

## **Decision Record**

### **South Sleeper Exploration Project**

**DOI-BLM-NV-W010-2014-0029-EA**

#### **Introduction**

In May 2014, the BLM acknowledged receipt of a complete Plan of Operations (Plan) (NVN-092492) from Montezuma Mining Incorporated (MMI). MMI's Plan proposed to expand their Notice-level (NVN-092758) exploration to a total of 100 acres of exploration related disturbance within the 3,459-acre Project Area boundary. They proposed to conduct 44.94 acres of disturbance under phase I, and up to 50.81 acres under subsequent phases.

The Proposed Action consists of the following exploration related activities:

- Construction of drill sites;
- Construction of roads;
- Installation of geotechnical auger holes;
- Installation of geologic test pits/trenching;
- Installation of water extraction/monitoring wells; and
- Installation of a meteorological station.

The proposed South Sleeper Project Area is approximately 30 miles north-northwest of Winnemucca in Humboldt County, Nevada and immediately south of the existing Sleeper Mine. The Project Area for the proposed Plan includes all or parts of Township 39 North, Range 34 East, sections 1 and 12; Township 40 North, Range 35 East, sections 31 through 35; and Township 39 North, Range 35 East, sections 4 through 9. The approximately 3,459 acre Plan boundary is located on public lands administered by the Bureau of Land Management Winnemucca District, Humboldt River Field Office (BLM). The Project Area is currently accessed via Sod House Road from SR 140.

Following BLM and NDEP approval, operations would likely begin in 2016 and life of the project is anticipated to be a total of 20 years. This includes approximately 10 years of exploration, with up to 10 years of reclamation and monitoring periods.

#### **DECISION**

On the basis of the information contained in the EA and the associated Finding of No Significant Impact (FONSI), it is my decision to implement the Proposed Action, subject to the mitigation measure for Western Burrowing Owls listed in Chapter 5 of the EA, and the environmental protection measures committed to by MMI listed in the EA in section 2.1.17.

## **Rationale**

The selection of the Proposed Action is based on factors including, but not limited to:

- Authority for this action as it relates to the BLM-managed public lands is contained in the general Mining Law of 1872 (30 U.S.C. §§ 22-42), as amended; the Federal Land Policy and Management Act of 1976 (43 U.S.C. §§ 1701), as amended; the Code of Federal Regulations at 43 CFR 3809; the Code of Federal Regulations at 43 CFR 3715; and the Surface Resources Act of 1955.
- There is no Greater Sage-grouse habitat within the Plan of Operations Boundary as delineated in the Record of Decision and Approved Resource Management Plan Amendments for the Great Basin Region, Including the Greater Sage-Grouse Sub-Regions of Idaho and Southwestern Montana, Nevada, and Northeastern California, Oregon, Utah, September 22, 2015.
- Consultation, coordination, and public involvement has occurred, refer to sections below.
- Based on the EA it is determined that this decision will not result in any unnecessary or undue environmental degradation of public lands and is consistent with other Federal agency, state, and local plans to the maximum extent consistent with Federal law and Federal Land Policy Management Act provisions.
- The selected alternative will not adversely impact any threatened or endangered species or significant scientific, cultural, or historical resources.
- The EA and FONSI support this decision.
- Based on the President's National Energy Policy and Executive Order 13212, the proposed action will not generate any adverse energy impacts or limit energy production and distribution. Therefore, no "Statement of Adverse Energy Impact" is required per WO IM No. 2002-053 and NV IM No. 2002-049.

## Land Use Plan Conformance

The Proposed Action is in conformance with the Winnemucca District Planning Area Resource Management Plan and Record of Decision, May 21, 2015, as amended by the Record of Decision and Approved Resource Management Plan Amendments for the Great Basin Region Including the Greater-Sage Grouse Sub-Regions of Idaho and Southwestern Montana, Nevada and Northeastern California, Oregon, and Utah September 21, 2015.

## Native American Consultation

For the South Sleeper Exploration Project, BLM contacted two tribes seeking input and consultation to identify cultural values, religious beliefs and traditional practices, which could be affected by that project.

On July 2, 2014, formal consultation letters were sent to the Winnemucca Indian Colony and Fort McDermitt Paiute and Shoshone Tribe. The letter outlined that the Proposed

Action would not affect any prehistoric cultural sites. No comments were received from the tribes following receipt of the consultation letter. A consultation meeting was held with the Fort McDermitt Paiute and Shoshone Tribe on April 20, 2015 during which the Proposed Action was discussed: The tribe had no questions or concerns regarding the Proposed Action at that time. Both tribes were also sent a copy of the Preliminary EA in December 2015, along with a letter asking for any comments or concerns related to the project. No comments were received from the tribes following receipt of the Preliminary EA. Based on the size and scope of the Proposed Action the BLM determined that the steps taken to conduct government-to-government consultation with the tribes were both appropriate and adequate.

