

CATEGORICAL EXCLUSION DOCUMENTATION

CX No. DOI-BLM-ID-B030-2014-0013-CX

A. BACKGROUND

BLM Office: Owyhee Field Office

Lease/Serial/Case File No.: NA

Proposed Action Title/Type: Closure of Abandoned Mines Sites

Location of Proposed Action: 17 mine openings near Silver City and War Eagle Mountain.
T.5S, R.3W, Sections 5, 6, and 9.

Description of Proposed Action: Close 17 abandoned mine openings within the Owyhee Field office area, starting August 2014. All such openings are considered abandoned unless specifically addressed by a surface management notice or plan of operations with an appropriate financial guarantee, regardless of the presence of a mining claim. However, only the outer (entrance) areas of the openings would be closed. Therefore, essentially all underground workings would remain available for future exploration and development.

The openings would be closed by either backfilling (typically with waste rock that was sidecast below the openings during mining); plugging with polyurethane foam (PUF); or installation of a bat grate, bat grate-culvert, or bat gate. The PUF closures would be covered by approximately 18 inches of dirt and rock. The type of closure would depend on the type of opening, the stability of an opening, and wildlife habitat within the workings.

B. LAND USE PLAN CONFORMANCE

This proposed Action is subject to the following land use plan: The Owyhee Resource Management Plan (ORMP)

Date Plan Approved: July 1999

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions): While the ORMP does not specifically address treatment of abandoned mine lands, the actions are consistent with other goals and objectives found in the ORMP decision (specifically as it relates to hazardous materials and reducing threat to human life and safety, pages 46-47).

In addition to the ORMP, the action is also consistent with BLM MS-3720 Abandoned Mine Lands Program Policy Manual (September 2013). The MS-3720 Manual lists the following authorities that permit BLM to reclaim all AMLs and to address associated physical safety hazards and environmental impacts: Federal Land Policy and Management Act of 1976 (FLPMA) (43 U.S.C. 1701 *et seq.*), Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA) (42 U.S.C. 9601 *et seq.*), National

Contingency Plan (NCP) (40 CFR Part 300), Wyden Amendment (16 U.S.C. 1011), Executive Order (E.O.) 12580 amended by, E.O. 13016, and Secretarial Order 3201.

The Closure of Abandoned mine Sites project is in conformance with the following objectives outlined in the MS-3720 Manual:

- Protecting public safety and reducing liabilities by eliminating or minimizing the environmental impacts and/or physical safety hazards posed by abandoned mines on the NSPL (National System of Public Lands).
- Mitigating environmental degradation caused by abandoned mines by complying with all applicable soil, water, and air quality standards, and all applicable Federal, State, Tribal, and local laws in the management of AMLs (abandoned mine lands) affecting the NSPL.
- Asserting the BLM's lead role in the evaluation and remediation of AML sites located on or affecting the NSPL.
- Striving to reduce the number of high-risk abandoned mine sites and/or features, to the extent possible, on the NSPL.

C: COMPLIANCE WITH NEPA:

The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9 X(X)

Category Description:

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances that would introduce potential effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.

The following list of Extraordinary Circumstances (516 DM 2, Appendix 2) was considered:

1. Have significant impacts on public health or safety.

The closure of these mine openings enhances public safety and improves water quality by reducing or eliminating the effects of past hardrock mining at these locations.

Environmental Engineer Signature/Date: */s/Carrie Wontorcik 8-7-2014*

2. **Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; or ecologically significant or critical areas, or is not in compliance with the Fish and Wildlife Coordination Act.**

Potential impacts to historic properties within the Silver City National Register Historic District have been carefully considered and the project has been designed in consultation with the Idaho State Historic Preservation Office. The project will have positive benefits to cultural resources through stabilization of a head frame and closing access to internal mine workings that could be removed or damaged by looters or vandals. As long as all stipulations are followed, no historic properties will be affected and there will be no impacts to components that support National Register eligibility. The project will also allow for greater interpretive opportunities for visitors via signage planned at the headframe and safe opportunities for viewing of mine workings at choice areas. Closures will result in the increased safety of recreational visitors such as hikers, children, and snowmobilers (protection from falls into shafts and adits, fencing of ground-level grates that will increase visibility in snow pack, and closure of entries from exploration).

