Bureau of Land Management
Winnemucca District Office
HRFO (W010)

CX#: DOI-BLM-NV-W0000-2013-0003-CX

Date: 1/7/2013

Lease / Case File / Serial #: N/A

Regulatory Authority (CFR or Law): (43 CFR): - 3809/3720/3830

BLM Manual: 3720 - Abandoned Mine Land Program Policy

Subject Function Code: Abandoned Mine Land Projects 3720-2

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

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1. BLM District Office: Winnemucca District Office

2. Name of Project Lead: John Callan

3. Project Title: Permanent Abandoned Mine Land Closures within the Winnemucca District FY2013.

4. Applicant: BLM/NDOM

5. Project Description:
Project Description: 90 Abandoned Mine Land (AML) hazards located in Humboldt, Pershing and Washoe Counties, Nevada, are to be closed. The sites have had cultural and biological surveys completed. Bat surveys were recently completed and there is a need for bat compatible closures for up to 11 of the 90 locations. The remaining 79 sites would be closed permanently by backfilling with waste rock materials, and/or foam closure. This is a joint project between the Bureau of Land Management (BLM), Bureau of Reclamation (BOR) and Nevada Division of Minerals (NDOM), for this project we have identified the types of hazards in 3 categories: Adits/Inclines/Declines, Shafts, and Other. The identified hazards associated with each type are:

BRFO Closure Area:

Adits/Inclines/Declines: PE-552, PE-555, PE-324, PE-326, PE-327, PE-328, PE-330, PE-331, PE-333, PE-338, PE-342, PE-343, PE-344, PE-345, PE-349, PE-350, PE-352, PE-353, PE-357, PE-808, WA-297, WA-298, WA-299, WA-300, WA-301, WA-302, (26 total)

Shafts: HU-592, PE-320, PE-321, PE-322, PE-323, PE-329, PE-332, PE-334, PE-336, PE-337,

PE-339, PE-340, PE-341, PE-346, PE-347, PE-348, PE-351, PE-354, PE-355, PE-356, PE-547, PE-548, PE-549, PE-549, PE-550, PE-551, PE-553, PE-554, PE-556, PE-557, PE-558, PE559, PE-560, PE-807, PE-810, PE-811, PE-899, PE-902, PE-903, PE-905, (40 total)

Other: PE-901, PE-904, PE-906, PE-907, PE-908, PE-909, PE-910, (7total)

Black Rock Field Office total: 73

Long Canyon Closure Area:

Adits/Inclines/Declines: PE-608, PE-615 (2 total)

Shafts: PE-606, PE-607, PE-610, PE-614 (4 total)

Other: PE-604, PE-605, PE-611, PE-612, PE-613, PE-1367 (6 total)

Long Canyon total: 12

Cowden Mine Closure Area:

Adits/Inclines/Declines: HU-0671, HU-0674, HU-0677, HU-0678, HU-0686

Cowden Total: 5

All closure work would be completed by the BLM/NDOM and or their respective contractors. Existing access roads would be used. Where no roads access the sites, materials would be brought in via helicopter. Closures would occur over the next several months depending on winter conditions, when project activities would be slowed by snow.

Project dimensions (length, width, height, depth): Approx. 20'x20' per site. Total of **90 Sites**
Total Acres: 0.80
BLM Acres: 0.80

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? 98%. 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):

6. Legal Description: T.32_N., R. 22 E., sec. 8, ¼ NESE, ¼ NESW, ¼SENE
sec 5, ¼NESE
T. 35 N., R. 29 E., sec. 13 , SWNE ¼
T. 34 N., R. 29 E., sec. 22 , SE ¼
T. 34 N., R. 29 E., sec. 27 , NE ¼

T. 34 N., R. 29 E., sec. 15, NWSW ¼, SWNW¼, SWSW¼, NWSE¼
T. 34 N., R. 29 E., sec. 16, SENE¼, SESE ¼, SWNE¼, SWSE¼,
T. 34 N., R. 29 E., sec. 16, SESW¼, NESE¼
T. 34 N., R. 30 E., sec. 30 , ¼
T. 34 N., R. 39 E., sec. 24 , ¼
T. 34 N., R. 30 E., sec. 19 , ¼
T.34 N., R. 29 E., sec. 18 , ¼
T.34 N., R. 30 E., sec. 18 , ¼
T.34 N., R. 29 E., sec. 13 , ¼
T.34 N., R. 30 E., sec. 28, SW¼, ¼
T.34 N., R. 30 E., sec. 29, SE¼, NE ¼
T.34 N., R. 30 E., sec. 24, SESW¼,
T.33 N., R. 30 E., sec. 25, SWSE¼,

