

**FINAL ENVIRONMENTAL ASSESSMENT  
FINDING OF NO SIGNIFICANT IMPACT &  
DECISION RECORD**

**TEMPORARY LAND CLOSURE**

**UNITED COMSTOCK MERGER  
MILL AT AMERICAN FLAT -  
DEMOLITION PROJECT  
STOREY COUNTY, NEVADA**

DOI-BLM-NV-C020-2015-0002-EA

U.S. Department of the Interior  
Bureau of Land Management  
Carson City District  
Sierra Front Field Office  
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It is the mission of the Bureau of Land Management to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations.

DOI-BLM-NV-C020-2015-0002-EA

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- A Closure Area Location Map
- B Closure Area Site Map

## **1.0 INTRODUCTION**

The Bureau of Land Management (BLM), Sierra Front Field Office, has prepared this final environmental assessment (EA) to evaluate the potential impacts to the human environment from a Proposed Action designed to mitigate hazards to human health posed by demolition activities at the United Comstock Merger Mill at American Flat (AFM).

### **1.1 Background**

The circa 1920's AFM site is located in Storey County, Nevada (Figure 1-1, also Attachment A). The site is located within the northeast quarter of Section 7, Township 16 North, Range 21 East of the Mt. Diablo Meridian, and is approximately 1.25 miles northwest of Silver City, Nevada, and is 12 road miles northeast of Carson City, Nevada. The eight buildings which comprise the AFM site consist of badly decaying concrete, exposed reinforcing steel, and broken structural members.

The AFM site has long been an attractive nuisance appealing to the public who use it for unapproved activities such as: partying; posting graffiti; and playing paintball games. Other members of the public visit the site to take photographs and to view the historic structures. While inside or near the unstable concrete mill buildings, the public is exposed to a number of physical hazards including: falling or collapsing concrete structures; underground mill sumps filled with water; unmarked voids and tunnels; and holes in the concrete flooring.

In response to a fatality which occurred in 1996, the BLM officially closed a ten acre area encompassing the AFM site to public entry on January 21, 1997 (FR Vol. 61, No. 246, p. 67343). In addition the BLM implemented land use restrictions over the area surrounding the AFM site upon which: "Public use activities on one hundred ninety (190) acres of public land surrounding the American Flat Mill site are restricted and/or prohibited." Beginning in 1998, the BLM has repeatedly fenced, gated, and posted closure signs at the AFM site, and scarified access roads for public safety. The BLM later revised the closure area to allow non-motorized access into the AFM site but maintained strict perimeters around the buildings wherein no entry was allowed. A 2008 audit of the site by the Department of the Interior, Office of Inspector General (OIG) found the property to be a high-risk liability to the U.S. Government.

### **1.2 Purpose and Need**

To comply with the direction of the OIG that the BLM "identify and resolve trespassing on abandoned mine sites and assess and mitigate hazards associated with these sites" (DOI 2008), the BLM prepared the *Final Environmental Assessment, United Comstock Merger Mill at American Flat* (DOI-BLM-NV-C020-12-0040-EA) (BLM 2013). The Finding of No Significant Impact and Decision Record (FONSI/DR) issued on April 3, 2013 and associated with that Final Environmental Assessment (EA), supported demolition of all eight buildings at the AFM site, burying the demolition debris on site, and reclaiming the site to achieve a natural appearance.

This final EA is being prepared to evaluate the Proposed Action to temporarily expand the existing closure to facilitate better management of the AFM site and vicinity during demolition and reclamation activities. Following the 24-month period over which the AFM site is demolished and reclaimed, all public land closures would be lifted.

### **1.3 Scoping and Issues Identification**

The need for this action was discussed by an interdisciplinary group on September 3, 2014.

### **1.4 Decision to be made**

The decision to be made is whether or not to temporarily close public land to entry for a period not to exceed 24-months in an area where certain public land use activities are already restricted and/or prohibited.

