

FINAL ENVIRONMENTAL ASSESSMENT

Nevada Royal Jasper Quarry Project

Decision Record

DOI-BLM-NV-C010-2013-0038-EA
NVN 091966

U.S. Department of the Interior
Bureau of Land Management
Carson City District
Stillwater Field Office
5665 Morgan Mill Road
Carson City, NV 89701
(775) 885-6000

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**DECISION RECORD
NEVADA ROYAL JASPER QUARRY PROJECT
CHURCHILL COUNTY, NEVADA**

**Environmental Assessment
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INTRODUCTION

Neva-Rite, LLC proposes to mine up to 200,000 cubic yards (CY) of material under one five year sale contract with plans for 5 possible future consecutive sale contracts within a 19.7 acre project area. Development of the quarry pit would occur in a phased manner. Cumulative extraction of the maximum 200,000 CY per sale contract would result in approximately 1,000,000 CY of material removed within the 19.7 acre area. Neva-Rite, LLC would develop the quarry pit, process the materials on site, and haul the processed materials off-site.

The pit would be located along the south side of “Wonderstone Mountain” with the northern side of the hill being left undisturbed as a visual barrier to Eagle’s House and the Stillwater Wildlife Refuge to the north and west. The pit would be mined to a maximum depth of 150 feet (maximum rim elevation of approximately 4470 feet AMSL to the maximum pit bottom elevation of 4320 feet AMSL). The reclaimed pit would feature a slope that is similar in degree to existing slopes and would allow gravity drainage off the mountain. The maximum bench height during mining activities in the pit would be 20 feet. This would allow it to be scaled using a track-mounted excavator during operations. The average bench width constructed would be 15 feet to allow for blasthole drill rig and backfill machinery access. This would allow the highwall to be reduced during reclamation activities.

Additional disturbance associated with the Project would include a bulk waste storage area that would allow Neva-Rite to selectively remove desired material specimens. Most of the waste rock would be placed within the staging/yard area. The operator proposes the primary existing access road from Highway 50 may be upgraded as required to provide safe, all-weather access to the Project for the operator and the public. However, the operator has proposed two other alternative access routes which are discussed in Section 2.1.3 of the Environmental Assessment (EA).

Pre-development exploration may also be necessary within the proposed pit disturbance areas. The exploration work may be undertaken by the applicant to ascertain qualities of the material to be removed and that of the surrounding materials. This exploration may include drilling to depths within the limits of the proposed plan of operations to ascertain the local characteristics of the material proposed to be removed. The purpose of the exploration would be utilized to assist the applicant in understanding the deposit within the proposed disturbance area. This would allow material to be removed in a safe and beneficial manner

Mining would be done by conventional methods utilizing drill/blast, loading with loaders and/or large track-mounted backhoe(s) and hauling with articulated trucks. The trucks would place the

rock onto flat areas adjacent to the pit where it can be sorted by size and quality. The sorting would be done by visual/mechanical means, grizzly and/or a portable crushing machine, and/or screening plant. The marketable product would be placed on pallets or loaded into containers and placed onto contract hauler flatbed trucks for shipment offsite to target markets.

All mining related infrastructure would be maintained within the disturbance area, including rest rooms, job trailers, stockpiles, and temporary machinery storage.

Growth medium is limited in the area of proposed disturbance. Available near-surface growth medium in the Project area would be selectively stripped with a dozer or scraper and stored along the perimeter of the disturbed areas to create a public exclusion berm for the perimeter to the Project area. The material would be stabilized during the period of active operation by seeding with the mix recommended by the BLM. Enhanced sediment control may be needed for the stockpiled growth medium and may include silt fencing and/or straw matting. The stockpiled growth medium would be utilized as needed for reclamation, and would be supplemented with fines from the screening plant and excavated clayey material within the proposed disturbed area.

BACKGROUND

The EA was scoped internally by BLM resource specialists in April 2013. BLM resources specialists identified the supplemental authorities and other resources and uses to be addressed in the EA. The following specific issues related to the Proposed Action were identified as present/potentially affected: BLM Sensitive wildlife species, cultural resources, noxious and invasive, non-native species, Native American Religious Concerns, general wildlife, migratory birds, mineral resources, socioeconomics, soils, vegetation, visual resources and travel management.

