



United States Department of the Interior



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Daniel Plano Mine Plan of Operations Environmental Assessment, DOI-BLM-AK-A010-2014-0007-EA

Case File: AA-077648 (3809) and AA-079859 (3715)

FINDING OF NO SIGNIFICANT IMPACT

Background

The Bureau of Land Management (BLM) has prepared an Environmental Assessment (EA) (DOI-BLM-AK-A010-2014-0007-EA) analyzing the effects of Daniel Plano's proposed Mine Plan of Operations, which includes placer mining activity along Anvil Creek in the Ophir Mining District.

The proposed mine plan would operate on unpatented federal mining claims managed by the BLM. These claims overlay State of Alaska patent land and were specifically excluded from the conveyance to the state. The surrounding townships are State patent land, most of which have been staked with State mining claims. The project area is located within the Ophir Mining District. The legal description for the project area is sections 23-26 & 35, of Township 27 south, Range 12 east, Kateel River Meridian.

Mr. Plano is proposing to mine for placer gold along bedrock formations that are east of the main Anvil channel. The projected mine life is 20 years with a mine plan review every 5 years; the applicant intends to start mining in the early summer of 2016.

The unpatented mining claims that are associated with this operation are owned by Mr. Plano.

This Finding of No Significant Impact (FONSI) has been prepared for Alternative 2, the Proposed Action Alternative.

Finding of No Significant Impact

This action and its effects have been evaluated consistent with the Council on Environmental Quality regulations for determining *significance*. Per 40 CFR § 1508.27, a determination of *significance* requires consideration of both context and intensity. The former refers to the relative context in which the action would occur such as society as a whole, affected region, affected interests, etc. The latter refers to the severity of the impact.

Context

This project is located within the Ophir Mining District, near the Village of Takotna in Western Alaska. This area has been mined and reclaimed, off and on, since 1917. Anvil Creek was actively mined from 1917 to 1950, later from 1970 to 1986. Most recently, Mr. Plano has mined the lower sections of Anvil creek from 2010 to 2012. The current mine operates on 9 acres of approximately 235 acres of unpatented federal mining claims managed by the BLM. These claims overlay State of Alaska tentatively approved land and were specifically excluded from the conveyance to the state. The operator is allowed to have up to 20 acres of disturbance at any one time under approved mine plan. There are several other active mining claims within this mining district of similar scale but all operate on State of Alaska mining claims.

Many of the neighboring creeks, including Dodge Creek, Gold Run Creek, and Ophir Creek, just to name a few, were part of the Ophir mining district and were heavily mined and disturbed since the discovery of gold in the area in the early 1900's. Today there are three other placer mining operations in the Ophir Mining District all on State of Alaska mining claims.

The Ellet Enterprises Mine Plan proposal of 90 acres of maximum surface disturbance is comparable to some of the state's larger placer operations. Placer operations that encompass an area of 50 to 100 acres are considered large operations whereas the average placer operation is between 5 and 30 acres. Large lode mines in the state, such as the Fort Knox mine, have surface disturbances of more than 300 acres. The BLM administers mining operations throughout the United States; in Nevada, the BLM manages mines that are in excess of 7,000 acres (Barrick Goldstrike Mines, Inc.).

Intensity

1. Impacts that may be both beneficial and adverse.

The EA considered and disclosed potential beneficial and adverse effects of the Proposed Action Alternative. For example, the EA discloses that activities associated with placer mining may increase stream sedimentation and turbidity from discharges (EA, p. 28). However the EA also demonstrates these impacts will be limited as long as the discharge quality and quantity meet permit requirements (EA, p. 28). The EA discloses that there will be a benefit of the reclamation since the Anvil Creek channel will be removed from its bypass location and reestablished in a new channel in the valley bottom. This relocation back to a more energy stable location will reduce the potential for the perched bypass channel from failing and adversely impacting water quality throughout the drainage (EA, p. 33).

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

Design Features for the activity include Federal and State requirements for the safe handling and disposal of human waste (EA, p. 12), hazardous materials (EA, p. 12), and storm water pollution (EA, p. 13). Additionally, the operation must comply with the Mine Safety and Health Administration (MSHA) and with 43 CFR § 3809.420(b)(13) to ensure the mine site is maintained to prevent public health and safety deficiencies. Therefore, given implementation of Design Features and MSHA requirements, the degree to which the proposed action affects public health and safety will be minimal and does not rise to a level of significance to warrant further analysis.