### **1.5 Land Use Plan Conformance Statement**

The Proposed Action and the No Action Alternative described in this Environmental Assessment (EA) are in conformance with the Carson City District Office Consolidated Resource Management Plan (CRMP) (BLM 2001) – SOP-1:

- “An environmental review (i.e. environmental assessment) will be prepared before projects are developed except when they are covered by categorical exclusion or previous analysis deemed adequately through a determination of NEPA adequacy (DNA) so that implementation, modification, or abandonment of the project may be considered depending on identified impacts.”

### **1.6 Relationships to Statutes, Regulations, and Other Plans**

The BLM is responsible for the preparation of this final EA, which was prepared in conformance with the policy guidance provided in the BLM’s NEPA Handbook (BLM Handbook H-1790-1) and the Sierra Front Field Office Guidebook for Environmental Assessments (BLM 2014).

The Proposed Action is consistent with all federal laws and regulations; other plans, programs, and policies of affiliated Tribes; other federal agencies, state, and local government, to the extent practical within federal law, regulation, and policy.

Authority for a temporary land closure is found at 43 CFR 8364.1

## **2.0 ALTERNATIVES**

### **2.1 Description of Alternatives**

#### ***2.1.1 Alternative A: Proposed Action***

The Proposed Action is temporary closure of one hundred ninety (190) acres of public land surrounding the AFM site to public entry for the duration of planned demolition and reclamation activities. The subject lands would be closed temporarily for a period not to exceed 24-months commencing in the fall of 2014 and in effect through the fall of 2016.

Temporary closure of the public lands would be initiated by publication of a Temporary Closure Notice in the *Federal Register*. Public land users wishing to use the lands for various purposes would be affected by the temporary closures. Also, roads leading into the public lands under notice would be posted to notify the public of the closure. The notice and communication plan would be posted on the BLM web site and the public room at the Nevada State Office.

The affected public lands are located as follows:

T. 16 N., R. 21 E., Mt. Diablo Meridian;  
section 6, E1/2SE1/4SE1/4, SE1/4NE1/4SE1/4 (approximately 30 acres), and;  
section 7, NE1/4 (approximately 160 acres).

#### ***2.1.1.2 Resource Commitments***

After notification and posting of the expanded closure area, resource commitments pertaining to the Proposed Action would be the same as with the No Action alternative.

#### ***2.1.2 Alternative B: No Action***

Under the No Action Alternative, the Proposed Action would not be approved and the lands would remain under the current management actions. Members of the public could be in danger from incidents involving the use of heavy equipment or explosives during demolition and reclamation activities.

Under the No Action Alternative, the BLM would continue to enforce the closure to public entry which applies to the immediate 10 acre area encompassing the AFM site which commenced on January 21, 1997 (FR Vol. 61, No. 246, p. 67343). That closure prohibits all public use except authorized scientific uses and mining operations. The BLM would also continue to enforce the restrictions and prohibitions applicable to the 190 acre restricted area adjacent to the 10-acre public entry closure. The general public may occupy the restricted lands during daylight hours only (sunrise to sunset). Motorized vehicles must remain on existing, well established dirt access roads. These roads are not maintained. Use of the roads is at the discretion of the users. Roads within the restricted area are Open to motorized use unless posted Closed. Prohibited activities include: Use of a weapon or firearm for any purpose other than the taking of game in accordance with State of Nevada hunting regulations; camping; campfires; use of fireworks; detonation of explosive devices or rockets; painting of graffiti and possession of paint or spray paint cans; use of a motorized vehicle on a road posted Closed to such use.

### **3.0 AFFECTED ENVIRONMENT**

This chapter identifies and describes the current condition and trend of elements or resources in the human environment which may be affected by the Proposed Action or Alternatives.