The potential environmental impacts from the Proposed Action, No Action and other Alternatives were evaluated in EA# DOI-BLM-NV-C010-2013-0038-EA. Based on the analysis of potential environmental impacts detailed in the EA, it was determined that the impacts associated with the Proposed Action are not considered significant and therefore an environmental impact statement (EIS) will not be prepared. This is documented in the attached Finding of No Significant Impact (FONSI).

Details of the Proposed Action within the project area are specified in the final Plan of Operations submitted to the BLM Stillwater Field Office in March 2013.

PUBLIC INVOLVEMENT

The EA was scoped internally by BLM resource specialists in April 2013 and externally scoped to the public in June 2013. The project was presented at a Churchill County Commissioners Meeting on June 19, 2013. Coordination with the tribes has occurred on the location of the proposed project since July of 2000. No comments were received during the scoping period for the project.

The EA was made available for a 30-day public review and comment period on July 24, 2013 until August 25, 2013. The EA was made available by hard copy at the Carson City District

Office and electronic on the Carson City's District webpage at the following web address: http://www.blm.gov/nv/st/en/fo/carson_city_field/blm_information/nepa.html. During the public review and comment period of the EA, comment submissions were received from the Fallon Paiute-Shoshone Tribe, the Nevada Division of State Lands, State Land Use Planning Agency, the SHPO, the Nevada Division of Water Resources (NDWR), and the Nevada Division of Environmental Protection (NDEP), Bureau of Safe Drinking Water (BSDW). Minor changes were made to the Final EA document for clarification purposes based on comments received during the comment period. Additionally, on September 26, 2013 a Memorandum of Agreement (MOA) was initiated between the SHPO and the BLM with the Fallon Paiute-Shoshone Tribe and Neva-Rite, LLC (the proponent) signing as concurring parties to this agreement. This MOA is located in Appendix E of the Final EA document. Refer to the table in Appendix D for a list of comments and BLM's responses to those comments.

An ethnographic interview was conducted with members of the Fallon Paiute-Shoshone Tribe, in Fallon, Nevada on September 10th, 2008. The interview was conducted with Rochanne Downs, Vice Chair of the Fallon Paiute-Shoshone Tribe, Harriet Allen, education coordinator, and Elizabeth Austin, tribal member. Terry Reed and JoEllen Ross-Hauer of Chambers Group conducted the interview. The main purpose of the interview was to obtain the opinions of the Tribe regarding this project, and to gather information regarding the importance of Eagle's House and Wonderstone Mountain to the Tribe.

DECISION

As a result of the analysis presented in the Nevada Royal Jasper Quarry EA# DOI-BLM-NV-C010-2013-0038-EA, and after carefully considering the comments and input received from the public, it is my decision to:

1. **Approve the Nevada Royal Jasper Quarry Project mineral material sales as proposed and analyzed, with the exception of the proposed access route, and with the conditions of approval listed below.** This management decision for the Nevada Royal Jasper Project is issued pursuant to 43 CFR 3600. The Neva-Rite, LLC Nevada Royal Jasper Quarry Project is hereby approved subject to the conditions of approval required in order to prevent unnecessary or undue degradation. The Primary Access road as proposed will not be utilized for access to the project area. The Alternate Access Road 1 as identified in the mining plan and EA will be the primary access road for this project.

Approval of the mineral material sales by the BLM does not constitute a determination regarding the validity or ownership of any unpatented mining claims involved in the quarry operation. Neva-Rite, LLC is responsible for obtaining any use rights or local, state or federal permits, licenses or reviews that may be required before operations begin.

The rationale for the attached FONSI supports this decision. The Proposed Action coupled with operating, environmental mitigation and reclamation measures detailed in the EA and listed in this document have led to my decision that all practicable means to avoid or minimize environmental harm have been adopted and that unnecessary or undue degradation of the public lands will not result. This decision is consistent with the 2001 Carson City Field Office Consolidated Resource Management Plan.

The BLM approval of the Plan will be subject to operating, mitigation, reclamation and monitoring measures proposed by Neva-Rite, LLC in the mining plan, the performance standards set forth in §3600, the attached Stipulations for the Nevada Royal Jasper Project, the MOA dated September 26, 2013, and additional BLM mitigation measures set forth in the Final EA and restated in this Decision.

