

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

DOI-BLM-NV-B010-2015-0015-EA

FINDING OF NO SIGNIFICANT IMPACT

I have reviewed Environmental Assessment (EA) DOI-BLM-NV-B010-2015-0015-EA dated March 2015. After consideration of the environmental effects as described in the EA (and incorporated herein) I have determined that the Proposed Action with the applicant committed practices 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 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-B010-2015-0015-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 BLM, Mount Lewis Field Office (MLFO), has prepared an EA, DOI-BLM-NV-B010-2015-0015-EA that analyzes the affected environment and, environmental impacts, and identifies environmental protection measures associated with the Eureka Moly, LLC (EML) Mount Hope Project Amendment to the Plan of Operations (APO) titled *Mount Hope Project Plan of Operations Amendment and Application for Reclamation Permit Modification* for the Mount Hope Project (Project) Environmental Assessment. To perform the proposed activities, EML submitted to the BLM, the APO in February 2014, and subsequent revisions in June 2014, August 2014, and November 2014 in accordance with the BLM Surface Management Regulations 43 Code of Federal Regulations (CFR) 3809, as amended. It has been assigned BLM case file number NVN-082096 (14-2A). The Plan boundary includes approximately 23,065 acres and there are approximately 22,760 acres of public land and approximately 305 acres of private land. The Project is located in all or parts of Sections 2 through 5, Township 20 North, Range 50 East, (T20N, R50E); Sections 1 through 3, 11 through 14, 23, 25, 26, and 32 through 36, T21N, R50E; Sections 1, 7, 8, 12, 16 through 18, and 31, T21N, R51E; Sections 4

through 9, T21N, R52E; Section 36, T21.5N, R51.5E; Sections 31 through 33, T21.5N, R52E; Section 36, T22N, R50E; Sections 1, 2, 11 through 15, and 20 through 36, T22N, R51E; Sections 1, 12, 13, 24, 25, and 36, T22N, R51.5E; Sections 6 through 8, 17 through 20, and 29 through 32, T22N, R52E; Sections 25, 35, and 36, T23N, R51E; and Section 31, T23N, R52E, Mount Diablo Base and Meridian, Eureka County, Nevada.

For a complete description of the proposed Project, please refer to the EA, Section 2.1, Proposed Action. This section also describes how EML will conduct construction, mining, and milling operations, and reclamation and closure at the Project in accordance with the approved Mount Hope Plan of Operations (NVN-082096) and Reclamation Permit 2012 (EML 2012) and the Mount Hope Project Final Environmental Impact Statement (FEIS), dated October 2012 (NV063-EIS07-019).

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 Chapter 3 of the EA include the following: potential for spread of noxious weeds and invasive, non-native species within the Project Area; temporary vegetation loss; temporary wildlife habitat loss and displacement due to Project activities and human presence; impacts to special status species/habitat; and potential release of hazardous materials. Many of these impacts would be minimized by the Applicant Committed Practices (ACPs) outlined in the approved EML 2012 Plan as well as by the concurrent reclamation and other measures required in the APO.

EML would adhere to ACPs/mitigation as established by the BLM for Greater sage-grouse lek/strutting grounds and for known nesting and brood rearing areas as described in the Final EIS 2012 (BLM 2012). The FEIS stated there was approximately 9,027 acres of Preliminary Priority Habitat (PPH) and approximately 4,173 acres of Preliminary General Habitat (PGH) in the approved 2012 Project Area. Based on recent Nevada BLM guidance provided in IM NV-2015-017, the BLM has adopted the following new Greater sage-grouse habitat categories: High (equivalent to the previous PPH designation); Moderate (equivalent to the previous PGH designation); Low; and Non-habitat. Based on the new Greater sage-grouse habitat categories, activities associated with the approved 2012 Plan of Operations would have disturbed approximately 6,408 acres classified as High, approximately 1,834 acres classified as Moderate, approximately 14 acres classified as Low, and approximately six acres classified as Non-Habitat. Proposed Project activities would disturb approximately 107 additional acres classified as High that includes the three acres of proposed disturbance in the proposed boundary expansion,

approximately 100 acres classified as Moderate, approximately four acres classified as Low, and approximately one acre classified as Non-Habitat. The mitigation measures identified in the Mitigation Summary Plan located in Appendix D of the FEIS, which describes off-site restoration/enhancement at a 3 to 1 ratio for the loss of PPH and a 2 to 1 ratio for the loss of PGH may require modification based on the new habitat requirements/maps (Appendix D, BLM 2012). The BLM may elect to conduct field verification, in coordination with NDOW, of Greater sage-grouse habitat based on the recent Nevada BLM guidance provided in IM NV-2015-017 and adjust off-site mitigation obligations accordingly.

