DETERMINATION OF NEPA ADEQUACY (DNA)

U.S. Department of the Interior
Bureau of Land Management

OFFICE: Eastern Interior Field Office

CASEFILE/PROJECT NUMBER: DOI-BLM-AK-F020-2013-0001-DNA

LOCATION/LEGAL DESCRIPTION: Fortymile, Dome Creek, T6S, R33E FM

APPLICANT: Jim Fehrenbacher (Operator); Ruth Stough, Michael Stough (Claimants)

A. Description of the Proposed Action and any applicable mitigation measures:

Jim Fehrenbacher and Ruth Stough have submitted a modification to a previously approved Plan of Operations which authorized mechanized placer mining on claim AKFF 055420. The proposed modification would include the use of a 5 inch suction dredge in Dome Creek on the previously approved claim (FF055420), as well as the following claims: AKFF 055419, AKFF 055441-055448, inclusive.

Mitigation measures will be consistent with those outlined in EA Log No. AK-080-91-009 based on the section Description of Mitigation Measures and Residual Impacts. Additional mitigation measures are not necessary for this request because the potential for impacts beyond those outlined in the EA are unlikely.

B. Land Use Plan (LUP) Conformance

LUP Name: Fortymile Management Framework Plan
Date Approved: 9/8/80

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions): Objective M-3: By 1990, all land which is public land or reverts to public land, and is closed to mineral entry by unnecessary withdrawals, should be reopened to mineral entry. The Fortymile Management Framework Plan addresses developing mineral deposits and access to mineral deposits but does not specifically address the location of the Dome Creek claims by name. One goal of the Fortymile Management Framework Plan is provide the most appropriate management for each area in accordance with multiple-use.

C. Identify applicable NEPA documents and other related documents that cover the proposed action.

Environmental Assessment, EA Log No. EA-AK-080-91-009
Date Approved: 04/12/2000

Fortymile River Placer Mining EIS AK-EIS-89-003-3809
Date Approved: 4/27/89

U.S. Army Corp of Engineers Regional General Permit (GP) POA-2007-372-M1, Floating Recovery Devices

Alaska Department of Environmental Conservation General Permit AKG375000, Small Size Suction Dredge Placer Miners

Alaska Department of Fish and Game Fish Habitat Permit

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

The proposed action is a feature of, or essentially similar to an alternative analyzed in both the Fortymile Placer Mining EIS and the existing EA, and falls within the same analysis area. The applicant proposes to use a 5 inch suction dredge powered by an 11.5 HP engine along various stretches of Dome Creek for the purposes of conducting exploration work. Exploration work will occur on all claims within the claim block over the next several years. The previous EA pertained to mechanized mining operations on one claim in a larger claim block on Dome Creek. The proposed modification will by nature have significantly reduced impacts. Large-scale placer mining, including hydraulic mining has been undertaken in the analysis area since the early 1900s. The proposed plan modification will add a very minimal disturbance footprint, if any disturbance at all.

The General Schedule of Operations falls between May and September for 50 days of sluicing with roughly five (5) cubic yards (CY) of material processed daily and 150 CY annually. Fuel will be stored in (2) 15 gallon and (2) 30 gallon poly drums. They will be stored in an existing storage building located at the campsite. The storage building is located on an alluvial bench

approximately 30 yards east of Little Miller Creek and 100 yards north of Dome Creek. The bench is elevated approximately 7 feet above the creek bed.

Monitoring Plan:

Monitoring of fuel storage will occur daily. Fuel will be transported in a 5 gallon poly container on a daily basis from the storage shed to the dredge site. During dredge re-fueling operations, absorbent pads will be used when transferring fuel from the 5-gallon poly can to the dredge.

Reclamation Plan:

The dredge will operate from bank to bank within the active stream channel, and will cause no new surface disturbance as a result of this activity. By the nature of the operation, the holes created by the dredge will be filled in by the tailings discharging behind the dredge as it moves up stream. Therefore, reclamation will be ongoing. It is anticipated that less than 10 yards of material would be dredged on a daily basis.

Interim management:

There will be no destabilized excavations. The proposed operation is for a 5" suction dredge. Bedrock is typically 3-6 feet in depth. Which means the deepest "excavation" will be 6 feet deep. The dredge holes will be filled in as part of the operation as the dredge moves upstream. Spring rains generally fill and completely bury dredge holes to a point that they are not even recognizable. However, at the end of the season, if a hole exists at the final resting place of the dredge, it will be filled in. During temporary closure or inactivity during the summer season, the motor will be removed and stored in the storage building at the campsite. The dredge floats and frame will be situated and secured over any existing hole to ensure that the site is safe.