2. Conditions of Approval

Cultural Resources

- Allow continued access to Tribal members, and/or set aside a particular area of the quarry for exclusive use by the Tribe.
- All unevaluated cultural sites would be avoided or treated to ensure compliance with Section 106 of the NHPA. During the Project's activities, if any cultural properties, items, or artifacts (i.e., stone tools, projectile points, etc.) are encountered, it must be stressed to those involved in the proposed Project activities that such items are not to be collected. In the event of a discovery of a cultural resource, all project activities in that area should cease and the BLM notified immediately. Cultural and archaeological resources are protected under the Archaeological Resources Protection Act (16 USC 470ii) and the FLPMA.
- Though the possibility of disturbing Native American gravesites within most project areas is extremely low, inadvertent discovery procedures must be noted. Under the NAGPRA, section (3)(d)(1), the discovering individual must notify the authorized officer in writing of such a discovery. If the discovery occurs in connection with an authorized use, the activity, which caused the discovery, is to cease, and the materials are to be protected until the land manager can respond to the situation.

Air Quality

- Project-related traffic will observe prudent speed limits to enhance public safety, protect wildlife and livestock, and minimize dust (particulate) emissions. Water truck(s) will be used as necessary to manage fugitive dust. Project vehicles will be maintained on a regular basis to ensure they are operating in a manner to minimize vehicle emissions. Neva-Rite, LLC will acquire all required State of Nevada Permits.

Water Quality

Erosion and Sediment Control

- Neva-Rite, LLC will conduct exploration operations in a manner to minimize soil erosion. Equipment will not be operated when ground conditions are such that excessive rutting or increased sediment transport would occur. When drainages must be crossed by a road, best management practices (BMPs) will be followed to minimize surface disturbance and erosion potential. Neva-Rite, LLC will monitor the effectiveness of erosion control measures as deemed necessary, in the spring and fall, after large precipitation events, and as part of releasing the reclamation financial guarantee.
- During winter months, snow removal will be conducted using appropriate equipment. Snow will be piled over the side of the safety berms on the access or

haul roads or stacked in wide, flat areas near the access roads, drill pads, and other facilities. Snow will not be stacked or piled in areas where spring runoff could adversely impact nearby streams or ephemeral drainages (i.e. sediment loading). If necessary, a loader and an over-the-road dump truck will be utilized to remove snow from these areas. Sediment control structures may include, but would not be limited to, fabric and/or weed-free hay bale filter fences, siltation or filter berms, and drainage channels.

Spill Contingency

- In the event hazardous or regulated material, such as diesel fuel, is spilled Neva-Rite, LLC would take appropriate measures to control the spill, and the NDEP and BLM would be notified as per NDEP regulations and permit requirements. Spills would be managed according to the site Spill Contingency Plan (located in Appendix B of the EA).

Drill Hole Abandonment

- Any drill holes will be plugged in accordance with Nevada Administrative Code (NAC) 534.4371.

Noxious Weed/Invasive Non-native Species

- Employees and contractors will be educated to identify noxious weeds that could occur in the proposed disturbance areas. Neva-Rite, LLC would report occurrences of noxious weeds to the BLM authorized officer and take appropriate measures to prevent the spread of noxious weeds BMP's include the following:
 - Flagging areas of concern to prevent employees and contractors from driving through a stand of listed noxious weeds;
 - Seeding growth media stockpiles as soon as practical with an interim BLM-approved certified noxious weed-free seed mix;
 - Using certified weed-free hay and straw;
 - Using a BLM-approved certified noxious weed-free seed mix to reduce invasive species over time by developing and maintaining desired plant communities; and
 - Washing equipment to prevent the transfer of noxious and undesirable weed seed from other areas. Washing would occur either at the site prior to demobilization or at the contractor's shops.

Wildlife and Vegetation

- If initial surface disturbing activities are to occur during the bird nesting season (March 1 through July 31 for raptors and April 1 to July 31 for all other avian species), a pre-disturbance site survey by a BLM wildlife biologist or other wildlife biologist deemed qualified by the BLM will be required. This survey will include the proposed project area and will be extended out to one mile from the project area to include potential prairie falcon and golden eagle nests. The survey must be done no more than fourteen (14) days before the start of construction activities. If nesting birds are present, surface disturbing activities that could impact the nesting birds could not begin until the nesting cycle is complete.