### Cooperating Agencies

Early coordination with the Nevada Department of Wildlife regarding the Proposed Action indicated that there were no major wildlife concerns requiring their dedicated attention, and therefore cooperating agency status was declined. No other potential cooperating agencies were identified during scoping.

### Intergovernmental Partners

Under the Federal Land Policy and Management Act (FLPMA) of 1976, the BLM's coordination responsibilities include maximizing consistencies with the plans and policies of other government entities. Coordination with the Nevada Division of Environmental Protection – Bureau of Mining Regulation and Reclamation (BMRR) has occurred throughout the course of the NEPA process. The BMRR often assists the BLM with reviews of the Plan of Operations and Reclamation Plan, baselines reports, and environmental studies. Regular coordination also occurs with the NDOW on all mining and exploration projects to determine their level of participation. In the case of South Sleeper, NDOW declined to participate as a cooperating agency but continued to provide useful information regarding known resources, habitats, and potential wildlife conflicts. The U.S. Fish and Wildlife Service helped determine the scope of baseline survey needs for raptors and Threatened or Endangered species near the Project Area. Similarly, the Nevada Natural Heritage Program provided a list of potential sensitive plants in the vicinity of the Project Area.

### Public Involvement

#### *Scoping*

A scoping process was conducted in order to determine the scope of this environmental analysis. Internal scoping that involved the BLM staff identified resources that may require analysis. As part of the preparation of the EA, BLM solicited comments in writing from numerous agencies, organizations, and the general public. A letter and map were sent to potentially interested members of the public on July 2, 2014. The scoping letter and map were also posted on the BLM's Winnemucca District National Environmental Policy Act (NEPA) Web page. The comment period was open for 30

days. Issues identified in both the internal and external scoping were used to develop the EA.

### *Preliminary EA*

On December 15, 2015, letters announcing the availability of the Preliminary EA were sent to interested parties and the Preliminary EA was made available for a 30-day public comment period through the BLM ePlanning NEPA Register. No comments were received.

### **Authority**

1. Surface Management Regulations (43 CFR 3809.400 and 43 CFR 3715);
2. Mining Law of 1872 (30 U.S.C. §§ 22-42) as amended;
3. Federal Land Policy and Management Act of 1976 (43 U.S.C. §§ 1701) as amended;
4. Surface Resources Act of 1955;
5. Mining and Mineral Policy Act of 1970.

### **Appeal of the Decision**

A person who wishes to appeal to the Interior Board of Land Appeals must do so under 43 CFR 4.411 and must file in the office of the officer who made the decision (not the board), in writing to Steve Sappington, Field Manager, Humboldt River Field Office, Winnemucca District, 5100 East Winnemucca Boulevard, Winnemucca, Nevada 89445. A person served with the decision being appealed must transmit the notice of appeal in time to be filed in the office where it is required to be filed within thirty (30) days after the date of service.

The notice of appeal must give the serial number or other identification of the case and may include a statement of reasons for the appeal, a statement of standing if required by § 4.412(b), and any arguments the appellant wishes to make. Attached Form 1842-1 provides additional information regarding filing an appeal.

No extension of time will be granted for filing a notice of appeal. If a notice of appeal is filed after the grace period provided in §4.401(a), the notice of appeal will not be considered and the case will be closed by the officer from whose decision the appeal is taken. If the appeal is filed during the grace period provided in §4.401(a) and the delay in filing is not waived, as provided in that section, the notice of appeal will not be considered and the appeal will be dismissed by the Board.

The appellant shall serve a copy of the notice of appeal and any statements of reason, written arguments, or briefs under §4.413 on each adverse party named in the decision

from which the appeal is taken and on the Office of the Solicitor, Pacific Southwest Regional Solicitor, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, California 95825-1890.

Service must be accompanied by personally serving a copy to the party or by sending the document by registered or certified mail, return receipt requested, to the address of record in the bureau, no later than 15 days after filing the document.

In addition, within thirty (30) days of receipt of this decision you have the right to file a petition for a stay together with your appeal in accordance with the regulations at 43 CFR 4.21. The petition must be served upon the same parties specified above.

Pursuant to 43 CFR 4.471(c), a petition for stay, if filed, must show sufficient justification based on the following standards:

- 1) The relative harm to the parties if the stay is granted or denied;
- 2) The likelihood of the appellant's success on the merits;
- 3) The likelihood of immediate and irreparable harm if the stay is not granted; and,
- 4) Whether the public interest favors granting the stay.

43 CFR 4.471 (d) provides that the appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

At the conclusion of any document that a party must serve, the party or its representative must sign a written statement certifying that service has been or will be made in accordance with the applicable rules and specifying the date and manner of such service (43 CFR 4.422(c)(2)).



Steve Sappington  
Field Manager  
Humboldt River Field Office

3-11-2016  
Date

Enclosures:  
Finding of No Significant Impact  
Appeal Form 1842-1