

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

DOI-BLM-NV-B010-2015-0029-EA

FINDING OF NO SIGNIFICANT IMPACT

I have reviewed Environmental Assessment (EA) DOI-BLM-NV-B010-2015-0029-EA dated June 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 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-B010-2015-0029-EA has been reviewed through the interdisciplinary team process, as well as 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 to analyze the impacts of conducting exploration-related activities at the Toiyabe Exploration Project (Project) by Golden Oasis Exploration (GOE). To perform the exploration, GOE submitted to the BLM, the Plan of Operations (Plan). The Plan was initially submitted to the BLM 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-091265. The Project Area includes approximately 802 acres. The Project is located in all or parts of Sections 7 and 18, Township 25 North, Range 47 East (T25N, R47E), and Sections 12 and 13, T25N, R46E, Mount Diablo Base and Meridian (Project Area). The Project is located on public lands administered by the Bureau of Land Management (BLM), Mount Lewis Field Office (MLFO). The Project is located approximately 40 miles southeast of Battle Mountain.

In Phase I, GOE will expand the Notice-level (NVN-087765) disturbance of 4.9 acres up to 10.1 acres within the 802-acre Project Area. The total proposed disturbance for the remaining Phases of the Project is up to 100 acres as analyzed in the Environmental Assessment.

GOE proposes to conduct exploration-related activities that would create approximately 95.1 acres of new surface disturbance for a total Project-related disturbance of approximately 100 acres to facilitate the development of the authorized phased exploration project. However, current disturbance of 4.9 acres will be expanded by an additional 5.2 acres for a total of 10.1 acres in the first phase. This additional disturbance proposed under this environmental analysis is primarily attributable to: exploration (reverse circulation [RC] and core) drilling; construction of roads, drill pads and sumps; trenching and bulk sampling; potential installation of ground water monitoring and production wells, and a meteorological station; geophysical surveys; reclamation; and utilization and maintenance, as necessary, of existing roads used to access the exploration sites. A Plan of Operations #NVN-091265/Nevada Reclamation Permit Application (Plan) was submitted to the BLM and the Nevada Division of Environmental Protection (NDEP) Bureau of Mining Regulation and Reclamation (BMRR) in February 2013 (revised April 2013, July 2013, September 2014, and June 2015).

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 Chapter 3 of the EA include the following: potential for spread of noxious weeds, invasive and non-native species within the Project Area; temporary vegetation loss; temporary wildlife habitat loss and displacement due to Project activities and human presence; and potential release of hazardous materials, and drilling fluids. Many of these impacts would be minimized by the Environmental Protection Measures (EPMs) included in section 2.1.12 of the EA as well as by the concurrent reclamation and other measures required in the Plan.

The Reclamation Plan (EA Section 2.1.10), Monitoring (EA Section 2.1.11), and the following applicant-committed environmental protection measures (EA Section 2.1.12) constitute an integral part of the decision.

Impacts that would be avoided or minimized by operating and reclamation measures committed to by GOE and presented in the EA, 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 would 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."

The No Action Alternative represents no change to the current management direction. Under the No Action Alternative, exploration activities in the Project Area would continue for disturbance up to 4.9 acres under acknowledged Notice-level activity (NVN-087765).

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 GOE 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 applicant-committed environmental protection measures, and Best Management Practices (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.

As applicant committed measures, GOE would commit to the following environmental protection measures (EPMs) to prevent unnecessary or undue degradation during construction, operation, and reclamation of the Project. The measures are derived from the general requirements established in BLM's Surface Management Regulations at 43 CFR 3809 and BMRR mining reclamation regulations, as well as other water and air quality regulations.

- Emissions of fugitive dust from disturbed surfaces would be minimized by utilizing appropriate control measures. Surface application of water from a water truck and reduced speed limits on dirt access roads are the current methods of dust control. A Surface Area Disturbance Permit and Dust Control Plan have been obtained since the Project exceeds 20 acres in size.
- Pursuant to 43 CFR 10.4(g), GOE would notify the BLM-authorized officer, by telephone, and with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined in 43 CFR 10.2). Further pursuant to 43 CFR 10.4 (c) and (d), the operator would immediately stop all activities in the vicinity of the discovery and not commence again for a maximum of 30 days or when notified to proceed by the BLM-authorized officer.

