

**Bureau of Land Management  
Winnemucca District Office  
BRFO (W030)**

**Categorical Exclusion**

**CX#: DOI-BLM-NV-W030-2013- 0010-CX**

**Date: 5/13/2013**

Lease / Case File / Serial #: N-64641

Regulatory Authority (CFR or Law): FLMPA Sec.102. [43 U.S.c. 170 I] (a)(8) "The Congress declares that it is the policy of the United States that the public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use."

FLMPA Sec.307 [43 U.S.C. 1737] "The Secretary may conduct investigations, studies, and experiments, on his own or in cooperation with others involving the management, protection, development, acquisition, and conveying of the public lands."

BLM Manual: 6840 Special Status Species Management

Subject Function Code: 6840 Special Status Species Management

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: Kathy Cadigan

3. Project Title: Crosby's Buckwheat Transplant

4. Applicant: Hycroft Resources and Development, Inc. (HRDI)

5. Project Description:

As part of Stipulation 4 of the Record of Decision for the Expansion of the Hycroft Mine EIS, Allied Nevada Gold Corporation is required to salvage the Crosby's Buckwheat (*Eriogonum crosbyae* var. *crosbyae*) population located within the Hycroft PoO boundary. HRDI is required to transplant the population outside of the PoO boundary. The following proposed activities are designed to salvage the population and would be scheduled to start Fall 2013 and extend through Winter 2014.

**Seed Collection Activities:**

Comstock Seed Company would collect seeds from up to 1,200 plants following guidelines provided by the Rae Selling Berry Seed Storage facility at Oregon State University, Portland. Seeds collected from a single plant would be separately packaged in breathable glassine envelopes. Based on Comstock's experience with other types of buckwheat, they expect that seed ripening on an individual plant would be uniform and the population at Hycroft would yield their seed at once sometime in June or July. Comstock Seed Company would make several site visits to determine the right time to collect seeds. Seed collection would take place over one 3-day period. After seeds are collected, seeds would be cleaned and tested for viability.

Approximately 1,500 live seeds will be given to Nevada Division of Forestry, Washoe Lake Nursery to plant (see Transplant Activities below). The remaining seeds would be shipped to the Rae Selling Seed Storage facility. Seeds would be stored at the Rae Selling Berry Seed Storage facility for 20 years and seed storage would include periodic viability and germination trails. The BLM would have authorization to take seeds out of storage should the agency wish to independently conduct reintroductions of the Crosby's buckwheat.

The Nevada Division of Forestry, Washoe Lake State Nursery would grow 500 plugs from seed. Prior to sowing, nursery personnel would research the best methods to achieve maximum germination, and the most suitable growing medium and plug containers to use. Seeds would likely need cold-stratification to break dormancy before sowing in January 2014. Seedlings would be established in the Washoe Lake Nursery greenhouse in 8-inch "super cells." Prior to out-planting, the nursery would "harden off" the young plants to ensure the seedlings (that are used to the mild climate-controlled greenhouse environment) will be able to withstand normal outdoor conditions

**Vegetation Cuttings:**

In the event that not enough seeds are produced and collected, Allied Nevada has a preliminary agreement with the Nevada Division of Forestry, Washoe Lake Nursery (NDF), which the nursery would attempt to grow plants from vegetation cuttings of the adult Crosby's buckwheat. Cuttings would be collected by NDF. Cuttings would be dipped in a liquid rooting hormone to encourage production of adventitious roots and the cut ends placed in rooting medium. NDF would research the best type of rooting medium to use and may use more than one type of rooting medium. Plants grown from cuttings would be transplanted as outlined in Transplant Activities.

**Transplant Activities:**

Soil Tech would identify one hundred and thirty (130) plants from the Hycroft Mine expansion that would be salvaged and moved to within the tail of the NCA, see attached maps. For best results the transplantation of the Crosby Buckwheat is recommended in late summer to mid-fall.

The primary goal of the project is to achieve the best survival rate possible. Toward that end the salvaged plants would be reintroduced with several methodologies to identify the best possible transplant procedure. These variations are specific to the watering regimen and addition of mineral based amendments. Soil-Tech would perform the following steps to accomplish this scope of work.