#### **3.1 Setting**

The AFM site is located along the eastern edge of American Flat, a large bowl-shaped area, south of Gold Hill, and west of Silver City, Nevada. American Flat is bounded on the east by Harford Hill and on the north and west by the Virginia Range. A ridge from McClelland Peak to Beacon Hill, Basalt Hill, and Grizzly Hill forms the southern boundary of American Flat. Topography at the site ranges from moderate to gently sloping and elevations range from 5,320 to 5,480 feet above sea level (Zeier et al. 2009).

##### ***3.1.1 Resources Considered for Analysis***

The BLM is required to address specific elements of the environment that are subject to requirements in statute, regulation or by executive order (BLM 2008). Table 3-1 lists the elements that must be addressed through environmental analysis and indicates whether the alternatives affect those elements. Other resources of the human environment that have been considered for analysis are listed in Table 3-2.

**Table 3-1. Supplemental Authorities\*.**

Resource	Present Yes/No	Affected Yes/No	Rationale
Air Quality	Y		This resource is present however this action is administrative only and would not affect this resource.
Areas of Critical Environmental Concern	N		Resource not present.
Cultural Resources	Y		This resource is present however this action is administrative only and would not affect this resource.
Environmental Justice	N		Resource not present.
Farm Lands (prime or unique)	N		Resource not present.
Floodplains	N		Resource not present
Invasive, Non-Native Plant Species	Y		This resource is present however this action is administrative only and would not affect this resource.
Migratory Birds	Y		Resource not present.
Native American Religious Concerns	N		This resource is present however this action is administrative only and would not affect this resource.
Threatened or Endangered Species (animals)	N		Resource not present.
Threatened or Endangered Species (plants)	N		Resource not present.
Wastes, Hazardous or Solid	N		Resource not present.
Water Quality (Surface/Ground)	Y		This resource is present however this action is administrative only and would not affect this resource.
Wetlands/Riparian Zones	Y		This resource is present however this action is administrative only and would not affect this resource.
Wild and Scenic Rivers	N		Resource not present.
Wilderness/WSA	N		Resource not present.

*\*See H-1790-1 (January 2008) Appendix 1 Supplemental Authorities to be Considered.*

*Supplemental Authorities determined to be Not Present or Present/Not Affected need not be carried forward or discussed further in the document.*

*Supplemental Authorities determined to be Present/May Be Affected may be carried forward in the document.*

**Table 3-2. Resources or Uses Other Than Supplemental Authorities.**

Resource or Issue**	Present Yes/No	Affected Yes/No	Rationale
BLM Sensitive Species	Y		This resource is present however this action is administrative only and would not affect this resource.
Fire Management	N		Resource not present.
Forest Resources	N		Resource not present.
General Wildlife	Y		This resource is present however this action is administrative only and would not affect this resource.
Global Climate Change	N		Resource not present.
Greenhouse Gas Emissions	N		Resource not present.
Land and Realty	Y		This resource is present however this action is administrative only and would not affect this resource.
Lands with Wilderness Characteristics	N		Resource not present.
Livestock Grazing	N		Resource not present.
Minerals	N		Resource not present.
Paleontological	N		Resource not present.
Public Safety	Y	Y	Carried forward for analysis.
Recreation	Y		This resource is present however this action is administrative only and would not affect this resource.
Socioeconomics	N		Resource not present.
Soils	N		Resource not present.
Travel Management	N		Resource not present.
Vegetation	Y		This resource is present however this action is administrative only and would not affect this resource.
Visual Resources	N		Resource not present.
Wild Horses and Burros	N		Resource not present.

*\*\*Resources or uses determined to be Not Present or Present/Not Affected need not be carried forward or discussed further in the document.*

*Resources or uses determined to be Present/May Be Affected may be carried forward in the document.*

### **3.2 Public Safety**

Public health and safety could be jeopardized if the lands are not closed to public entry during demolition and reclamation activities at the AFM site. Heavy equipment and/or explosives used in building demolition pose a potential danger to any member of the public present on the affected lands. After demolition, heavy equipment would continue working on the affected lands constructing repositories, excavating borrow material and reclaiming disturbance areas.