- Bald and golden eagles are protected under the *Bald and Golden Eagle Protection Act* of 1940 (Act) (16 USC 668-688d). The Act prohibits the taking or possession of and commerce in bald and golden eagles, parts, feathers, nests, or eggs with limited exceptions. The definition of "take" includes pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest, or disturb. "Disturb" means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available:
 - Injury to an eagle;
 - A decrease in its productivity by substantially interfering with normal breeding, feeding, or sheltering behavior; or
 - Nest abandonment by substantially interfering with normal breeding, feeding, or sheltering behavior.
 - This definition also covers impacts that may result due to human activities to or around a nesting site during times when eagles are not present, if when the eagles return, the alternations or activities interrupt their normal breeding, feeding, sheltering, or cause death, or nest abandonment.
- Avian surveys will be conducted prior to ground disturbance as described above to determine the presence or absence of eagles as well as other migratory avian species protected under the MBTA. If nesting or brooding eagles are determined to be present, Neva-Rite, LLC will avoid the area using a buffer zone developed in coordination with the BLM and NDOW. If golden eagle nests are found, the USFWS will be contacted for further direction.

Fire Protection Measures

- The following precautionary measures will be taken to prevent and report wildland fires:
 - Vehicles will carry fire extinguishers;
 - Adequate firefighting equipment (e.g., shovel, Pulaski, and extinguishers), and an ample water supply will be kept at each drill site;
 - Vehicle catalytic converters will be inspected often and cleaned of brush and grass debris;
 - Neva-Rite, LLC will conduct welding operations in an area free from or mostly free from vegetation.
 - An ample water supply and shovel will be on hand to extinguish fires created from the sparks. Personnel would be at the welding site to watch for fires created by welding sparks;
 - Neva-Rite, LLC will report wildland fires immediately to the BLM Sierra Front Interagency Dispatch Center at (775) 883-5995; and
 - Before conducting operations during the months between May and September, 1- Neva-Rite, LLC will contact the BLM Carson City Office, Division of Fire at (775) 885-6000 to inquire about any fire restrictions in place for the area of operation.

Survey Monuments

- Survey monuments, witness corners, and/or reference monuments will be protected to the extent practicable. If monuments are damaged during operations, Neva-Rite, LLC would immediately report the matter to the BLM authorized

officer. If required by the BLM, the cost to replace damaged or destroyed survey monuments, witness comers, and/or reference monuments would be Neva-Rite, LLC' responsibility.

Solid and Hazardous Materials

Project-related refuse will be hauled from the site as it is generated and will be disposed of either in a landfill (Fallon) or in a dumpster located at the trucking contractor's place of business. Refuse will be placed in heavy duty plastic bags for transport. In the event hazardous or regulated material such as diesel fuel is spilled, Neva-Rite, LLC would take measures to control the spill, and the NDEP and BLM would be notified as per NDEP regulations and permit requirements. Spilled materials would be handled according to the site Spill Contingency Plan (Appendix B of the Final EA). Spilled liquids would be placed in suitable, approved containers, and contaminated soils would be placed in drums for temporary storage and transportation to an approved disposal facility. Only non-toxic substances would be used in the drilling process.

Mitigation from Section II of the MOA:

a. A CRM firm hired by the Proponent will complete a report which will include, but not be limited to the following:

1. a compilation of relevant known ethnographic and archaeological information and discovered relevant information to delineate areas of cultural and religious importance to the Fallon Paiute-Shoshone Tribe for the continuation of traditional tribal practices within the Study Area identified in Appendix 2; and
2. An identification and NRHP evaluation of all properties of traditional religious and cultural importance (TCPs) in the Study Area; and
3. All necessary TCP forms identified and provided by any of the Signing Parties; and
4. A NRHP evaluation of the Grimes Point Archaeological District, the boundaries of which are depicted in Appendix 3; and
5. An outline of a draft NRHP nomination for the TCPs and archaeological districts within the Study Area prepared following NRHP Bulletin 36 and 38.

b. The CRM firm will submit the draft report described in Stipulation II.a to the BLM, SHPO, and the Fallon Paiute-Shoshone Tribe within eleven (11) months after the execution of a contract between the Proponent and CRM firm, unless otherwise negotiated between all Signing Parties.

c. The BLM, SHPO, and the Fallon Paiute-Shoshone Tribe as appropriate will have thirty (30) days from receipt to provide comments on the draft report.

d. The CRM firm will make all changes to the draft report requested by the BLM, SHPO, and the Fallon Paiute-Shoshone Tribe.

e. A final report will be due from the CRM firm sixty (60) days after receiving BLM, SHPO, and Fallon Paiute-Shoshone Tribe comments.

f. The CRM firm will submit to BLM, SHPO, and the Fallon Paiute-Shoshone Tribe a draft NRHP nomination for the TCPs and archaeological districts within the Study Area consistent with the outline provided in the report (Stipulation II.a.5) within ninety (90) days of BLM acceptance of the final report (Stipulation II.d).