- GOE would not knowingly disturb, alter, injure, or destroy any historical or archaeological site, structure, building, or object. If GOE discovers any cultural resource that might be altered or destroyed by operations, the discovery would be left intact and reported to the authorized BLM officer.
- In order to prevent impacts to cultural resources, GOE would avoid eligible or unevaluated cultural sites within the Project Area. GOE would ensure that eligible or unevaluated cultural sites within the Project Area are mapped and flagged by a qualified cultural resource specialist with a global positioning system unit prior to surface disturbance.
- Reseeding would be consistent with all BLM recommendations for seed mix constituents, application rate, and seeding methods.
- Final reclamation of constructed roads, sumps, and drill pads would consist of fully recontouring disturbances to their original grade and reseeding in the fall season immediately following completion of exploration activities.
- Drill pads and sumps would be reclaimed as soon as practicable after completion of data logging and sampling.
- All applicable state and federal fire laws and regulations would be complied with and all reasonable measures would be taken to prevent and suppress fires in the Project Area.
- In the event that the Project should start a fire, GOE would be responsible for all the costs associated with the suppression. The following precautionary measures would be taken to prevent and report wildland fires:
 1. All vehicles would carry fire extinguishers and a minimum of ten gallons of water;
 2. Adequate fire-fighting equipment (i.e., shovel, Pulaski, extinguishers), and a minimum of ten gallons of water would be kept at each drill site;
 3. Vehicle catalytic converters would be inspected often and cleaned of brush and grass debris;
 4. Welding operations would be conducted in an area free from or mostly free from vegetation. A minimum of ten gallons of water and a shovel would be on hand to extinguish any fires created from the sparks. Extra personnel would be at the welding site to watch for fires created by welding sparks. Welding aprons would be used when conditioned warrant (i.e. during red flag warnings);
 5. Wildland fires would immediately be reported to the BLM Central Nevada Interagency Dispatch Center (CNIDC) at (775) 623-3444. Information reported would include the location (latitude and longitude if possible), fuels involved, time started, who or what is near the fire, and the direction of fire spread; and
 6. When conducting operations during the months of May through September, the BLM Battle Mountain District Office, Division of Fire and Aviation would be contacted at (775) 635-4000 to determine if any fire restrictions are in place for the Project and to provide approximate beginning and ending dates for Project activities.

- Pursuant to 43 CFR 8365.1-1(b)(3), no sewage, petroleum products, or refuse would be dumped from any trailer or vehicle.
- Only nontoxic fluids would be used in the drilling process.
- Regulated wastes would be removed from the Project Area and disposed of in a state, federal, or local designated area.
- If a spill of a petroleum constituent is considered to meet the reportable quantity per the NDEP's guidelines (greater than 25 gallons or greater than three cubic yards of impacted material or any quantity if a water body is impacted), or a reportable quantity for hazardous waste is released based on the Federal Environmental Protection Agency guidelines established under Title III List of Lists (40 CFR Part 302), the NDEP would be notified within 24 hours, and the appropriate remedial actions and confirmation sampling would be conducted under direction of the NDEP.
- In order to avoid potential impacts to breeding migratory birds (including golden eagles [*Aquila chrysaetos*]), a nest survey would be conducted by a BLM-approved biologist prior to any surface disturbance associated with exploration activities during the avian breeding season (March 1 through July 31 for raptors, and April 1 through July 31 for other avian species). Pre-disturbance surveys for migratory birds are only valid for 14 days. If the disturbance for the specific location does not occur within 14 days of the survey, another survey would be needed. 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 after consultation with the BLM resource specialist, and the buffer area avoided to prevent destruction or disturbance to nests or birds until they are no longer actively breeding or rearing young. The site characteristics to be used to determine the size of the buffer area are as follows: a) 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. Seasonal disturbance restrictions surrounding occupied nests would remain in place until the young have fledged or the nest fails.
- In order to avoid potential impacts to the northern goshawk (*Accipiter gentilis*) nest identified in the Project Area, GOE would ensure that an annual nest survey is conducted by a BLM-approved biologist prior to any drilling, road construction, or vehicular travel that is planned to occur between March 1 and August 15. If the nest is found to be active then GOE would implement the following:
 1. Inform the BLM of the nest status;
 2. Not conduct drilling or road construction activities within a 0.5-mile buffer around the active nest during the northern goshawk breeding season of March 1 through August 15;