## **4.0 ENVIRONMENTAL CONSEQUENCES**

The environmental consequences of maintaining existing management actions or temporarily closing additional public lands to entry for the duration of demolition and reclamation activities are evaluated in this chapter.

### **4.1 Introduction**

The BLM prepared a Final EA and associated FONSI/DR supporting demolition of all eight buildings at the AFM site, burying the demolition debris on site, and reclaiming the site to achieve a natural appearance. The BLM is now in the process of contracting out that demolition and is considering expanding the existing closure area at the AFM site to provide an additional measure of safety for both the demolition contractor and the public.

### **4.2 Public Safety**

This section describes how each alternative responds to the physical safety hazards present at the AFM site, how implementation of the measures would address the hazards, and provides a relative comparison of the effectiveness of the measures. Probable effects are considered in both the short-term and long-term.

#### ***Alternative A: Proposed Action***

The Proposed Action would temporarily close one hundred ninety (190) acres of public land surrounding the AFM site to public entry for the duration of demolition and reclamation activities. Temporarily expanding the closure area to encompass all areas where demolition related activities may be taking place would allow BLM to more effectively manage the affected lands during demolition and reclamation activities. This would result in a direct benefit to public health and safety. After demolition and reclamation are completed, all public land closures would be lifted and only minimal restrictions may remain in effect until reclaimed areas achieve a sustainable condition. Temporarily expanding the current ten (10) acre closure area at the AFM site to include the current one hundred and ninety (190) acre area of restricted use would have negligible impact to any resources on the public lands.

#### ***Alternative B: No Action***

The No Action Alternative would include the continuation of current management actions at the AFM site. The BLM would continue enforcement of the current ten (10) acre closure to public entry, while restricting and/or prohibiting certain land use activities on one hundred ninety (190) acres of public land surrounding the AFM site. Roads within the restricted area could be closed to motorized vehicles. However, the general public could continue to traverse restricted lands by non-motorized methods during daylight hours (sunrise to sunset), including some areas where demolition related work would be occurring (i.e. borrow sites and staging areas). Because the closure associated with the No Action alternative does not prohibit public access to all areas where demolition related work would be occurring, public health and safety could be impacted during demolition and reclamation activities. After demolition and reclamation are completed, the public land closure would be lifted and only minimal restrictions may remain in effect until reclaimed areas achieve a sustainable condition. Continuing to enforce the current ten (10) acre closure, while restricting use on one hundred ninety (190) acres of public land surrounding the AFM site, would have negligible impact to any resources on the public lands.

## **5.0 CUMULATIVE EFFECTS**

A cumulative effect is defined under NEPA as “the change in the environment which results from the incremental impact of the action, decision, or project when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (federal or non-federal) or person undertakes such other action”. “Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time” (40 CFR Part 1508.7). Past, present, and reasonably foreseeable future actions are analyzed to the extent that they are relevant and useful in analyzing whether the reasonably foreseeable effects of the Proposed Action and/or Alternatives may have an additive and significant relationship to those effects.

### **5.1 Public Safety**

All resource values have been evaluated for cumulative impacts. It has been determined that cumulative impacts would be beneficial as a result of the Proposed Action since the closure is temporary (not to exceed 24-months), and only applies to public land where existing land use restrictions/prohibitions already apply.

## 6.0 CONSULTATION AND COORDINATION

### 6.1 Public Review and Comment

The *American Flat/United Comstock Mill Demolition Project Temporary Land Closure Draft Environmental Assessment* (DOI-BLM-NV-C020-2015-0002-EA) had been made available for public review for 15-days. The BLM received three non-substantive comment letters or emails.

### 6.2 Individuals, Tribes, Organizations and Agencies Consulted

Due to the limited nature of this administrative action, the BLM has provided notification to the public through a press release.

### 6.3 List of Preparers

BLM staff that contributed to this document.

