



# United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Mount Lewis Field Office

50 Bastian Road

Battle Mountain, Nevada 89820

Phone: 775-635-4000

Fax: 775-635-4034

[http://www.blm.gov/nv/st/en/fo/battle\\_mountain\\_field.html](http://www.blm.gov/nv/st/en/fo/battle_mountain_field.html)

In Reply Refer To:  
2800 (NVB0100)  
N-091557

**JUL 09 2014**

**CERTIFIED MAIL: 7011 3500 0000 9167 7984**

**RETURN RECEIPT REQUESTED**

## DECISION

MI-LLC	:	Rights-Of-Way Road
Attn: Tom DeGonia	:	N-091557
P.O. Box 370	:	
Battle Mountain, NV 89820	:	

### Right-of-Way Grant Issued

The right-of-way road is hereby granted pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761). Enclosed is an executed copy of your right-of-way grant and stipulation for serial numbers; N-091557. This ROW grant authorizes the construction and maintenance of the Dana Road Project as outlined in the grant.

The regulations found at 43 CFR 2806.10(a), state that "you are required to pay in advance a rent Bureau of Land Management (BLM) establishes based on sound business management principles and, as far as practical and feasible, using comparable commercial practices." The rent for 2014 has been paid. MI-LLC will be billed for 2015 on or around December 1, 2014.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt 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 regulations at 43 CFR 2801.10 or 43 CFR 2881.10 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed

JUL 09 2014

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

Serial Number: N-091557  
EA# DOI-BLM-NV-B010-2013-0073-EA

**FINDING OF NO SIGNIFICANT IMPACT**

I have reviewed Environmental Assessment (EA) DOI-BLM-NV-B010-2013-0073-EA, dated April 2014. 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 specifications, including minimization or mitigation measures identified in the EA will not significantly affect the quality of the human environment and that an Environmental Impact Statement (EIS) is not required to be prepared.

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

This finding and conclusion is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the context and the intensity of impacts described in the EA.

**Context**

In September 2012, the Mount Lewis Field Office (MLFO), of the Bureau of Land Management (BLM), received an application from MI Swaco, (MI), for a Right-of-Way (ROW) to request road improvements to allow trucking of ore from the Dana 15 site to the Greystone Mine for processing.

The proposed road improvements would be located primarily along the eastern fork of the existing Dana Road. The Project Area is defined by the proposed 150-foot wide ROW located in T28N R45E, sections 25, and 36. Access to the site is provided from Mill Creek Road (a Lander County Road) which runs between Nevada State Routes 305 and 306.

To facilitate a perpendicular intersection between the improved Dana Road and Mill Creek Road, the road would be realigned outside of its current configuration on the eastern fork of Dana Road for a distance of 700 feet. The realignment is necessary to provide drivers improved sightlines of oncoming traffic and allow haul trucks to cross Mill Creek Road safely.

Roadway improvements would include widening the roadbed from the existing average roadbed width of approximately 35 feet to a proposed roadbed width of 100 feet, including safety berms. Road improvements and associated grading would occur within a new dedicated ROW width of

150 feet. The improved Dana Road would be maintained by MI throughout the life of the Project.

The ROW would measure 150 feet in width, centered mainly over the improved Dana Road alignment. The proposed ROW configuration covers an area measuring approximately 9.5 acres.

Construction timing would occur, to the extent feasible, outside of bird nesting seasons (1 March-31 July for raptors and 1 April-31 July for other species).

All construction related vehicles would be pressure washed to remove extraneous plant matter (e.g., noxious and invasive weeds) prior to entering a project site. A water truck would be on-site to control dust generated during site preparation.

## **Intensity**

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

The EA considered both beneficial and adverse impacts of the ROW. The proposal would result in improvements of the current existing road. It will not significantly complicate or otherwise affect the management of other nearby existing ROWs and there are no other currently proposed developments at these locations.

Adverse impacts of the proposed ROW are minimal, as described in the EA.

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

The effects of the proposed action on public health and safety are considered to be positive. This realignment is necessary to provide drivers improved sightlines of oncoming traffic and allow haul trucks to cross Mill Creek Road safely.

### ***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.***

A Class III cultural resource survey was conducted over a larger area that included the Project area. No cultural resources were found. If human remains/burials, previously unidentified cultural resources, or vertebrate paleontological resources are discovered while conducting activities relate to the Proposed Action, the proponent would immediately cease activities within 300 feet of the discovery, ensure the discovery is appropriately protected, and immediately notify the BLM MLFO Manager by telephone, followed with written confirmation. Work would not resume, and the discovery would be protected until the BLM Authorized Officer issues a notice to proceed.

The proposed action is not located near any park lands, prime or unique farmlands, wetlands, wild and scenic rivers or Areas of Critical Environmental Concern (ACECs).

***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 be controversial because it is needed to provide a safe ROW.

A letter providing opportunity for comments on the proposal and EA was mailed to the public. A notice of availability of the EA was also placed on the MLFO website. The comment period ran for 30 days until June 18, 2014.

Six comments were received from Nevada Department of Wildlife in support of the proposed project with wildlife mitigation suggestion.

One comment was received from Nevada Division of Water Resources. Comment was noted.

One comment was received from Nevada State Clearinghouse in favor of the project.

None of these comments identified any significant new issues.

***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 which are considered to be uncertain or involve unique or unknown risks.

***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 has been found to cause no significant effects to the environment when appropriate mitigation measures are applied and does not represent a decision in principle. Any future actions on public lands within the surrounding area would be analyzed on their own merits and carried out, or not, independently of the action currently proposed.

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

Past, present and reasonably foreseeable future actions have been considered in the Cumulative Impacts analysis in the EA (Section 4.4). The Cumulative Impacts analysis examined all of the other appropriate actions and determined that the proposed action would not have significant cumulative impacts or incrementally contribute to significant cumulative impacts.

There are no known future actions in the area however, for any actions that might be proposed in the future, further environmental analysis, including assessment of cumulative impacts, would be required prior to authorizing surface disturbing activities.

**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.**

There are no adverse effects on the districts, sites, highways, structures or objects listed in or eligible for listing in the National Register of Historic Places.

**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.**

Consultation was performed with the BLM, the Nevada Department of Wildlife (NDOW), Nevada natural Heritage Program (NNHP) and the U.S. Fish and Wildlife Service (USFWS) to determine what special status species are known to occur or potentially occur within the Project Area and the surrounding region. Consultation letters sent from each to the agencies are provided in the baseline report. No federally listed threatened or endangered species are known to occur in the area.

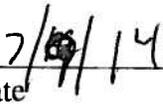
Environmental protection measures for Greater Sage-grouse are part of the Proposed Action , mitigation measure would be followed in accordance with IM 2012-043, as discussed in section 4.2.10.1 of the EA.

BLM specialists recommended offsite mitigation would be required for the proposed Action at a rate of 3:1 (acres of habitat improvement to acres of proposed disturbance) pending field verification from NDOW and the BLM.

**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  
Mount Lewis Field Manager  
Battle Mountain District

  
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Date