

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

SEP 21 2015

DOI-BLM-NV-B010-2013-0066-EA

FINDING OF NO SIGNIFICANT IMPACT

I have reviewed Environmental Assessment (EA) DOI-BLM-NV-B010-2013-0066-EA dated September 2015. 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 Code of Federal Regulations (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).

DOI-BLM-NV-B010-2013-0066-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 Bureau of Land Management's (BLM) preferred alternative (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 Bureau of Land Management (BLM), Mount Lewis Field Office (MLFO), has prepared an EA, DOI-BLM-B010-2013-0066-EA, that analyzes the affected environment, environmental impacts, and identifies environmental protection measures associated with the proposed *Amendment to the Plan of Operations (APO) - NVN-067881 - Final Plan for Permanent Closure* (Project), Tonkin Springs Mine, submitted by Tonkin Springs LLC (TSLLC). The Proposed Action will allow for implementation of the Final Plan for Permanent Closure (FPPC) for the Tonkin Springs Mine. The APO was submitted to the BLM in November 2012 and finalized in February, 2014 in accordance with the BLM Surface Management Regulations 43 CFR 3809, as amended. It has been assigned BLM case file number NVN-067881. The Project area within the APO boundary is approximately 3,000 acres of public lands administered by the U.S. Department of Interior, BLM, MLFO. The existing surface disturbance totals 482.05 acres. All activities included in the Proposed Action will be completed within the existing disturbed areas. The Project is located in Eureka County, Township 23.5 North, Range 49 East, Sections 2, 3, and 4, and in Township 24 North, Range 49 East, Sections 20, 21, 27, 28, 29, 32, 33, and 34,

Mount Diablo Baseline and Meridian (MDB&M), approximately 40 miles northwest of the town of Eureka, Nevada.

All mining and processing activities were suspended in 1990 and have been in temporary closure since that time. The APO includes closure modifications that will allow for the final closure of the Tonkin Springs Mine and include decommissioning and clean-closing the tailings impoundment, relocating sulfide ore stockpiles and TSP-1 waste rock dump, backfilling the TSP-1 open pit, and constructing a new evaporation ponds for post-closure fluid management of TSP-1 seepage water and heap leach pad draindown.

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 Chapters 3 and 4 of the EA include the following: potential for spread of noxious weeds and invasive non-native species within the Project; temporary vegetation loss; temporary wildlife habitat loss and displacement due to project activities and human presence; potential release of hazardous, and regulated materials. Many of these impacts would be minimized by the Environmental Protection Measures included in Section 2.5 of the EA as well as by the concurrent reclamation and other measures committed to by TSLLC.

Dust from the use of roads and excavation activities would be minimized to the extent acceptable by the Authorized Officer (AO) by using Best Management Practices (BMPs) such as minimizing vehicular traffic, using prudent vehicle speeds (i.e., 15 to 20 miles per hour), and watering to minimize fugitive dust. Water used for dust control would be obtained from an existing well. The potential impacts would be temporary and would cease upon completion of the Project and successful revegetation of the surface disturbance.

Pursuant to 43 CFR Section 8365.1-1(b)(3), no sewage, petroleum products, or refuse would be dumped from any trailer or vehicle.

The EA addresses visual resources in Chapters 3 and 4. Under the proposed action, earth moving activities will be confined to areas of existing disturbance. Impacts to visual resources will generally be temporary and would occur during earth moving activities associated with

reclamation of the mine facilities. Impacts to visual resources resulting from implementation of the Proposed Action are anticipated to be minimal and are in conformance with the objectives of the VRM Class IV objectives and the project meets all of the requirements associated with that classification.

Reclamation will 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, the Proposed Action would not be approved by the BLM and reclamation of the site would proceed in accordance with the Tonkin Springs Mine APO #NVN-067881, Reclamation Permit No. 0166.

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

The effects of the Proposed Action on both public health and safety would not have significant adverse impacts because TSLLC will be required to follow all Mine, Health, and Safety Administration regulations along with maintaining all equipment and facilities in a safe and orderly manner.

