

**UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
BATTLE MOUNTAIN DISTRICT/MOUNT LEWIS FIELD OFFICE**

**DOI-BLM-NV-B010-2013-0062-EA**

**FINDING OF NO SIGNIFICANT IMPACT**

I have reviewed Environmental Assessment (EA) DOI-BLM-NV-B010-2013-0062-EA dated September 2013. After consideration of the environmental effects as described in the EA (and incorporated herein) I have determined that the Proposed Action with the project design features identified in the EA will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as described in 40 CFR 1508.27. Therefore, preparation of an Environmental Impact Statement (EIS) is not required per section 102(2)(c) of the National Environmental Policy Act (NEPA).

Environmental Assessment DOI-BLM-NV-B010-2013-0062-EA has been reviewed through the interdisciplinary team process, as well as being sent to the Nevada State Clearinghouse and the public for a 30-day comment period.

After consideration of the environmental effects of the Proposed Action described in the EA and the supporting baseline documentation, it has been determined that the Proposed Action identified in the EA is not a major Federal action and will not significantly affect the quality of human environment.

It has been determined that the Proposed Action is in conformance with the approved Shoshone-Eureka Resource Management Plan and its amendments, and is consistent with the plans and policies of neighboring local, county, state, tribal, and federal agencies and governments.

**Context**

The BLM, Mount Lewis Field Office (MLFO), has prepared an EA to analyze the impacts of conducting exploration-related activities at the Copper Basin Exploration Project (Project) by Newmont Mining Corporation (Newmont). To perform the exploration, Newmont submitted to the BLM, the Plan of Operations (Plan). The Plan was submitted in June 2013 to the to BLM in accordance with the BLM Surface Management Regulations 43 Code of Federal Regulations (CFR) 3809, as amended. It has been assigned BLM case file number NVN-09110. The Project Area includes approximately 3,169 of public land. The Project is located in all or portions of Township 32 North, Range 44 East (T32N, R44E), Section 20-22, 27-29 and 32-34; and, T31N, R44E, Section 4, MDB&M, Lander County, Nevada.

The Plan was initially submitted in February 2013, and has been modified multiple times since. Newmont is currently authorized (Notice-Level) to disturb 7.9 acres within the Project area; in addition it has 9.5 acres of existing surface disturbance on public land, annexed from the Five

Exploration Areas Plan of Operations (a total of 17.4 acres), which are included in the total surface disturbance under this Plan. The total proposed disturbance for the project is 200 acres.

For a complete description of the proposed project, please refer to the EA, Section 2.1, Proposed Action.

Pursuant to the NEPA and the Council on Environmental Quality regulations on implementing NEPA, the EA identifies, describes, and evaluates resource protection measures that would mitigate the possible impacts of the proposed Project. The short and long-term impacts as disclosed in the EA are not considered to be significant to the human environment. The short-term impacts from implementation of the Proposed Action are local; they are not regional or national in nature. The long-term impacts resulting from the Proposed Action would be mitigated by concurrent reclamation during the life of the project and meeting all reclamation requirements prior to closure of the project.

## **Intensity**

### ***1. Impacts that may be both beneficial and adverse.***

Potential impacts to the environment as identified in Chapter 4 of the EA include the following: potential for spread of noxious weeds and invasive non-native species within the Project Area; temporary vegetation loss; temporary wildlife habitat loss and displacement due to project activities and human presence; potential release of hazardous, regulated materials, and drilling fluids. Many of these impacts would be minimized by the Environmental Protection Measures included in section 2.1.13 of the EA as well as by the concurrent reclamation and other measures committed to by Newmont.

Greater sage-grouse sign was observed in the northwest corner of the Project Area, and the closest known leks are 3.5 and 2.3 miles from the Project. Due to differences in elevation, and the undulation of ridges and valleys, each lek is shielded naturally by topography. The project area does not contain any mapped Preliminary Priority Habitat (PPH). As a result, these design features for greater sage-grouse are included in the EA. These include:

- Road-killed wildlife associated with the project area will be promptly removed in order to control raven numbers.
- During the lekking period (March 1 to May 15), surveys would occur at the Battle Mountain lek 7 if the disturbance would occur within three miles of the lek. Surveys would be performed to determine if the leks are active per the Nevada Department of Wildlife (NDOW) lek survey protocol guidelines (NDOW 2004). Prior to conducting surveys, the BLM and NDOW would be consulted. If the sage grouse lek is active, no surface disturbing activities would occur within three miles of the lek during the lekking season (March 1-May 15).