RATIONALE

Upon analyzing the impacts of the Proposed Action and following issuance of the EA for public review, I have determined that implementing the Proposed Action will not have a significant impact to the human environment and that an Environmental Impact Statement (EIS) is not required. Refer to the attached FONSI.

AUTHORITY

The Proposed Action is in conformance with the Federal Land Policy and Management Act (FLPMA) of 1976, the CRMP adopted in 2001 and with current BLM policies, plans and programs. The Proposed Action is consistent in relationship to statutes, regulations and policies of neighboring local, County, State, Tribal governments and other Federal agencies.

The Proposed Action is in conformance with the Material Act of July 31, 1947, as amended and Mineral Materials Disposal regulations at 43 CFR §3600.

The Plan in combination with the preceding Conditions of Approval, and the attached FONSI show that all practicable means to avoid or minimize environmental harm have been adopted and that unnecessary or undue degradation of the public lands will not occur as a result of the exploration activities at the Nevada Royal Jasper Quarry Project.

The Plan is in conformance with the Carson City Consolidated Resource Management Plan Record of Decision (ROD) which states: “Desired Outcomes 1. “Encourage development of energy and mineral resources in a timely manner to meet national, regional and local needs consistent with the objectives for other public land uses.; and Administrative Actions, 1. Continue to provide mineral material commodities to the using public, following these general criteria:

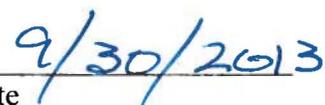
- A. Avoid duplication of pits within the same general area.
- B. Examine hauling distances and place sites according to acceptable Visual Resource Management (VRM) classification where possible.
- C. Use existing sites to the greatest extent possible.
- D. For major transportation Rights of Way(R/W), place sites a minimum of 10 miles apart.
- E. Determine life expectancy of sites and set rehabilitation requirements in advance.”

APPROVAL

The Neva-Rite, LLC Nevada Royal Jasper Quarry Project DOI-BLM-NV-C010-2013-0038-EA and associated mineral material sales as proposed and analyzed are approved for implementation with incorporation of identified mitigation measures and Alternative Access Route 1, as identified in the mining plan and EA, will be the primary access route for this project. This decision is effective upon issuance in accordance with Title 43 of the Code of Federal Regulations (CFR) at 3600.

This Decision is in conformance with the National Environmental Policy Act (NEPA) of 1969 (P.L. 91-190) as amended (72 USC 4321 et.seq.); Section 302 of the Federal Land Management Policy Act of 1976 (FLPMA); Section 304 of the FLPMA and 43 CFR Part 3600-Mineral Materials Disposal (16 USC et.seq.).


Teresa J. Knutson, Manager
Stillwater Field Office
Carson City District Office


Date

APPEAL PROCEDURES

If you wish to appeal this decision, it may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with 43 CFR Part 4. If you appeal, your appeal must also be filed with the Bureau of Land Management at the following address:

Teresa J. Knutson, Stillwater Field Manager
BLM, Carson City District Office
5665 Morgan Mill Road
Carson City, NY 89701

Your appeal must be filed within thirty (30) days from receipt or issuance of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4942, January 19, 1993) for a stay (suspension) of the decision during the time that your appeal is being reviewed by the Board, the petition for stay must accompany your notice of appeal.

Copies of the notice of appeal and petition for a stay must also be submitted to:

Board of Land Appeals
Dockets Attorney
801 N. Quincy Street, Suite 300
Arlington, VA 22203

A copy must also be sent to the appropriate office of the Solicitor at the same time the original documents are filed with the above office.

U.S. Department of the Interior
Office of the Regional Solicitor
Pacific Southwest Region
2800 Cottage Way, Room E-1712
Sacramento, CA 95825

If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for a stay is required to 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 appellants' success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether the public interest favors granting the stay.

The Office of Hearings and Appeals regulations do not provide for electronic filing of appeals, therefore they will not be accepted.