During the off-season, the dredge will be stored in one of the buildings on site. It is anticipated that all fuel will generally be used during the mining season. If any remains, it will be stored in the above mentioned storage building.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?

Yes. The current NEPA document analyzed the proposed type and scale of mining planned by this action. The small scale suction dredging and sampling to be conducted by this operation is

well under the more intrusive limits to mine allowed under the current approved NEPA document and remains appropriate given current environmental concerns.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

Yes. There is no new information or circumstances currently recognized that would change the analysis of the proposed action.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Yes. Resource concerns are substantially the same as those addressed in the 2000 EA, and would be mitigated by the stipulations as identified for the new proposed action. In addition the impacts from the proposed modification would be significantly reduced from those in the previously approved mining plan.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Yes. The public involvement and interagency review associated with the existing NEPA document is consistent with the current requirements so there would be no advantage to requesting outside agency input for this level of evaluation.

E. Persons/Agencies/BLM Staff Consulted

Ruth Stough/ Jim Fehrenbacher	Claimant/Operator	Applicant	Public
Ruth Gronquist	Wildlife Biologist	Invasive, Nonnative Species, Vegetative Resources Threatened/Endangered Species, Subsistence, Wildlife/Terrestrial	BLM
Jason Post	Fisheries Biologist	Essential Fish Habitat, Wildlife/Aquatic	BLM
Kevan Cooper	Realty Specialist	Visual Resources	BLM
Robin Mills	Archeologist	Cultural Resources, Native American Religious Concerns	BLM
Vic Wallace	Realty Specialist	Lands	BLM
Ben Kennedy	Hydrologist	Air Quality, Floodplains, Water Quality, Wetlands/Riparian, Soils	BLM
Collin Cogley	Outdoor Recreation Planner	Fire Management, Recreation, Travel Management, Wild and Scenic Rivers	BLM
Rebecca Hile	Physical Scientist	Wastes, Hazardous or Solid	BLM
Matthew Reece	Geologist	Mineral Resources	BLM
Holli McClain	Outdoor Recreation Planner	Wilderness Characteristics	BLM

*Note: Refer to the EA/EIS for a complete list of team members participating in the preparation of the original environmental analysis or planning documents.

F. Conclusion

Based on the review documented above, I conclude that this proposal conforms to the applicable LUP and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of the NEPA.

/s/ Matthew Reece	12/04/2012
Project Lead	Date
Matthew Reece	

/s/ Jeanie Cole	12/04/2012
NEPA Coordinator	Date
Jeanie Cole	

/s/ Lenore Heppler	12/05/2012
Authorized Officer	Date
Lenore Heppler	

Stipulations

Administrative Stipulations

1. The operator is required to obtain all applicable Federal and State permits prior to commencement of operations and comply with all pertinent Federal and State laws including but not limited to, air and water quality standards and regulations issued pursuant to the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (43 U.S.C. 6901 *et. seq.*). All garbage, refuse or waste shall be either removed from the affected lands, disposed of, or treated to minimize, so far as practicable, its impact on the lands.

2. All operations shall be conducted in such manner as to not cause damage or disturbance to any cultural areas or subsistence uses not specifically owned by the applicant. The Archaeological Resources Protection Act prohibits the appropriation, excavation, injury, or destruction of any such historic or prehistoric ruin or monument, or any other object of antiquity situated on lands owned or controlled by the United States. Such items include both prehistoric stone tools and sites, as well as historic log cabins, remnants of such structures, refuse dumps, and other such features. Should any such site be discovered during the course of field operations, the operators shall immediately bring to the attention of the authorized officer (AO) any cultural and/or paleontological resources that might be altered or destroyed on Federal lands by his/her operations, and shall leave such discovery intact until told to proceed by the AO. Permittee should avoid impacting such materials, and will immediately notify the BLM. The AO shall evaluate the discoveries brought to his/her attention, take action to protect or remove the resource, and allow operations to proceed within 10 working days (43 CFR 3809.2-2(e).