Archaeologist Signature/Date: */s/Kelli Barnes 8-7-2014*

There are no other unique resources that would be impacted by this action. See #8 for discussion specific to special status plants, animals, and fish.

Botanist Signature/Date: */s/Beth Corbin 8-7-2014*

Wildlife Biologist Signature/Date: */s/Brad Jost 8-7-2014*

3. **Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].**
All openings proposed for closure are considered abandoned unless specifically addressed by a surface management notice or plan of operations with an appropriate financial guarantee, regardless of the presence of a mining claim. However, only the outer (entrance) areas of the openings would be closed. Therefore, essentially all underground workings would remain available for future exploration and development.

Engineering Specialist Signature/Date: */s/Carrie Wontorcik 8-7-2014*

4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

No waste rock piles with deleterious elements or the potential for acid rock drainage would be disturbed under the proposed action. Sedimentation and erosion control structures would be used as appropriate to ensure that no meaningful amounts of sediment loss occur at the sites. In addition, the flow of water at any site, including adit drainage, would not be altered under the proposed action. The sites would be posted as appropriate with abandoned mine lands warning signs.

Environmental Engineer Signature/Date: */s/Carrie Wontorcik 8-7-2014*

5. Establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects.

Abandoned mines addressed by the AML program are those that were abandoned prior to January 1, 1981, the effective date of BLM's Surface Management regulations issued under authority of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1701 et seq.).

Environmental Engineer Signature/Date: */s/Carrie Wontorcik 8-7-2014*

6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant environmental effects.

Abandoned mines addressed by the program are those that were abandoned prior to January 1, 1981, the effective date of BLM's Surface Management regulations issued under authority of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1701 et seq.).

Environmental Engineer Signature/Date: */s/Carrie Wontorcik 8-7-2014*

7. Have significant impacts on properties listed or eligible for listing on the National Register of Historic Places as determined by either the bureau or office.

All proposed closures are within the Silver City National Register Historic District, which is significant based largely on mining components, including Silver City. Potential visual impacts and changes to site features that may contribute to the mining theme have therefore been considered in project design.

The Home Claim Mine head frame (IDB03000116 – S1/ Archaeological site 100E9739) will be stabilized in a manner consistent with the historic character and materials of Silver City, and left in (or returned to) its current position.

Any observable mining artifacts and features (such as the ore bin and camshaft on the gravel pile at **IDB0300035 – S1/Archaeological site 100E9449**) will be left in place. Existing archaeological site records will be updated and submitted to the Idaho State Historic Preservation Office (SHPO).

The Dernier Resort timbered portal (**IDB0300097** – A1) was scheduled for backfilling, but should be preserved without external backfilling due to its potential significance. A mitigation plan may need to be developed in conjunction with the SHPO if a safe means of closure without affecting significant elements cannot be undertaken. Stacked rock, retaining walls, and rock walls should be left in place at all sites and may have particular historical relevance at this site. The site will be documented fully per SHPO requirements.

Most shafts and adits are lacking any external structural remnants, and will be filled with some combination of waste rock (un-stacked/haphazardly piled), dirt, and polyurethane foam (PUF), as needed, and will blend in well with the surrounding environment after closure. Remnant footprints of utilized waste rock piles will be left to preserve the mining atmosphere on the landscape. Photos, general measurements, and UTM coordinates for these areas will be generated before the work proceeds and information will be included in the final report to SHPO.

Where dirt is to be borrowed and there is a potential for buried cultural remains (relatively undisturbed with slopes less than 30deg.), work will be monitored and discovery of intact cultural materials will result in work stoppage until a mitigation plan can be developed. Any discoveries of prehistoric or historic archaeological materials should be left undisturbed and brought to the immediate attention of the field archaeologist.