3. Only allow vehicles to travel along the access road to the east of the active nest (Figure 2.1.2) within the 0.5-mile buffer between March 1 and August 15 provided the vehicles do not stop; and
 4. Not allow vehicles to travel along the access road directly west of the active nest (Figure 2.1.2) between March 1 and August 15.
 5. If the annual nest check determines that the nest is not active, these restrictions would not apply.
- Noxious weeds would be controlled through implementation of the following BMPs: concurrent reclamation efforts; schedule weed management activities to maximize the effectiveness of control efforts on reclaimed areas; washing heavy equipment prior to entering the Project Area; and avoiding areas of known invasive, non-native, and noxious weeds during periods when the weeds could be spread by vehicles.
 - Noxious weeds can readily invade disturbed areas associated with exploration projects. GOE would be responsible for the following: 1) identifying noxious weeds in the Project Area (noxious weed information would be provided by the BLM); 2) excluding noxious weeds from disturbed areas until reclamation has been accepted and released; and 3) ensuring that all equipment is “weed free” before traveling to and from the Project Area so that noxious weeds are not spread to new locations. All vehicles originating from outside northern Nevada would be cleaned in a powerwash in Battle Mountain. When noxious weeds are encountered in the Project Area, documentation of their location and extent would be provided to the BLM as soon as possible. GOE would obtain approval from the BLM-authorized officer prior to any herbicide application. GOE would contact the BLM’s noxious weed program lead regarding any issues concerning noxious weeds.
 - To minimize the introduction of noxious weeds into the Project Area, the following preventative measures would be implemented by GOE: 1) stay on existing roads to and from the Project Area and in the Project Area; 2) use a certified weed-free seed mix during reclamation; 3) conduct concurrent reclamation when feasible; and 4) implement a weed monitoring and control program. The BLM would provide GOE with a color brochure, “Nevada Noxious Weed Field Guide,” a publication by the University of Nevada Cooperative Extension. Through Early Detection/Rapid Response, GOE would survey the Project Area annually to reduce the risk that invasive species become established. Control method(s) would be determined by a range of factors, even for small infestations. For more intensive infestations, GOE would consult with the BLM on containment or eradication measures.
 - Pursuant to 43 CFR 3809.420(b)(8)(ii), GOE would notify the BLM-authorized officer, by telephone, and with written confirmation, immediately upon the discovery of paleontological resources that are discovered as a result of surface disturbing activities, the item(s) or condition(s) would be left intact and immediately brought to the attention of the BLM. Further pursuant to 43 CFR 10.4(c) and (d), the operator would immediately stop all activities in the vicinity of the discovery and not commence again for 30 days of

when notified to proceed by the BLM-authorized officer. If significant paleontological resources are found, avoidance, recordation, and data recovery would be required.

- Public safety would be maintained throughout the life of the Project. All equipment and other facilities would be maintained in a safe and orderly manner.
- Activities would be restricted to frozen or dry ground conditions where feasible. Operations would be curtailed when saturated and soft soil conditions exist.
- In the event that any existing roads are severely damaged as a result of GOE activities, GOE would return them to their original condition.
- Any survey monuments, witness corners, or reference monuments would be protected to the extent economically and technically feasible.
- Reseeding would be consistent with all BLM recommendations for seed mix constituents, application rate, and seeding methods.
- All drill holes would be plugged in accordance with Nevada Revised Statute (NRS) 534,NAC 534.4369 and NAC 534.4371. If any drill hole produces artesian flow, the drill hole would be contained pursuant to NRS 534.060 and NAC 534.378 and would be sealed by the method described in NAC 534.4371. If casings are set in a drill hole, either the drill hole must be completed as a well and plugged pursuant to NAC 534.420, or the casings would be completely removed from the drill hole and then plugged in accordance with NAC 534.4369 and NAC 534.4371.
- Storm water BMPs would be used at the construction sites to minimize storm-water erosion.
- GOE would follow the Spill Contingency Plan in Appendix D of the Plan of Operations.
- Drill cuttings and fluids would be contained on site utilizing appropriate control measures. Sediment traps would be used as necessary and filled at the end of the drill program.
- Only nontoxic fluids would be used in the drilling process.
- No activities would block access to water, and human presence near water sources would be minimized to the extent possible.
- If operations cause a water source to become unavailable to wild horses, the Authorized Officer may require another water development to be constructed in the general area to provide adequate water for the wild horses. Additional measures for the protection of wild horses may be required, such as timing/seasonal restrictions and access route restrictions during the peak foaling period within the concentrated use areas identified in the HMA.
- GOE would immediately report any conflicts with or concerns about wild horses in the Project Area to the Field Office Wild Horse and Burro Specialist.