3. Claimants will be required to have claim corner monuments and marked in accordance with state law. State mining law requires that all claim corners be marked with a post or pile of stones not less than three feet in height nor less than three inches in diameter. Each corner monument must be marked with the name of the location, numbered, and a location certificate posted on the NE corner. In addition, boundary lines must be brushed, blazed or marked (flagged) so they can be readily traced.

4. Hazardous materials/toxic substances, as defined by EPA (i.e. used oils/petroleum products), will be handled and disposed of in accordance with EPA and ADEC guidelines.

5. Settling/recycle ponds will be maintained to meet the required effluent limitations set by EPA/ADEC permits.

6. The operator will notify the authorized officer when reclamation is complete so that a final compliance inspection can be made. The authorized officer or his representative will complete the required site inspection within ten working days of notification.

7. Any deviation from the approved Plan of Operations, including but not limited to, site access (only the access routes currently approved by the Plan of Operation can be used for access to the mining claims), reclamation, and channel modification will require a BLM approved Plan of Operations Amendment prior to conducting any surface disturbing activities.

Performance Standard Stipulations

1. Where available and practical, topsoil and overburden will be separated during operations and stabilized to reduce erosion.

2. The mine site will be reshaped to blend with the surrounding physiography using mine tailings and overburden. Stockpiled topsoil will be spread over the reshaped mine site. If available quantities of topsoil are insufficient to promote adequate revegetation of the site, settleable solids captured in the settling ponds will be used for reclamation unless the AO determines in writing that it is not appropriate to do so.

3. Fine sediment captured in the settling ponds shall be protected from washout and left in stable condition at the end of each mining season to prevent unnecessary or undue degradation to the environment during periods of non-operation.

4. Disturbed stream areas will be restored to a stable condition in order to provide for recovery of fish and wildlife habitat and reduction of non-point source erosion. The appropriate State of Alaska agency will be consulted for its recommendations and concurrence.

5. Based on site compliance examinations or operator generated plan amendments, additional reclamation measures may be required as determined by the Authorized Officer.

6. All heavy equipment, vehicles exceeding 1500 pounds and the cabin construction materials shall be brought to the mining claims over winter ice or by boat in the summer. No vehicles exceeding 1500 pounds shall be used on the overland trails to access your mining claims. This includes, and is not limited to: Heavy equipment, pickup trucks, Jeeps and other off-road vehicles exceeding the above mentioned weight limit. Trees and brush will be cut while the ground is frozen and snow covered.

7. BLM will be notified prior to commencing operations.

8. If damage occurs to the trail from any causes, BLM must be notified immediately.

9. Upon final abandonment or extended periods of non-use, BLM will require a reclamation plan.

Mitigation Stipulations

1. Fuel and Hazardous Materials Storage and Handling

a. Fuel and hazardous material storage containers must be identified with the owner's name, the contents and date purchased (Mitchell, Diesel, 2000). Fuel and hazardous materials will only be stored in containers designed to hold that product.

b. Fuel storage containers that are situated where a spill may reach a water body or water course require secondary containment. Secondary containment is defined as a diked, impermeable impoundment.

c. Appropriate spill response equipment and supplies must be at hand. It is recommended that secondary containment or drip pans be placed under all fuel container inlet and outlet points, hose connections and hose ends during fuel transfers.

d. Petroleum or hazardous material spills shall be cleaned up immediately using absorbent pads or other Alaska Department of Environmental Conservation (DEC) approved methods; and, reported within 24 hours to the DEC at (907) 478-9300 and reported in writing to the BLM authorized at 1150 University Avenue, Fairbanks, Alaska 99709.

2. Solid Waste

a. Camps and the surrounding area must be kept clean and litter free. All solid waste will be disposed of in a manner that ensures it will not attract wildlife or pose a public health hazard. Combustible waste may be burned or incinerated on-site as permitted by State law. At least once a year, noncombustible waste (e.g. empty fuel drums, used batteries, used oil, scrap metal) will be removed to a recycle center or waste disposal site approved by DEC for that purpose, unless otherwise approved by completed.

b. Out houses will be located a minimum of 100 feet from the high-water mark of streams, rivers, or lakes. Pits will be backfilled with a minimum of two-feet of over-material when the pit has reached capacity or when mining is completed. All outhouses must comply with DEC standards.

c. If excessive groundwater is encountered, a bedrock drain should be constructed upstream from the cut to intercept and divert the flow to the creek.