

Decision Record

Placer Mining Plan of Operations, Joe Gurule, FF 095702

Mr. Joe Gurule submitted a plan of operations to the Bureau of Land Management (BLM) Eastern Interior Field Office to mine placer gold on two federal mining claims, FF 061745 - #1 Above Discovery and FF 061746 - #2 above discovery, above the confluence of Stonehouse Creek and Chicken Creek, a tributary of the Mosquito Fork near Chicken, Alaska. The federal mining claim block at this location is currently owned by Charles Richard Hammond. This area has been subject to intermittent mining activity since the late 1800s. The majority of the surrounding area is land Tentatively Approved to the State of Alaska, with the exception of roughly 200 acres managed by the BLM (10 unpatented federal mining claims). The proposed action was posted and made available on the BLM's Land Use Planning and National Environmental Policy Act (NEPA) Register

Decision:

It is my decision to authorize the placer mining plan of operations for Joe Gurule as described in the Proposed Action of Environmental Analysis (EA) DOI-BLM-AK-F020-2013-0003-EA. The rationale for this decision and conditions of approval are listed below.

Rationale:

The environmental effects of this action were considered in DOI-BLM-AK-F020-2013-0003-EA and were found to have no significant impacts, thus an environmental impact statement is not required.

1. The proposed action is in conformance with the Fortymile Management Framework Plan completed for the area in 1980.
2. The proposed action is consistent with the use of public lands under the authority of Section 302 of the Federal Land Policy Management Act and the regulations found in 43 CFR 3809.
- 3.. The proposed action would not impact salmon or habitat known to support salmon and therefore, the proposed action was assigned the Essential Fish Habitat (EFH) Determination: No effect, and no further EFH consultation is required.

4. There is potential for impacts to cultural resources by the proposed action; however, an "Assessment of Archaeological and Historic Resources" has been completed for this project, and appropriate mitigation measures will be put in place.

5. The evaluation and finding done to comply with Section 810 of the Alaska National Interest Lands Conservation Act found no significant restrictions to subsistence use.

6. The conditions of approval to prevent the Unnecessary or Undue Degradation (UUD) of public lands can be found below (Attachment 1) and focus specifically on the following:
1) preventing and monitoring the introduction of nonnative species; 2) preventing impacts to cultural and paleontological resources; and 3) prevention of soil erosion and subsequent water turbidity and sedimentation to the stream.

Appeal Provisions:

This decision may be appealed to the Interior Board of Land Appeals (Board), Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, the notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. Appeals from administrative decisions issued by BLM-Alaska must be filed in writing in the office of the deciding official, either by mail or hand delivery. Notices of appeal transmitted by electronic means, such as facsimile or email will not be accepted as timely filed. The appellant has the burden of showing that the decision appealed from is in error.

/s/ Lenore Heppler _____

Manager, Eastern Interior Field Office

5/8/2013

Date

Contact Person: For additional information concerning this decision, contact Matthew Reece at the Eastern Interior Field Office, 1150 University Avenue, Fairbanks, Alaska, 99709, or by telephone at (907) 474-2334.

Attachment 1 - Conditions of Approval

Survey and Control of Invasive Plants

1) The permittee will be expected to take actions to prevent the introduction, establishment, and spread of non-native, invasive plants in the project area. The BLM will inspect reclaimed areas for the presence of non-native and invasive plants, and if found, will require the permittee to eradicate and control infestations prior to considering the reclamation complete.

While not required, the BLM **recommends** that the permittee hire an experienced botanist to complete an initial survey of the project area (focused in and immediately adjacent to previously disturbed grounds) approximately mid-way through the growing season to identify any pre-existing populations of invasive plant species and submit a copy of the findings to the BLM.

The current list of species of high and medium concern is provided below. This list could change during the period of operation, for example, if new species with high invasiveness potential are found in Alaska. Non-native species which are minimally invasive and of low concern should be minimized, but control of these species will not be required.

Eastern Interior Field Office, non-native, invasive plant species of management concern

The management of non-native, invasive plants (weeds) on BLM-managed lands in Alaska focuses on:

- 1) Prevention of introduction and spread,
- 2) Eradication through early detection of infestations and rapid response of treatments, and
- 2) Control and containment of infestations too large to eradicate.

Following is a list of weed species of medium and high concern to BLM and other land managers in Alaska. As a permittee on BLM lands, you will be responsible for the detection and control of these plants. All of these plants have been found as accidentally or intentionally introduced in Alaska. Most of them occur in Interior Alaska now (*).