Through adherence to EPMs, and 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. TSLLC would commit to the following EPMs to insure public health and safety:

- Existing roads within the project boundary that are disturbed during the proposed action will be reclaimed by Tonkin Springs LLC to their pre-disturbance condition in order to provide continued public access through the area.
- Pursuant to 43 CFR 8365.1-1 (b)(3), no sewage, petroleum products, or refuse would be dumped from any trailer or vehicle. Regulated wastes would be removed from the Project and disposed of in a state, federally, or locally designated area. All refuse generated during the Project would be removed and disposed of in the existing Class III landfill or nearest licensed facility, consistent with applicable regulations.
- Emissions of fugitive dust from disturbed surfaces will be minimized to the extent acceptable by the BLM Authorized Officer by the use of Best Management Practices BMPs such as minimizing vehicular traffic, using prudent vehicle speed (e.g., 15 to 25 miles per hour), and watering to minimize fugitive dust. All equipment and other facilities will be maintained in a safe and orderly manner.

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 is located in Eureka County, Nevada, approximately 40 miles northwest of the town of Eureka. There are no park lands, prime farmlands, wetlands, or wild and scenic rivers in the vicinity.

There are known cultural resources located within the Project Area. All cultural sites will be mitigated or addressed as described in the EPMs described in Section 2.5 of the EA.

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 closure activities along with associated reclamation of the Project facilities are well established. The Project is isolated from human habitations. Except for mineral exploration, mining and grazing, the Project area is typically uninhabited. Reclamation should return the land to its pre-mining 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. Closure 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 Chapters 3 and 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 closure projects including additional actions for this Project. 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 Chapters 3 and 4 (Environmental Consequences/Cumulative Impacts) of the EA. None of the environmental impacts disclosed under item 1 above and discussed in detail in Chapters 3 and 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.

Ten Class III cultural resource surveys were conducted within an around the Project prior to 2006 and are discussed in further detail in EA# NVN063-EA00-43 (BLM, 2001). That portion of the Project area subject to the APO has been disturbed, so any cultural resources that may have been located within the area have already been mitigated

The entire area of potential effect (APE), defined as the 3,000-acre Project Area, is located in the northern Simpson Park Mountains in Eureka County, Nevada, approximately 40 miles northwest of the town of Eureka. TSLLC has committed to avoid all known eligible and unevaluated sites, as described in the APO and EA. If previously unknown cultural resources that might be altered or destroyed by operations are discovered during project implementation, TSLLC would immediately cease operations within 300 feet of the discovery, ensure the discovery is appropriately protected and left intact, and immediately notify the BLM authorized officer by telephone, followed by written confirmation. Work will not resume and the discovery will be protected until the BLM authorized Officer issues a notice to proceed.

The Mine Plan Area falls within Class III potential for paleontological resources, therefore, paleontological resources are not expected to occur. Potential impacts to paleontological resources from the Proposed Action are unlikely. If paleontological resources are found during operations, impacts would be mitigated through avoidance and/or data recovery

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. The wildlife species observed in the Project are typical of the arid and semi-arid environment in the central Great Basin. In addition to federally listed species, the BLM identified and protects special status species by policy (BLM, 1988). The list includes certain species designated by the State of Nevada, as well as species designated as "sensitive" by the Nevada BLM State Director. Special status species known or believed to occur in the Project include a number of bat species, Greater sage-grouse, golden eagles, as well as migratory bird species.

The U.S. Department of Interior, Fish and Wildlife Service (FWS), identified the Greater sage-grouse as the only federally-listed species (candidate) that may occur in the Project (FWS 2012). Greater sage-grouse inhabit most of the JD Grazing Allotment and several known leks are located within that allotment but outside of the Tonkin Springs Mine Plan Area. Although the Mine Plan Area contains approximately 2,311 acres of Greater sage-grouse Preliminary Priority Habitat (PPH), the surface disturbance associated with this closure proposed action will only

occur within approximately 482 acres of PPH and in areas that have been previously disturbed. PPH areas include breeding habitat (lek sites and nesting habitat), brood-rearing habitat, winter range, and important movement corridors.