There were three active lek sites identified within four miles of the proposed expansion area, including Henderson Pass, Kobeh Valley 1, and Roberts Creek 2. Noise evaluations were calculated at the Henderson Pass, Roberts Creek 2, and Lone Mountain 5 leks, along with an unnamed lek co-located with the Kobeh Valley 1 lek (M3 2014). Mitigation requirements identified in the Final EIS state that sound levels of ten decibels above ambient levels (30 decibels) be achieved at each active lek location during operation of the sound-producing facilities in the well field, identified as above ground pumps, including line shaft pumps for production wells, and pumps mounted on booster station tanks. Noise levels were calculated within a five-mile radius of each lek. Noise levels at all four lek locations were determined to be below 30 decibels when calculated for all above ground pumps. Noise levels were calculated based on the assumed noise output and sound frequency of the pumps and the assumed sound-dampening achieved by acoustic panels. Any additional noise monitoring activities that would take place for this Project at the identified lek sites during noise-producing activities would follow accepted BLM noise monitoring protocols. If the noise monitoring shows that the booster pumps increase the noise at the leks to a level above established thresholds (more than 30 A-weighted decibels (dba)), the amount of acoustic paneling would be adjusted accordingly to meet the noise threshold at the lek or additional noise dampening measures may be considered (i.e. earthen berms).

Any construction activities associated with the Proposed Action as well as vehicle travel would comply with the seasonal restrictions identified in the Mitigation Summary Plan located in Appendix D of the Final EIS (BLM 2012).

A Class III cultural resource survey was conducted within the Area of Potential Effect (APE) in 2008 for the approved 2012 Plan. The APE included the approved 2012 Project Area and a one-mile buffer. Mitigation measures identified for the Final EIS (BLM 2012, Section 3.21.3.3) would continue to be implemented for the Proposed Action that is located within the 2008 APE. A new cultural resources measure has been added to this Project. Within the expanded portion of the Project Area, EML would avoid all National Register of Historic Places (NRHP)-eligible sites and/or contributing elements of eligible cultural Districts by a buffer zone of 100 feet. If deemed necessary by the BLM, EML would place a qualified archaeologist on site during surface disturbing activities near known cultural resources to monitor Project implementation and ensure eligible cultural sites are avoided.

Travel on dirt roads and construction activities within the Project Area have the potential to create fugitive dust and vehicle emissions. Fugitive dust would be controlled by minimizing surface disturbance and complying with current air quality permit conditions described in Chapter 3 of the EA and outlined in the FEIS. The potential impacts would be temporary and

would cease upon completion of the Project and successful revegetation of the surface disturbance.

The EA addresses visual resources in Chapters 3 and 4. The impacts to visual resources by the proposed action would be short term. Successful reclamation of the site would minimize the linear contrasts with the natural landscapes caused by project roads. These proposed changes may attract attention, but would not dominate the view of the casual observer as described in Section 3.7.3 of the FEIS. The Project Area is located in an area designated as VRM Class III and IV and the Project meets all of the requirements associated with that classification. Additionally, the Pony Express historic trail access impacts that were analyzed in the FEIS would not change with the Proposed Action (BLM 2012, pages 3-591 to 3-593). As stated in Mitigation Measure 3.20.3.3-1 in the FEIS (BLM 2012, page 3-592), EML will be required to submit photodocumentation from segments along the trail that would be visually impacted by Project activities to capture the setting and feel of the Pony Express Trail adjacent to the Project.