From 1976 to 2012, seventeen cultural resource inventories have been conducted within the project area and its vicinity. The Battle Mountain Historic Mining District is an Historical Archaeological District which includes the entire project area. Thus, a number of cultural sites

are known to be located in the Project Area. Newmont would avoid all eligible or unevaluated cultural sites within the Project Area. In order to avoid eligible or unevaluated cultural sites, Newmont would submit an annual work plan to the BLM. In addition, Newmont would ensure that cultural sites within the area of proposed phase surface disturbance are mapped by a qualified cultural resource specialist with a GPS unit prior to surface disturbance, and a summary report of that mapping would be provided to the BLM by the cultural resource specialist. The BLM would review the proposed locations of the surface disturbance and notify Newmont if the locations overlap with any cultural site. If a cultural site is located within the area of proposed surface disturbance, the identified cultural sites would be avoided.

Travel on dirt roads and drilling within the Project Area have the potential to create fugitive dust and vehicle emissions. Fugitive dust would be controlled by minimizing surface disturbance and utilization of other environmental protection measures described in Chapter 2 of the EA. The potential impacts would be temporary and would cease upon completion of the Project and successful revegetation of the surface disturbance.

The EA addresses visual resources in Chapters 3, 4 and 5. The impacts to visual resources by the proposed action would be short term. Successful reclamation of the site would minimize the linear contrasts with the natural landscapes caused by drill roads. The Project Area is located in an area designated as VRM Class IV and the project meets all of the requirements associated with that classification.

Impacts that would be avoided or minimized by operating and reclamation measures committed to by Newmont are presented in Chapter 2 and by the BLM operating and reclamation measures. Reclamation and revegetation of the project disturbance would gradually reestablish soils, vegetative cover and wildlife habitat. None of the environmental impacts disclosed above and discussed in detail in Chapter 4 of the EA are considered significant.

Reclamation would be completed to the standards described in 43 CFR 3809.420 and Nevada Administrative Code (NAC) 519A. Reclamation would meet its objectives as outlined in the United States Department of the Interior Solid Minerals Reclamation Handbook #H-3042-1, Surface Management of Mining Operations Handbook H-3809-1, and revegetation success standards per BLM/Nevada Division of Environment Protection (NDEP) "Revised Guidelines for Successful Mining and Exploration Revegetation."

The No Action Alternative represents no change to the current management direction. Under the No Action Alternative, exploration activities in the Project Area would continue under Notice level activity and the existing Plan of Operations (Five Exploration Areas, NVN-067450).

## ***2. The degree to which the proposed action affects public health and safety.***

The effects of the Proposed Action on both employees and public health and safety are considered to be positive. Compliance by Newmont with both BLM and NDEP mining regulations, along with compliance with the Mine Safety and Health Administration's regulations would ensure employee and public safety.

Through adherence to applicant committed environmental protection measures, and Best Management Practices (BMPs), the Proposed Action would not result in potentially substantial or adverse impacts to public health and safety. Public safety would be maintained throughout the life of the Project. Newmont would commit to the following environmental protection measures to insure public health and safety:

- All equipment and other facilities would be maintained in a safe and orderly manner.
- Personnel working at the site would keep the occasional public out of operational areas.
- All sumps and other small excavations that pose a hazard or nuisance to the public, wildlife, or livestock would be adequately fenced to preclude access to them.
- The Project would not use pesticides, therefore would not pose a health or human safety risk.
- Existing roads within the project boundary that are disturbed during the proposed action would be reclaimed, by Newmont, to their pre-disturbance condition in order to provide continued public access through the area.
- Unpaved roads are well maintained and accommodate two-lane traffic to and from the project area.
- Trash and regulated wastes would be contained and hauled to an approved landfill.
- Portable chemical toilets would be used for human waste.
- Drill sites and storage yards would be located off of existing roads.
- Only nontoxic fluids would be used in the drilling process.
- Emissions of fugitive dust from disturbed surfaces would be minimized by utilizing appropriate control measures.

***3. Unique characteristics of the geographic area such as proximity of historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.***

The Project Area is located in Lander County, five miles south of Battle Mountain, Nevada. There are no park lands, prime farmlands, or wild and scenic rivers in the vicinity.

There are known cultural resources located within the Project Area. All cultural sites will be avoided.

