and mycorrhizal inoculants is also recommended.

Recommended species and rates (seeding)

<i>Life Form</i>	<i>Species</i>	<i>Pounds/acre</i>
Grasses	Idaho fescue	4
	Bluebunch wheatgrass	3
Forbs	Penstemon	1
	Lupine	1
	Arrowleaf balsamroot	0.5

<i>Life Form</i>	<i>Species</i>	Pounds/acre
	Lewis or blue flax	0.1
Shrubs	Big sagebrush (mountain and/or basin)	0.2
	Snowberry (common or mountain)	0.2

2. Treat any noxious weeds within the reclaimed area. Inventory weeds prior to reclamation and treat (2012). Treat any infestations over the subsequent three springs and/or summers as necessary (2013, 2014, and 2015). Weed treatment would include BLM approved chemicals and adhere to all manufacturers' recommendations.

Objectives

1. Shrubs = 10% cover; herbaceous plants (forbs and grasses) = 50% cover.

- **Monitoring** – measure basal gap of vegetation along 2 100-meter transects bisecting the treatment area.

2. Eliminate (or contain if elimination is not possible) existing noxious weeds from reclamation area to prevent weed expansion and minimize future infestations.

- **Monitoring** would include a complete survey of the 1.1-acre reclamation area following treatment(s) (see Special Stipulations, page 8 of EA).

*Treatments would be further refined (i.e. techniques and rates of application, etc.) via consultation between BLM specialists and contractor prior to reclamation. All monitoring and inventory results would be provided to BLM annually. Overall efficacy of treatments would be evaluated by BLM specialists after the 3-year term. If results are unsatisfactory, further reclamation efforts may be negotiated and implemented.

PLAN CONFORMANCE AND CONSISTENCY:

The proposed action and alternatives have been reviewed and found to be in conformance with the following BLM Land Use Plan and the associated decision;

The Cascade Proposed Resource Management Plan Record of Decision (RMP-ROD) that was signed in July 1988.

The proposed action area lies within an area that, because of adjacent historic mining activity, has been classified L-1 for Limited Use in Historical, Cultural or Paleontologic Sites/Areas. Mineral production is provided for in the following RMP-ROD management direction and guidelines:

Page 21- “ The purpose of a limited use class is to delineate public lands where strict environmental controls are required to protect sensitive and significant resources.”

“The general policies for managing a limited use class are to fully protect and enhance sensitive and significant resources, while providing for other compatible uses. These areas will be managed for relatively low intensities of use and with strict environmental controls to protect sensitive and significant values.”

“Goals and Guidelines: Emphasis will be on protection of these values. Livestock grazing generally may be permitted where established. Utility ROW development generally will not be permitted. Timber management activities will be prohibited on those sites added to the National Register of Historic Places. Withdrawal from mineral entry may be sought and limitations on other mineral operations may be imposed. Public lands within these areas will remain in public ownership. ORV recreation use may be either limited or closed depending on the values needing protection”

To date, no L-1 areas identified in the Boise Basin or specifically in the project area that lies to the south and adjacent to the private/patented Quartzburg historic mining area have been withdrawn from mineral entry, nor has the proposed 1.1 acre project area, in whole or in part, been added to the National Register of Historic Places.

Page 63- “Consistency with Other Plans, Minerals (Energy and Nonenergy): The local land use plan supports the development of mineral resources in a manner compatible with environmental goals (protects streams and minimizes unfavorable visual impacts).”

Page 65- “Implementation, Minerals (Energy and Nonenergy): Procedures outlined in current laws and regulations (federal and state) will be applied to all applications. Mineral reports and environmental assessments will be prepared and appropriate clearances obtained. Standard and special stipulations will be followed.”

Alternatives Considered by Not Analyzed

The 43 Code of Federal Regulations 3809 limits the MPO alternatives submitted by the mining claimant. Alternatives that would propose moving the claimant’s operations to another area are not reasonable because the material to be mined and the mining claims are tied to a specific tract where the mine dumps are located, and thus were not analyzed. As such, the mining regulations require that BLM review the submitted MPO to identify and mitigate impacts to insure that unnecessary or undue degradation to public lands does not occur.

