

**Bureau of Land Management  
Winnemucca District Office  
HRFO (W010)**

**Categorical Exclusion**

**CX#: DOI-BLM-NV-W010-2013-0021-CX**

**Date: 11/16/2012**

Lease / Case File / Serial #: N-89745

Regulatory Authority (CFR or Law): 3715

BLM Manual: N/A

Subject Function Code: 3715

Is the project located within a Preliminary Priority Habitat?  Yes  No

Is the project located within a Preliminary General Priority Habitat?  Yes  No

Is the project located within a National Landscape Conservation System feature (NCA, Wilderness, WSA, ISA, Scenic or Historic Trails)?  Yes  No

---

1. BLM District Office: Winnemucca District Office

2. Name of Project Lead: Daniel Atkinson

3. Project Title: South Mystic Springs Occupancy

4. Applicant: Coeur Rochester, Inc.

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

Coeur Rochester, Inc. (CRI) has been conducting notice-level exploration at the South Mystic Springs project, located near the Nevada-Packard mine area, under case file number N-89745. Under the South Mystic Springs notice, CRI drilled two drill sites within non-contributing elements of the Rochester District National Register Eligible District. A qualified archeologist was on site during the construction of the drill sites to ensure that no contributing elements were damaged or destroyed. During a routine compliance inspection conducted on August 1, 2012, BLM identified two instrumentation boreholes on these two existing drill sites. After drilling the approved holes, CRI left the metal casing in the ground to be used for groundwater monitoring. These instrumentation boreholes were not proposed or authorized under the notice and in order to avoid a noncompliance order CRI submitted an amended notice and occupancy request on October 25, 2012. This NEPA document satisfies the requirements of the occupancy regulations at 43 CFR 3715.

Project dimensions (length, width, height, depth): The surface disturbance associated with reclamation of the boreholes would be approximately 20' by 20' for each location.

**CX#: DOI-BLM-NV-W010-2013-0021-CX**  
**Applicant: Coeur Rochester Inc.**  
**Project Title: South Mystic Springs Occupancy**

Total Acres: Approximately 0.02 acres.

BLM Acres: Approximately 0.02 acres.

Will the project result in new surface disturbance?  Yes  No

Has the project area been previously disturbed?  Yes  No  N/A

If yes, what percent of the project area has been disturbed? 100% . 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): The instrumentation boreholes were installed on constructed drill sites that have been recontoured. The casing associated with the instrumentation boreholes will be removed/reclaimed upon completion of exploration activities.

6. Legal Description: T28N, R34E, section 29, within the NWSE

USGS 24k Quad name: Rochester

100k map name: Lovelock

Land Status:  BLM  Private  Other\_\_\_\_\_.

**Part I: Plan Conformance Review**

The Proposed Action is subject to the:

- Paradise-Denio Management Framework Plan
- Sonoma-Gerlach Management Framework Plan
- Black Rock Desert-High Rock Canyon Emigrant Trails NCA and Associated Wilderness and Other Contiguous Lands in Nevada RMP

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 decision(s) (objectives, terms, and conditions):

Objective M-1: Make all public lands and other federally owned minerals available for the exploration and development of mineral and material commodities.

**Part II: NEPA Review**

Categorical Exclusion Review: This Proposed Action qualifies as a categorical exclusion under:

- 43 CFR 46.210 (e) – Nondestructive data collection, inventory (including field, aerial, and satellite surveying and mapping), study, research, and monitoring activities. And § 46.210 (j) – Activities which are educational, informational, advisory, or consultative to other agencies, public and private entities, visitors, individuals, or the general public.

**CX#: DOI-BLM-NV-W010-2013-0021-CX**  
**Applicant: Coeur Rochester Inc.**  
**Project Title: South Mystic Springs Occupancy**

**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 ( <i>Scientific</i> ) Name	May Be Affected?	Mitigation for BLM Sensitive Species (Attach ESA Section 7 Compliance to Form)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Greater sage-grouse	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Townsend’s Big Eared bat	<input type="checkbox"/> Yes <input checked="" 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?	Recommended Mitigation
	<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	

*Mitigation Measures/Remarks: None.*

**CX#: DOI-BLM-NV-W010-2013-0021-CX**  
**Applicant: Coeur Rochester Inc.**  
**Project Title: South Mystic Springs Occupancy**

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)

**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. (This is a NEPA Decision. A separate program implementation decision is necessary.)

Authorized Official: \S\ Mandy DeForest Acting HRFO-FM Date: 1/23/2013  
(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 Edward Seum, Humboldt River 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.

**CX#: DOI-BLM-NV-W010-2013-0021-CX**  
**Applicant: Coeur Rochester Inc.**  
**Project Title: South Mystic Springs Occupancy**

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 4.471(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.

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)).