***4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.***

The Proposed Action is not expected to have highly controversial effects on the quality of the human environment. The parameters of the exploration activities, along with associated reclamation of the drill holes, drill pads and sumps, roads, and ancillary facilities are well established. The Project Area is isolated from human habitations. Except for mining, mineral exploration and recreation, the Project Area is typically uninhabited.

The reclamation should return the land to its pre-exploration uses of livestock grazing, mineral exploration, dispersed recreation, and wildlife habitat.

***5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.***

There are no known effects of the Proposed Action identified in the EA that are considered highly uncertain or involve unique or unknown risks. Exploration activities similar to what has been included in the Proposed Action have been conducted numerous times over many years on BLM-administered land and the effects are well understood. This is demonstrated through the effects analysis in Chapter 4 of the EA.

***6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.***

The Proposed Action will not establish a precedent for future actions with significant effects or represent a decision about a future consideration. Completion of the EA does not establish a precedent for other assessments or authorization of other exploration projects including additional actions at the Project Area. Any future projects within the area or in surrounding areas will be analyzed on their own merits, independent of the actions currently selected.

***7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.***

Direct and indirect impacts of the Proposed Action were analyzed in Chapter 4 (Environmental Consequences) of the EA. None of the environmental impacts disclosed under item 1 above and discussed in detail in Chapter 4 of the EA are considered significant. Past, present and reasonably foreseeable future actions have been considered in the cumulative impacts analysis within Chapter 4 of the EA. The cumulative impacts analysis examined all of the affected resources and all other appropriate actions within the Cumulative Effects Study Area and determined that the Proposed Action would not incrementally contribute to any significant impacts. In addition, for any actions that might be proposed in the future, further site-specific environmental analysis, including assessment of cumulative impacts, would be required.

***8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources.***

The entire area of potential effect (APE), defined as the 3,169-acre Project Area, lies within the Battle Mountain Mining District. Lands within the Project Area are designated as VRM Class IV. A total of two hundred sixty-eight (268) cultural sites were identified.

Newmont has committed to avoid all known eligible and unevaluated sites, as described in the Plan. If previously unknown cultural or vertebrate paleontological resources that might be altered or destroyed by operations are discovered during project implementation, Newmont would immediately cease operations within 300 feet of the discovery, and the discovery would be left intact and reported to the BLM authorized officer.

***9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act (ESA) of 1973.***

The United States Fish and Wildlife Service (USFWS), the Nevada Natural Heritage Program (NNHP) and NDOW were contacted to obtain a list of threatened and endangered and sensitive species that have the potential to occur within the Project Area. In addition, the BLM Sensitive Species List and Special Status Species lists for the Battle Mountain District were evaluated.

The NNHP database was queried to determine the presence or absence of special status wildlife species in the area of the Proposed Action. Various BLM sensitive raptor, bird, and bat species have the potential to occur within the Project Area.

In addition to the species listed above, various Nevada BLM sensitive bat species have the potential to occur in the Project Area in the myriad of historic underground workings.

No golden eagle nests were found in the Project Area. One individual was observed flying in the Project Area during the 2012 biological survey (Enviroscientists 2013). A survey conducted by JBR in 2011 confirmed that both NDOW identified golden eagle nests, within ten miles of the Project Area, are inactive. An active golden eagle nest is located on Newmont private land approximately 0.4 mile from the Project Area boundary within the inactive Western Northern Lights Pit. Newmont is committed to design features outlined in Chapter 2 of the EA to minimize or eliminate the impacts to the eagles.

Greater sage-grouse sign was observed in the northwest corner of the Project Area, and the closest known leks are 3.5 and 2.3 miles from the Project. Due to differences in elevation, and the undulation of ridges and valleys, each lek is shielded naturally by topography. The project area does not contain any mapped Preliminary Priority Habitat (PPH).

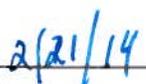
Impacts to threatened and endangered and special status species or their habitat from the Proposed Action are analyzed in Chapters 3, 4, and 5 of the EA. These impacts are expected to be minimal, based on the implementation of the design features outlined in Chapter 2.

The action complies with the Endangered Species Act, in that potential effects of this decision on listed species have been analyzed and documented. The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the ESA of 1973, as amended.

***10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.***

The Proposed Action will not violate or threaten to violate any federal, state, or local law or requirement imposed for the protection of the environment.

  
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Christopher J. Cook  
Field Manager  
Mount Lewis Field Office

  
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Date

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