Impacts to special status wildlife species or their habitat from the Proposed Action are analyzed in Chapters 3 and 4 of the EA. Impacts to special status species which would occur under the Proposed Action would be minimized by the implementation of EPMs outlined in Chapter 2 (Section 2.5) of the EA, which include:

- Land clearing and surface disturbance would be timed to prevent destruction or disturbance of active bird nests or birds during the avian breeding season (March 1 through July 31 for raptors, and April 1 through July 31 for other avian species). If project activities are unavoidable during this period, clearance surveys for nesting birds and raptors would need to be completed by a qualified wildlife biologist prior to conducting project activities. Clearance surveys would include an appropriate buffer zone determined by a BLM wildlife biologist. All nesting bird surveys are valid for 14 days; if project activities do not begin before the surveys expire, then the surveys must be performed again. If active nests are located, or if other evidence of nesting (i.e., mated pairs, territorial defense, carrying nest material, transporting food) is observed, a protective buffer (the size depending on the habitat requirements of the species) would be delineated during consultation with the BLM resource specialist. The site characteristics to be used to determine the size of the buffer area are as follows: 1) topographic screening; b) distance from disturbance to nest; c) the size and quality of foraging habitat surrounding the nest; d) sensitivity of the species to nest disturbances; and e) the protection status of the species. The buffer area would be avoided to prevent destruction or disturbance of nests or birds until they are no longer actively breeding or rearing young. Seasonal disturbance restrictions surrounding occupied nests would remain in place until the young have fledged or the nest fails. After July 31, no further avian surveys would be required until the next avian breeding season.
- One active Greater sage-grouse lek is located approximately 3.6 miles southwest of proposed project activities. Project activities will take place outside of the Greater sage-grouse lekking season (March 1-May 15) where possible. If project activities must occur during the lekking season, a BLM wildlife biologist will be consulted and mitigation measures such as timing and noise restrictions may be placed on activities within four miles of the lek.
- Ravens are greater sage-grouse nest predators and can be attracted to areas with anthropogenic disturbance. In order to avoid an increase in raven presence around the site, good housekeeping practices will be implemented. All trash will be placed in secure containers and removed from the site at the end of each workday. Additionally, road-killed wildlife detected along access roads will be promptly removed to avoid encouraging raven presence.
- Off-site mitigation for surface disturbance in habitat identified as Preliminary Priority Habitat (PPH) or Preliminary General Habitat (PGH) may be required at a mitigated-area-to-disturbed-area ratio of 2:1 for PGH and 3:1 for PPH. However, this project serves to reclaim disturbed acreage that was the result of a previously approved project for

which no off-site mitigation for greater sage-grouse habitat was required. Additionally, a Memorandum of Understanding entitled, “Regarding the Establishment of a Partnership for the Conservation and Protection of the Greater Sage-Grouse and Greater Sage-Grouse Habitat” was established in 2013 between the BLM, the United States Forest Service-Humboldt-Toiyabe National Forest, the Nevada Department of Conservation and Natural Resources, and mining companies that are members of the Nevada Mining Association. Section II.E.v.b reads, “Site reclamation plans may include specific measures designed to provide for restoration/rehabilitation or improvement of sage-grouse habitat during the reclamation process. Where such reclamation is found to adequately address some or all of the impacts on greater sage-grouse, the required mitigation or offsetting may be reduced or eliminated.” (p.4). The proposed project activities will involve reclamation and restoration of approximately 482 disturbed acres back to sagebrush habitat in greater sage-grouse PPH, thereby resulting in a net conservation gain for greater-sage grouse habitat.

- NDOW identified a golden eagle nest within ten miles of the project area (NDOW 2013). Land clearing or other surface disturbance associated with the activities within the Project Area will be conducted outside of the raptor nesting season, whenever feasible, to avoid potential destruction or disturbance of nesting raptors at known nests. If surface disturbance occurs during the raptor nesting season (March 1 – July 31), a qualified wildlife biologist will perform a survey for raptor nests within 0.25 mile of the project boundary. The survey may be an aerial or ground survey and may be performed more than once, at the discretion of the BLM wildlife biologist. If active raptor nests are discovered, a protective buffer will be placed around the nest, wherein no surface disturbing activities will occur during the nesting season. The size of the buffer will be determined by a BLM wildlife biologist and will follow standard guidelines of 0.5 mile for golden eagle and goshawk nests and 0.25 mile for other raptor species.

Bats have also been identified by NDOW as part of the following four BLM sensitive bat species as having the potential to occur in the Project and vicinity: small-footed myotis (*Myotis ciliolabrum*), long-eared myotis (*Myotis evotis*), long-legged myotis (*Myotis volcans*), and Townsend’s big-eared bat (*Corynorhinus townsendii*).

There are no old adits, shafts or other structures with potential bat roost sites within the immediate area of the Proposed Action. No mitigation for bats is, therefore, currently warranted.

The Proposed 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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9/21/2015
Date