Long Canyon:

T.26 N., R. 32 E., sec. 33 SWNE¼
T.26 N., R 32 E., sec. 34 SESW ¼

Cowden:

T.47 N., R. 30 E., sec. 06 SE/SW
T.47 N., R. 30 E., sec. 06 SE/SW

USGS 24k Quad name: Floka, Sawtooth Knob, Scossa, Squaw Valley, Sulpher, WildHorse Pass, Denio
100k map name: Eugene Mountains, Lovelock, Denio
Land Status: ☒ BLM ☒Private ☒Other: Hycroft Mine

8. To be completed by Cultural Resource Specialist (CR):

Area of Potential Effect:
APE Acreage:
Records Check:
Records Examined:
Results:
Inventory Type Needed:
None_____
Categorical Exemption (Number_____)
Reconnaissance_____
Class I_____
Class II_____
Class III_____
Architectural_____
Rationale for Inventory Type determination:
Tribal Notification/Consultation Needs:
Rationale:
Tribe(s) to be contacted:
Public Notification Needs:
Rationale:
Person(s), group(s) to be contacted:

CRS Approval: Date:

Field or other appropriate Manager Concurrence: Date:

CX#: DOI-BLM-NV-W0000 -2013-0003-CX
Applicant: BLM
Project Title: Permanent Abandoned Mine Land Closures within the Winnemucca District FY 2013

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):

43 U.S.C. 1702; Federal Land Policy and Management Act

43 CFR 1610.5, BLM Manual 3720.03

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

☒43 CFR 46.210 DOI Implementation of NEPA of 1969, Listing of Departmental Categorical Exclusions (*formerly 516 DM2 Appendix 1*)

☒516 DM 11.9, (BLM) J.8 – Installation of minor devices to protect human life. (e.g., grates across mines.)

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.	☐	☒
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.	☒	☐
3. Could the proposed action result in "take" under the Migratory Bird Treaty Act? If yes, attach appropriate mitigation measures.	☒	☐

Table 1. Special Status Species that may occur in the project area:

ESA	BLM	Common (*Scientific*) Name	May Be Affected?	Mitigation for BLM Sensitive Species (The following stipulation(s) is/are recommended to be applied to the authorization) *(Attach ESA Section 7 Compliance to Form, if applicable)*
☐	☒	Bleached Sandhill Skipper (*Polites sabuleti sinemaculata*), Townsend's Big Eared Bat (*Corynorhinus townsendii*), Western Small-footed Myotis (*Myotis ciliolabrum*), Sage-grouse (*Centrocercus urophasianus*), Pueblo Valley Peppergrass (*Lepidium montanum var. nevadense)*	☐ Yes ☒ No	Cowden Mine –Surveys have been completed to determine the presence or absence of bats. All abandoned mines with bats would have bat gates or grates installed at the opening of the adit.
☐	☒	Western pipistrelle (*Pipistrellus Hesperus*), Townsend's Big Eared Bat (*Corynorhinus townsendii*), Pallid Bat (*Antrozous pallidus),* Myotis spp., Orcytes (*Oryctes nevadensis)* , Sage-grouse (*Centrocercus urophasianus*)	☐ Yes ☒ No	Long Mine - Surveys have been completed to determine the presence or absence of bats. All abandoned mines with bats would have bat gates or grates installed at the opening of the adit.
☐	☒	Townsend's Big Eared Bat (*Corynorhinus townsendii*), Western	☐Yes ☒No	BRFO Closures - Surveys have been completed to determine the presence or absence of bats. All abandoned mines with bats would have bat gates

ESA	BLM	Common (*Scientific*) Name	May Be Affected?	Mitigation for BLM Sensitive Species (The following stipulation(s) is/are recommended to be applied to the authorization) *(Attach ESA Section 7 Compliance to Form, if applicable)*
		Small-footed Myotis (*Myotis ciliolabrum*), Crosby Buckwheat (*Eriogonum crosbyae*), Sage-grouse (*Centrocercus urophasianus*)		or grates installed at the opening of the adit.