An alternative emergency plan may become necessary due to the deteriorated and unstable nature of some features and possible imminent threats to individuals or property.

Archaeologist Signature/Date: */s/ Kelli Barnes 8-7-2014*

8. Have significant impacts on species listed or proposed to be listed on the List of Endangered or Threatened Species, or on designated Critical Habitat for these species.
Plants

Special status plant surveys were conducted at most of the 17 abandoned mine openings on July 7 and 17, 2014. No special status plants were found at or adjacent to these abandoned mine openings, nor are any special status plants known from previous records at any of the 17 sites. Thus, the action is expected to have no effect on special status plants.

Although no special status plants were found, at the mouth of Blue Jacket Mine, Carson District #99 A1 Adit (Number 11 on the priority list), two unusual plants were found: slender-spire orchid (*Piperia unalascensis*) and liverleaf wintergreen (*Pyrola asarifolia*). Both of these plants have seldom been collected in the Owyhee Mountains, and the wintergreen had not been recorded since 1932. I recommend that disturbance to vegetation be minimized to the extent possible during hand-tool closure.

Botanist Signature/Date: */s/ Beth Corbin 8-7-2014*

Wildlife and Aquatics

Special status animal surveys were conducted at most of the 17 abandoned mine openings on July 17, 2014. No special status animals were found at or adjacent to these abandoned mine openings, nor are any special status animals known to occur at any of the 17 sites. There are no fisheries or special status fish nearby the project area. Therefore, the action is expected to have no effect on special status animals, fish, or their habitats.

Although no special status animals were found, at the mouth of Blue Jacket Mine, Carson District #99 A1 Adit (Number 11 on the priority list), a large amount of standing water was observed inside the adit, and facultative and obligate riparian plant species were observed immediately adjacent to the opening. I recommend that disturbance to vegetation be minimized to the extent possible during hand-tool closure.

Wildlife Biologist Signature/Date: */s/Brad Jost 8-7-2014*

9. Violate a Federal, State, local, or tribal law or requirement imposed for the protection of the environment.

This action would be consistent and compatible with all known Federal, State, local and tribal laws or requirements imposed for protection of the environment.

Archaeologist Signature/Date: */s/Kelli Barnes 8-7-2014*

10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

There are no known low income or minority populations in the area of the proposed action. However, if low income or minority populations do exist, closing these abandoned mine openings would not have a disproportionately high or adverse effect on these populations.

Acting NEPA Specialist Signature/Date: */s/Lara Hannon 8-7-2014*

11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).

The project will take place in areas that have been disturbed by historic and recent mining, and are frequented by a relatively large number of visitors each year. Only very short-term and localized restrictions on access to specific mine openings will take place during work for safety reasons, and this will not affect use or integrity of sacred sites.

Per NAGPRA regulations, if any suspected human remains, funerary objects, sacred objects, or objects of cultural patrimony are discovered during the project, all work must immediately cease, the authorized officer must be notified by telephone with written follow-up as soon as possible. The security and confidentiality of such remains should be protected, and work should not resume prior to clearance.

Archaeologist Signature/Date: */s/ Kelli Barnes 8-7-2014*

12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).

No noxious weeds were observed at or adjacent to the abandoned mine openings during botanical surveys in July 2014. The minimal ground disturbance associated with closing these openings would not contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area, or actions that may promote the introduction, growth, or expansion of the range of weed species.

Botanist Signature/Date: */s/ Beth Corbin 8-7-2014*

D: SIGNATURE

I certify that none of the Departmental exceptions (Extraordinary Circumstances) listed in the above Part II (516 DM 2, Appendix 2) apply to this action; therefore, this categorical exclusion is appropriate for this situation.

Authorizing Official: */s/ Michele McDaniel 8-8-2014*

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