Other Alternatives Analyzed

Alternative A – No Action/Continue Present Management - Gold Hill would manage the mine dump site in its current, abandoned state. The waste dump material is estimated at 36,000 tons, ranges in thickness from 1 foot to 25 feet deep, and encompasses an area of 1.1 acres, Photo 1. The section of Granite Creek Road that traverses the project site and the mine dump would remain in its current state. There is currently no existing use of the mine dumps except for the use of Granite Creek Road to access this area.

Public Involvement:

A meeting was held on May 31, 2012 with Four Rivers Field Office Interdisciplinary Team staff to identify relevant issues to the Gold Hill MPO. In addition, the public was notified on June 6,

2012 when the BLM listed the project for 2012 on the ePlanning [NEPA Register](#) webpage¹ (“Interested Public Letter”). The Interested Public Letter (Scoping/Information Package) was also mailed to individuals and organizations on June 6, 2012. Comments were received from the Idaho Conservation League and Boise County.

Several issues were presented by interested publics regarding the effects of authorizing the proposed MPO. These are identified in Section 1.6 of the EA. These issues; including those associated with water resources, recreation, vegetation resources, wildlife, Cultural and Historic resources, and lands access; were addressed in various sections of the EA.

Decision and Rationale:

It is my decision to authorize the MPO in Alternative B (Proposed Action) of the Environmental Assessment #DOI-BLM-ID-B010-2012-0031. The actions analyzed in the Environmental Assessment will not constitute a major federal action that would significantly affect the quality of the human environment; therefore, an Environmental Impact Statement was not required and a finding was made of no significant impact (FONSI – signed August 8, 2012).

My decision to authorize the proposed action (Alternative B) will result in a decrease in erosion/runoff in the short and long term. Long term effects will be the restoration of visual, vegetation, wildlife, and water quality in the project area to pre-mining activity through the successful implementation of reclamation treatments and objectives.

The removal of several tons of unconsolidated material will eliminate the long-term sediment deposition and leaching of pollutants into Granite Creek and groundwater. The MPO also implements a SWPPP which, by implementing Best Management Practices within riparian areas, reduces the erosion, sedimentation, and other pollutants into the creek.

Standard Stipulations associated with the approval of this MPO require operators to clean vehicles of all vegetative materials which would reduce the occurrence of spreading noxious and invasive weeds. Additionally, the post-construction reclamation objectives, on page 4 of this Decision Record, would re-contour the site and plant native vegetation, thus reducing the colonization of the site by invasive weeds.

Impacts to wildlife will be minimal as there is very little to no nesting or breeding habitat on the project site. Individual animals will experience some level of disturbance as a result of increased traffic. However, disturbances would occur outside of nesting and breeding season and would be short duration during the summer months.

During the implementation of the MPO, there will be short-term impacts to the visual quality of the area. However, over the long term the operator will reclaim the landscape to pre-mining, natural topography and vegetative community.

Appeal: Any appeal of this decision must follow the procedures set forth in 43 CFR Part 4. Within 30 days of the decision, a notice of appeal must be filed in the office of the authorized officer at the Bureau of Land Management Four Rivers Field Office, 3948 Development Avenue, Boise, Idaho, 83705. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals (IBLA), Office of Hearings and Appeals,

¹ https://www.blm.gov/epl-front-office/eplanning/nepa/nepa_register.do

U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the authorized officer.

To file a petition for stay pursuant to 43 CFR part 4.21(b), it must accompany your notice of appeal and 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.

If a petition for stay is submitted with the notice of appeal, a notice of appeal and petition for stay must be served on each adverse party named in the decision from which the appeal is taken and on the *Office of the Solicitor, Field Solicitor – U. S. Department of the Interior, University Plaza, 960 Broadway Avenue, Suite 400, Boise, Idaho, 83706*, not later than 15 days after filing the document with the authorized officer and/or IBLA.

If you have any questions regarding this decision, or your appeal rights, please contact Valerie Lenhartzen, Boise District Geologist, at (208) 384-3395, or e-mail her at [vlenhartzen@blm.gov](mailto:valenhartzen@blm.gov).

/s/ Terry A. Humphrey

8/8/2012

Terry A. Humphrey
Four Rivers Field Manager

Date