- All sumps and other small excavations that pose a hazard or nuisance to the public, wildlife, or livestock would be adequately fenced to preclude access, or constructed with a sloped end for easy egress.

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 Lander County, approximately 40 miles southeast of Battle Mountain, Nevada. There are no park lands, prime farmlands, or wild and scenic rivers in the vicinity.

Based on the results of the Class III cultural resources inventory conducted by ASM Affiliates (Giambastiani et al. 2012), there are no NRHP-eligible cultural resource sites within the Project Area. 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 within 100 meters of the discovery would be suspended and the site would be protected until the authorized officer issues a notice to proceed.

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 exploration activities, along with associated reclamation of the drill holes, drill pads and sumps, and roads are well established. The Project Area is isolated from human habitations. Except for mineral exploration and recreation uses, the Project Area is typically uninhabited.

The reclamation should return the land to its pre-Project uses of livestock grazing, 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. Exploration 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 exploration 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.

The entire area of potential effect (APE) consists of 802 acres. Based on the results of the Class III cultural resources inventory conducted by ASM Affiliates (Giambastiani et al. 2012), there are no NRHP-eligible cultural resource sites within the Project Area. In order to prevent impacts to cultural resources, GOE would ensure that 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 within 100 meters of the discovery would be suspended and the site would be protected until the authorized officer issues a notice to proceed. GOE would not knowingly disturb, alter, injure, or destroy any scientifically important paleontological deposits. In the event that previously undiscovered paleontological resources are discovered by GOE 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.

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 these categories, there are approximately 2.9 acres classified as Low, and approximately 799 acres of Non-Habitat. No Greater sage-grouse or sign was observed during biological surveys in August 2011 or July 2012. In addition, the NDOW indicated there are no known Greater sage-grouse nesting or core breeding habitats in the vicinity of the Project Area (NDOW 2011). The NDOW also indicated the closest lek site is located approximately 6.5 miles south of the Project Area in Section 18, T24N, R47E, and is considered historic. The closest known active lek site is located approximately 8.5 miles south of the Project Area in Section 22, T24N, R46E (VanDellen 2012). Therefore, impacts to Greater sage-grouse are not anticipated from the Proposed Action, and no Greater sage-grouse mitigation is required.

In order to avoid potential impacts to breeding migratory birds (including golden eagles [*Aquila chrysaetos*]), a nest survey would be conducted by a BLM-approved biologist prior to any surface disturbance associated with exploration activities during the avian breeding season (March 1 through July 31 for raptors, and April 1 through July 31 for other avian species). Pre-disturbance surveys for migratory birds are only valid for 14 days. If the disturbance for the specific location does not occur within 14 days of the survey, another survey would be needed. 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 after consultation with the BLM resource specialist, and the buffer area avoided to prevent destruction or disturbance to nests or birds until they are no longer actively breeding or rearing young. The site characteristics to be used to determine the size of the buffer area are as follows: a) 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. Seasonal disturbance restrictions surrounding occupied nests would remain in place until the young have fledged or the nest fails.

In order to avoid potential impacts to the northern goshawk (*Accipiter gentilis*) nest identified in the Project Area, GOE would ensure that an annual nest survey is conducted by a BLM-approved biologist prior to any drilling, road construction, or vehicular travel that is planned to occur between March 1 and August 15. If the nest is found to be active then GOE would implement the following:

- Inform the BLM of the nest status;
- Not conduct drilling or road construction within a 0.5-mile buffer around the active nest during the northern goshawk breeding season of March 1 through August 15;
- Only allow vehicles to travel along the access road located to the east of the active nest (Figure 2.1.2 in the EA) within the 0.5-mile buffer between March 1 and August 15 provided the vehicles do not stop; and
- Not allow vehicles to travel along the access road directly west of the active nest (Figure 2.1.2 in the EA) between March 1 and August 15.

If the annual nest check determines that the nest is not active, these restrictions would not apply.

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 be minimal, based on the implementation of the design features and EPMs outlined in Chapter 2.

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.



Date

for Jon D. Sherve
Acting Field Manager
Mount Lewis Field Office