- 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.*

No park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas are present at the project site. The closest recorded cultural resource is the Iditarod National Historic Trail and the checkpoint cabin that sits on the federal claims but will not be impacted by the proposed action (EA, p. 34). Additionally, Design Features are included in the EA for the protection of any cultural resources discovered during the course of mining activities (EA, p. 17).

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

The anticipated effects of the Proposed Action Alternative are similar to many other BLM authorized placer mining operations. The project area has been mined and reclaimed since the early 1900s and several other mines are being actively operated in the area. The remote location of the Ophir Mining District and the historic mining of the area has present little controversy since modern mining started in the 1980's. No issues for controversy related to the human environment were brought to the attention of the BLM during the scoping period.

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

Placer mining is common to BLM-managed lands nationally as well as in Alaska, and has been occurring in Ophir Creek Mining District, specifically Anvil Creek, since the early 1900s. There is neither uncertainty nor unknown risk associated with the requested use, particularly at this scale.

- 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 Southwest Management Framework Plan, approved in 1981, provides the overall long-term management direction for BLM-managed lands, which includes unpatented federal mining claims, in this area. The proposed action and alternatives are consistent with section M-2 of the Management Framework Plan (EA, p. 5). This Proposed Action Alternative neither establishes a precedent nor represents a decision in principle about future actions. Furthermore, the mining operation would be reviewed every five years for regulatory consistency, which would allow the plan to continue on modification renewals. Major plan modifications would require a new environmental assessment (EA, p. 9).

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

Overall, the potential cumulative effects resulting from the Proposed Action Alternative are limited. The requested use would impact up to an additional 11 acres of the mining claims creating maximum site disturbance of 20 acres (EA, p. 10). The EA acknowledges that past mining disturbed 9 acres of the mining claims (EA, p. 10) and has relocated Anvil Creek into a bypass channel (EA, p. 4). The Proposed Action Alternative of returning the stream from the

bypass channel back to valley bottom will potentially contribute to a degradation of water quality along Anvil Creek and sections of the Innoko River (EA, p18). However, the operator is required to follow best management practices, regulations, *Design Features and Mitigation Measures*, as well as standard operating procedures, stipulations, and perform required reclamation to mitigate these impacts. (EA, pp. 18-22, 42-43)

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.*

As stated for intensity factor #3, the Proposed Action Alternative would have no known effects on cultural resources (EA, p. 17 and 34)

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 of 1973.*

Based on currently available information, the Proposed Action Alternative would not affect any threatened or endangered species or their habitats, therefore no consultation with the U.S. Fish and Wildlife Service is considered necessary pursuant to Section 7 of the Endangered Species Act of 1973 (EA, p. 7).

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

Based on the environmental analysis, the Proposed Action Alternative does not threaten to violate Federal, State or local law or requirements (EA, p. 6).

Conclusion

Therefore, on the basis of the information contained in the EA (DOI-BLM-AK-A010-2014-0007-EA), and all other information available to me, it is my determination that:

1. None of the environmental effects identified for the Proposed Action Alternative meet the definition of significance as defined by context and intensity considerations at 40 CFR § 1508.27;
2. The Proposed Action Alternative is in conformance with the Record of Decision (ROD) Southwest Management Framework Plan, approved in 1981; and
3. The Proposed Action Alternative does not constitute a major federal action having a significant effect on the human environment.

Therefore, neither an Environmental Impact Statement nor a supplement to the existing EA is necessary and neither will be prepared.

/s/ Alan Bittner

10/26/2015

Alan Bittner
Anchorage Field Manager

Date

Attachments

1. *Daniel Plano Environmental Assessment*, DOI-BLM-AK-A010-2014-0007-EA
2. Finding of No Significant Impact, *Daniel Plano Environmental Assessment*, DOI-BLM-AK-A010-2014-0007-EA
3. Daniel Plano's 2014 Mine Plan of Operations, Stipulations and Required Operating Procedures