Table 2. Migratory Bird Treaty Act Consideration

Potential MBTA Species w/in the Project Area Common (*Scientific*) Name	May Be Affected?	Recommended Mitigation (The following stipulation(s) is/are recommended to be applied to the authorization)
Burrowing owl, black-throated sparrow (Amphispiza bilineata), Brewer's blackbird (Euphagus cyanocephalus), Brewer's sparrow (Spizella breweri), canyon wren (Catherpes mexicanus), gray flycatcher (Empidonax wrightii), green-tailed towhee (Pipilo chlorurus), rock wren (Salpinctes obsoletus), sage sparrow (Amphispiza belli), sage thrasher (Oreoscoptes montanus), western meadowlark (Sturnella neglecta), and vesper sparrow (Pooecetes gramineus), burrowing owl (Athene cunicularia), loggerhead shrike (Lanius ludovicianus),	☒ Yes ☐ No	In order to avoid potential impacts to breeding migratory birds, a careful visual inspection of habitat in the project area should be made prior to any surface disturbance (including cross-country routes) during the avian breeding season (March 1st through August 31st). Nesting activities may include eggs or young present in nest, adult behavioral displays (e.g. dive-bombing, faking injury, won't leave the area, agitated calling, etc.). If active nests are located, the BLM biologist must be notified immediately and appropriate protection measures which may include avoidance or restriction of activities will be established.
	☒ Yes ☐ No	
	☐ Yes ☐ No	

	☐ Yes ☐ No	

Mitigation Measures/Remarks (The following stipulation(s) is/are recommended to be applied to the authorization):

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.)

☒ Based on 43CFR 3809/3830, it is my decision to allow for implementation of the project, as described, with the mitigation measures identified above and attached as stipulations, conditions of approval, terms of conditions, etc. This is a combined NEPA and program implementation decision.

The following primary laws authorize BLM to reduce environmental degradation, mitigate physical safety hazards, and reclaim abandoned mine lands.

1. Federal Land Policy and Management Act of 1976 (FLPMA) (43 U.S.C. 1701 *et seq.*).
2. Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (42 U.S.C. 9601 *et seq.*) and National Contingency Plan (NCP) (40 CFR Part 300).
3. Federal Watershed Restoration and Enhancement Agreements ("Wyden Amendment") 16 U.S.C. 1011.

BLM also relies on the following authorities applicable to the evaluation and cleanup of abandoned mine lands. These authorities present procedural and substantive standards and requirements which must be observed in the course of abandoned mine land cleanup and reclamation.

1. National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*).
2. Resource Conservation and Recovery Act of 1976 (RCRA) (42 U.S.C. 6962 *et seq.*).
3. Clean Water Act (CWA) of 1972 (33 U.S.C. 1251 *et seq.*).
4. Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531).
5. National Historic Preservation Act of 1966 (NHPA), as amended (16 U.S.C. 470).
6. Surface Mining Control and Reclamation Act of 1977 (SMCRA) (30 U.S.C. 1201 *et seq.*).

BRFO Manager _____

HRFO Manager _____

Authorized Official _____ Date: 4/22/13
(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 Gene Seidlitz, Winnemucca District Manager, 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.

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 4.47I(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)).

Bureau of Land Management
Winnemucca District Office

Field Office(s): District Wide[ ]HRFO [ ]BRFO

Categorical Exclusion
Team Review

Applicant: BLM
Proposal: Abandoned Mine Land Closures within the Winnemucca District FY2013
CX#: DOI-BLM-NV-W000-2013-0003-CX

Prepared By: **Date:**

Name /Title	Resource/Agency Represented	Signature/Date	Comments (Attach if more room is needed)
Pat Han	Cultural Resources	Patrick Hanel 4/10/13	See below
John Callan/Mark Hall	Native American Consultation	John Callan 4/10/2013	
Amanda Deforest	T&E (plants and animals)	Mandy Deforest 4/15/13	

Continue the list of specialties as necessary ……..

Cowden mine hazards will be fully cleaned after further inspection regarding unauthorized use and possible ARPA violations