Impacts that will be avoided or minimized by operating and reclamation measures committed to by EML are presented in Chapter 2 and by the required regulatory performance standards. Reclamation and revegetation of the Project disturbance would gradually reestablish soils, vegetative cover and wildlife habitat. None of the environmental impacts disclosed above and discussed in detail in Chapter 3 of the EA are considered significant.

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 Environmental Protection (NDEP) "Revised Guidelines for Successful Mining and Exploration Revegetation."

Under the No Action Alternative, EML would not conduct additional surface disturbance activities, add new facilities, or expand their Project boundary from the approved 2012 Plan. EML would continue construction and operation activities under the approved 2012 Plan.

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

The effects of the Proposed Action on both employees and public health and safety are considered to be positive. Compliance by EML with both BLM and NDEP mining regulations, along with compliance with the Mine Safety and Health Administration's regulations would ensure employee and public safety.

Through adherence to ACPs, and Best Management Practices (BMPs), the Proposed Action would not result in potentially substantial or adverse impacts to public health and safety. As outlined above, EML would continue to commit to following ACPs described in the approved 2012 Plan (Section 2.1.14.1) that would prevent undue and unnecessary degradation during the life of the Project. Public safety would be maintained throughout the life of the Project. EML would commit to following environmental protection measures to ensure public health and safety as outlined in the approved 2012 Plan, FEIS, and ROD.

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 Area is located in Eureka County, approximately 23 miles northwest of Eureka, Nevada. There are no park lands, prime farmlands, or wild and scenic rivers in the vicinity.

There are known significant cultural resources located within the Project Area. The Proposed action activities will avoid all eligible or unevaluated cultural sites.

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 Project activities, along with associated reclamation are well established. The Project Area is isolated from human habitations. Except for mineral mining and recreation uses, the Project Area is typically uninhabited.

The 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. Project 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 Chapter 3 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 projects including additional actions at the Project Area. 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 Chapter 3 (Environmental Consequences) of the EA. None of the environmental impacts disclosed under item 1 above and discussed in detail in Chapter 3 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 Areas 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.

A Class III cultural resource survey was conducted within the Area of Potential Effect (APE) in 2008 for the approved 2012 Plan. The APE included the approved 2012 Project Area and a one-mile buffer. Mitigation measures identified in the FEIS (BLM 2012, Section 3.21.3.3) would continue to be implemented for the Proposed Action that is located within the 2008 APE.

For Proposed action activities, EML has committed to avoiding all known eligible and unevaluated sites, as described in Chapter 3 of the EA. Inadvertent discoveries of previously undetected cultural resources would be treated as required under 43 CFR 10.4 and 43 CFR 3908.420(8)(b). Any such discovery would be immediately reported to the authorized BLM officer. All operations in the immediate area of the discovery would be suspended, and the site would be protected until the authorized officer could develop an appropriate plan for management of the resource.

EML would not knowingly disturb, alter, injure, or destroy any scientifically important paleontological deposits. In the event that previously undiscovered paleontological resources are discovered by EML in the performance of any surface disturbing activities, the item(s) or condition(s) would be left intact and immediately brought to the attention of the authorized officer of the BLM. If significant paleontological resources are found, avoidance, recordation, and/or data recovery would be required.

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, the Nevada Natural Heritage Program (NNHP), and NDOW were contacted to obtain a list of threatened, endangered, and sensitive species that have the potential to occur within the Project Area. In addition, the BLM Sensitive Species List and Special Status Species lists for the Battle Mountain District were evaluated.

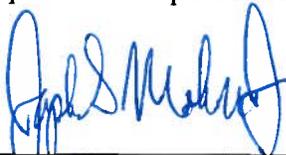
The NNHP database was queried to determine the presence or absence of special status wildlife species in the area of the Proposed Action. Information from the NNHP indicates that no federally threatened or endangered plant or animal species have the potential to occur within the Project Area.

Potential impacts to Greater sage-grouse were outlined under item 1 above and impacts to special status species or their habitat from the Proposed Action are analyzed in Chapters 3 and 4 of the EA. These impacts are expected to not be significant, based on the implementation of the design features and ACPs outlined in Chapter 2 of the FEIS.

The action complies with the Endangered Species Act, in that potential effects of the Decision approving the Plan 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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4-23-15

Date