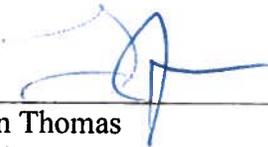
Name	Resource
Brian Buttazoni	NEPA Compliance
Dan Erbes	Geologist/Hazardous Materials Coordinator

## 7.0 REFERENCES

- Bureau of Land Management (BLM). 2001. *Carson City Field Office Consolidated Resource Management Plan (CRMP), Carson City, Nevada*. U.S. Department of the Interior. May.
- \_\_\_\_\_. 2008. *National Environmental Policy Act Handbook (H-1790-1)*. U.S. Department of the Interior. January.
- \_\_\_\_\_. 2013. *Final Environmental Assessment, United Comstock Merger Mill at American Flat (DOI-BLM-NV-C020-12-0040-EA)*. March.
- \_\_\_\_\_. 2014. *Sierra Front Field Office Guidebook for Environmental Assessments*. January.
- U.S. Department of the Interior (DOI). 2008. *Audit Report Abandoned Mine Lands in the Department of the Interior, C-IN-MOA-0004-2007*. Office of Inspector General. July.
- Zeier, C., R. Reno, and M. Drews. 2009. *An Architectural and Archaeological Inventory of the American Flat Mill, Storey County, Nevada*. August.

## 8.0 FINDING OF NO SIGNIFICANT IMPACT

Based on the analysis of potential environmental impacts contained in this Final EA, and considering the significance criteria found in 40 CFR 1508.27, I have determined that the Proposed Action, will not have a significant effect on the human environment. An environmental impact statement (EIS) is not required.

  
\_\_\_\_\_  
Leon Thomas  
Field Manager  
Sierra Front Field Office

10-23-14  
\_\_\_\_\_  
Date

## 9.0 DECISION

It is my Decision to approve the action as proposed and issue a Notice of Temporary Closure of Public Lands for publication in the *Federal Register* under the provisions of the Federal Land Policy Management Act (90 Statute 2743; U.S.C. 1701) and regulations contained in 43 CFR 8364.1.

This EA may also be used to approve issuance of additional Federal Register notices as deemed necessary to facilitate the described activities, subject to any changes in appropriate policies, regulations or statutes.

The public lands identified for temporary closure are described as follows:

### Mount Diablo Meridian Nevada

T. 16 N., R. 21 E.,  
sec. 6, E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
sec. 7, NE $\frac{1}{4}$ .

The area described contains 190 acres, more or less.

The Proposed Action would not apply to private lands within the temporary closure area.

  
\_\_\_\_\_  
Leon Thomas  
Field Manager  
Sierra Front Field Office

10-23-14  
\_\_\_\_\_  
Date

## **APPEAL PROCEDURES**

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with 43 CFR Part 4. If you appeal, your appeal must also be filed with the Bureau of Land Management at the following address:

Leon Thomas  
Field Manager  
BLM, Sierra Front Field Office  
5665 Morgan Mill Road  
Carson City, NV 89701

Your appeal must be filed within thirty (30) days from receipt or issuance 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 regulation 43 CFR 4.21 (58 FR 4942, January 19, 1993) for a stay (suspension) of the decision during the time that your appeal is being reviewed by the Board, the petition for stay must accompany your notice of appeal. Copies of the notice of appeal and petition for a stay must also be submitted to:

Board of Land Appeals  
Dockets Attorney  
801 N. Quincy Street, Suite 300  
Arlington, VA 22203

A copy must also be sent to the appropriate Office of the Solicitor at the same time the original documents are filed with the above office.

U.S. Department of the Interior  
Office of the Regional Solicitor  
Pacific Southwest Region  
2800 Cottage Way, Room E-1712  
Sacramento, CA 95825

If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for a stay is required to 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 appellants success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether the public interest favors granting the stay.

The Office of Hearings and Appeals regulations do not provide for electronic filing of appeals. Electronically filed appeals will therefore not be accepted.