Medium and High Concern

Spotted knapweed* *Centaurea stoebe* L.
Canada thistle* *Cirsium arvense* (L.) Scop.
Oxeye daisy* *Leucanthemum vulgare* Lam.
Perennial sowthistle* *Sonchus arvensis* L.
Common Tansy* *Tanacetum vulgare* L.
White sweetclover* *Melilotus alba*
Bird vetch* *Vicia cracca* L. ssp. *cracca*
Yellow toadflax* *Linaria vulgaris* P. Mill.
Orange hawkweed *Hieracium aurantiacum* L.
Scentless False Mayweed* *Tripleurospermum inodorum* (L.) Sch. Bip.
Narrowleaf hawksbeard* *Crepis tectorum* L.
Ornamental jewelweed *Impatiens glandulifera* Royle

Purple loosestrife *Lythrum salicaria* L.
Cheatgrass, *Bromus tectorum* L.
Quackgrass, *Elymus repens* (L.) Gould
Reed Canarygrass, *Phalaris arundinacea* L.

This list is nonnative plants that are of lower concern and currently do not need to be actively controlled.

Lower Concern

Common dandelion, *Taraxacum officinale* F.H. Wigg. Ssp. *officinale*
Common plantain, *Plantago major* L.
Prostrate knotweed, *Polygonum aviculare* L.
Shepherd's purse, *Capsella Bursa-pastoris* (L.) Medik.
Lambsquarter, *Chenopodium album* L.
Pineappleweed, disc mayweed *Matricaria discoidea* D.C.
Foxtail barley, *Hordeum jubatum* L.
Narrowleaf hawksbeard*, *Crepis tectorum*
Alsike clover, *Trifolium hybridum*
Common pepperweed, *Lepidium densifolium*
Common Chickweed, *Stellaria media* (L.) Vill.

Cultural and Paleontological Resources

1) On grounds that have NOT been previously disturbed, an on-the-ground survey by BLM archaeologists will need to take place prior to present day mining occurring. **This survey will take place as soon as most snow ground cover has melted away in May 2013. If cultural sites are NOT found** on the two federal mining claims in question, then BLM archaeologists will provide a notice to proceed in writing to the applicant at the time of the survey in May 2013. This notice to proceed will either be hand delivered to the applicant at the camp identified in the Plan of Operations, or else left taped to the front door of his trailer at this same camp. **If cultural sites ARE found** in the locations of the proposed action, then BLM archaeologists will clearly mark these sites on the ground with labeled flagging, and take GPS points and photographs. These points and photos will then be printed out and will accompany the notice to proceed, which will be provided in writing to the applicant in May 2013. If the applicant is present at that time and available to discuss the findings, then BLM archaeology will coordinate with the applicant about how to proceed. If the applicant is not present or available to discuss the findings in May 2013, then a written notice will be left at his camp outlining how he may proceed to work on the claims. In short, there will be no working within 25 feet of any cultural sites until the adverse effects of the mining to significant cultural resources have been mitigated.

2) Paleontological resources are protected by federal law on federally managed lands (Paleontological Resources Preservation Act of 2009; 16 U.S.C. 470aaa et seq). However, surveying for paleontological resources in the field is not practical. Unusual fossils (anything other than horse, mammoth, or bison), fossils with frozen/preserved organic tissues (hair, skin), or complete/near-complete skeletons of a single animal are of particular concern to researchers. The BLM requests that ANY Pleistocene fossils and bones uncovered during mining operations,

once they are authorized, be piled up at the applicants' camp for inspection. A BLM archaeologist will visit to examine this pile at least once annually. If something particularly spectacular emerges (like frozen/preserved tissue; complete or near complete animals; unusual species like any predator), the applicant is requested to please contact the BLM Chicken Field Station, whose personnel will contact the appropriate BLM archaeologist.

Aquatic Wildlife and Resources

The following mitigation measures would reduce erosion, sedimentation, turbidity, and their effects to prevent UUD on public lands.

1) In areas where the streambank and/or streambank vegetation has been mechanically altered or stripped by the operator, the streambank will be immediately stabilized using material of sufficient size to dissipate stream energy, prevent erosion, and maintain water quality standards. Material may include rip-rap, coir logs, silt fencing, brush barriers, etc. The effectiveness of the stabilization practices will be monitored by BLM staff during compliance exams and site visits. This mitigation measure prevents UUD by controlling erosion and providing measures to maintain water quality standards.

2) Sufficient free board (the elevation difference between the top of the sediment pond berm and the water surface) in the sediment ponds will be maintained at all times to accommodate an influx of rain and surface water runoff from typical storm events. The amount of free board will be 20% of the pond depth. In this case, with a pond depth of 10 ft., the amount of freeboard would be 2 ft. The applicant will visually monitor for leaks and measure the freeboard on a daily basis. This information will be recorded in a logbook with the date, any leaks noted, amount of freeboard, and name of the recorder. The logbook will be reviewed for completeness during compliance exams. If the pond is leaking or free board is found to be insufficient, mining will cease and efforts will focus on fixing the problem. This mitigation measure prevents UUD by providing measures to control erosion, landslides, water runoff, and maintain water quality standards.

3) Topsoil or fine, unconsolidated material should not be stored as a berm in the stream bank. This mitigation measure prevents UUD by avoiding practices that would result in erosion or exceed state water quality standards for turbidity.