Revised 01/12

**1) Crosby Buckwheat Plant Salvage**

- a) Dig a 12-18" trench, 12-18" diameter around base of the plant
- b) Carefully excavate the soil from the trench working towards the plant, loosen the soil from the brittle root system so that a limited amount of roots are damaged
- c) Stabilize the base of the plant, so that it remains at the same height prior to excavating,
- d) Once soil has been removed from lateral roots, locate tap root and excavate additional material (4-6") to salvage as much of the tap root as reasonable.
- e) Carefully remove the now bare root plant from the hole and trim any damaged roots with a disinfected knife (a 10% bleach solution is recommended)
- f) Dip only the roots into the root stimulant solution (MycoApply All Purpose Soluble at 2 oz. per 1 gallon)
- g) Place the plant into the nylon transplant bag (with 2" of soil at the base of the bag) with the base of the root in contact with the soil in the bag.
- h) Carefully backfill the bag around the bare roots
- i) Soak the soil with the MycoApply solution until saturated
- j) Transport the containerized plant to its new location

**2) Transplantation of Crosby Buckwheat Plant**

- a) Prepare hole for the salvage plant by excavating the soil one and a half times the depth of soil in the bag and twice as wide than root ball bag
- b) Pile excavated soil next to hole and incorporate 2oz of Excellerite soil amendment
- c) Back fill hole to same depth as the root ball and tamp soil
- d) Place entire bag into the hole to verify the depth of the hole is sufficient
- e) Place bag back in the hole and cut ¾ of the distance around the base of the nylon bag where the sides intersect the base, leaving one side attached with the base
- f) With the bottom of the bag cut, carefully pull vertically on the bag to remove, leaving the salvaged plant and root ball in the hole.
- g) Carefully backfill around the root ball with native soil and Excellerite mixture. Fill cavity half way and water until soil is saturated. After watering, install additional backfill material and lightly compact soil. Create a depression at the edge of the root ball perimeter on the uphill side to capture natural precipitation.

**3) Plant Establishment, Monitoring, and Reporting**

- a) The plants will be managed in 4 test groups as listed below. A control group will receive initial watering only. The remaining three groups will receive a combination of treatments over the course of the monitoring period.

No Excellerite  
Initial Watering Only  
Control

No Excellerite  
Initial Watering  
Continued Watering

Excellerite  
Revised 01/12

Initial Watering Only

Excellerite  
Initial Watering  
Continued Watering

- b) A simple watering drip system will be installed for two of the plots to extend the interval between required site visits for watering purposes.
- c) The plots will be monitored and maintained on a bi-weekly basis or as required by plant success until the end of 2014 growing season.
- d) Two reports will be provided. The first will provide a detailed description of the transplanting effort and will include mapping, photographs, this report will also detail the continued maintenance protocol. The final report will include a detailed description of monitoring and maintenance efforts and will include a final survival rate and best recommendations for future transplanting projects. For plants that will be treated with continued watering, the plants will be watered, as needed, for the remainder of the 2013 growing season, and during the 2014 growing season until seed set.

The plants would be transplanted into up to 5 selected areas, see attached maps.

Project dimensions (length, width, height, depth): 5 sites, each site has up to a 200 meter radius buffer. Sites range from 20-30 acres, see attached maps.

Total Acres: 144

BLM Acres: 144

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? 20% . Camping and ATV use within parts of Sites 3, 4, and 5. See previous disturbance photo attached.

6. Legal Description: T.34 N., R.28 E., sec.36  
T.34N., R. 29 E., sec.34

USGS 24k Quad name: Rabbithole, Sulphur

100k map name: Eugene Mountains

Land Status:  BLM  Private  Other3T

**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 applicable Land Use Plan (LUP) because it is specifically provided for in the following LUP decision(s):

In accordance with the Black Rock Desert-High Rock Canyon Emigrant Trails NCA and Associated Wilderness and Other Contiguous Lands in Nevada RMP, SSS-2: Actions and stipulations necessary to protect special status species and their habitats will be made in authorization and actions that occur during RMP implementation.

**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*) 1.6 Nondestructive data collection, inventory (including field, aerial, and satellite surveying and mapping), study, research, and monitoring activities.

516 DM 11.9, (BLM)

**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 checked="" type="checkbox"/>	<input 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 ( <i>Attach ESA Section 7 Compliance to Form</i> )
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Western burrowing owl ( <i>Athene cunicularia</i> ), Loggerhead shrike ( <i>Lanius ludovicianus</i> ), Sage thrasher ( <i>Oreoscoptes montanus</i> ), Vesper sparrow ( <i>Pooecetes gramineus</i> )	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See mitigation for MBTA (Table 2)
<input type="checkbox"/>	<input type="checkbox"/>	Sand Cholla ( <i>Grusonia pulchella</i> )	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Sand cholla are unlikely to be in the area, however travel routes will be inspected for sand cholla and sand cholla will be avoided as appropriate.
<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
Black-throated sparrow ( <i>Amphispiza bilineata</i> ) Brewer's blackbird ( <i>Euphagus cyanocephalus</i> ) Brewer's sparrow ( <i>Spizella breweri</i> ) Western burrowing owl ( <i>Athene cunicularia</i> ) Canyon wren ( <i>Catherpes</i> )	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Surface disturbance associated with the proposed action would be conducted outside of the migratory avian breeding season (March 1 – August 31).  When surface disturbance must be created during the migratory avian breeding season, a survey performed by a BLM biologist would be conducted for active nests. This survey would be conducted no more than 10 days and no less than 1 day prior to initiation of disturbance.

**CX#: DOI-BLM-NV-W030 -2013- 0010-CX**  
**Applicant: HRDI**  
**Project Title: Crosby's Buckwheat Transplant**

<i>mexicanus</i> Gray flycatcher ( <i>Empidonax wrightii</i> ) Green-tailed towhee ( <i>Pipilo chlorurus</i> ) Loggerhead shrike ( <i>Lanius ludovicianus</i> ) Rock wren ( <i>Salpinctes obsoletus</i> ) Sage sparrow ( <i>Amphispiza belli</i> ) Sage thrasher ( <i>Oreoscoptes montanus</i> ) Western meadowlark ( <i>Sturnella neglecta</i> ) Vesper sparrow ( <i>Pooecetes gramineus</i> )		If active nests are located, disturbance activities may be postponed, a protective buffer may be established, or other appropriate protective measures would be instituted to avoid disturbance to the nest or reproductive behaviors until the nests are no longer active. If no active nests are present in the area surveyed, implementation of the project should commence within 10 days of survey completion.
	<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 (The following stipulation(s) is/are recommended to be applied to the authorization):*

Prior to ground disturbance related to the transplanting of Crosby's Buckwheat the area will be examined for the presence of cultural resources by a qualified individual (archaeologist or DAT). If archaeological materials are identified, planting locations will be moved to avoid them. No planting will be done within 20 m of cultural materials.

Surface disturbance associated with the proposed action would be conducted outside of the migratory avian breeding season (March 1 – August 31).

When surface disturbance must be created during the migratory avian breeding season, a survey performed by a BLM biologist would be conducted for active nests. This survey would be conducted no more than 10 days and no less than 1 day prior to initiation of disturbance. If active nests are located, disturbance activities may be postponed, a protective buffer may be established, or other appropriate protective measures would be instituted to avoid disturbance to the nest or reproductive behaviors until the nests are no longer active. If no active nests are present in the area surveyed, implementation of the project should commence within 10 days of survey completion.

**CX#: DOI-BLM-NV-W030 -2013- 0010-CX**  
**Applicant: HRDI**  
**Project Title: Crosby's Buckwheat Transplant**

Sand cholla are unlikely to be in the area, however travel routes will be inspected for sand cholla and sand cholla will be avoided as appropriate.

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 the Federal Land Policy Management Act (FLMPA) FLMPA Sec.102. [43 U.S.c. 170 I] (a)(8), FLMPA Sec.307 [43 U.S.C. 1737], and BLM Manual 6840 .04 E 6, it is my decision to allow for implementation of the project, as described, with the mitigation measures identified above and attached as stipulations. This is a combined NEPA and program implementation decision. A letter transmitting a copy of the CX will be sent to the Applicant, along with BLM's Notice to Proceed to document the case file.

FLMPA Sec.102. [43 U.S.c. 170 I] (a)(8) "The Congress declares that it is the policy of the United States that the public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use."

FLMPA Sec.307 [43 U.S.C. 1737] "The Secretary may conduct investigations, studies, and experiments, on his own or in cooperation with others involving the management, protection, development, acquisition, and conveying of the public lands."

BLM BLM Manual 6840 .04 E 6 "District Managers and Field Managers are responsible for implementing the BLM special status species policies and program within their area of jurisdiction by ensuring that land use and implementation plans fully address appropriate conservation of BLM special status species.

Authorized Official           /S/ Gerald Dixon           Date:   7-5-13    
(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 Gerald Dixon, Black Rock 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),

**CX#: DOI-BLM-NV-W030 -2013- 0010-CX**  
**Applicant: HRDI**  
**Project Title: Crosby's Buckwheat Transplant**

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 4.471(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)).