

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

**DOI-BLM-B010-2015-0016-EA**

**FINDING OF NO SIGNIFICANT IMPACT**

I have reviewed Environmental Assessment (EA) **DOI-BLM-NV-B020-2015-0016-EA** dated May 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) 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-B010-2015-0016-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 the 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 has prepared an EA, DOI-BLM-NV-B010-2015-0016-EA that analyzes the affected environment, environmental impacts, and identifies environmental protection measures associated with the Newmont Mining Corporation (Newmont) *North Optional Use Area Pit and Philadelphia Canyon Waste Rock Facility Expansion Plan of Operations Amendment* (APO) which was received on April 2, 2014. The APO was submitted in accordance with the BLM Surface Management Regulations 43 code of Federal Regulations (CFR) 3809, as amended. The APO has been assigned BLM case file number NVN-067930 (14-2A). The Project Area would expand from 21,517 acres to 21,703 acres (approximately 186 acres) which includes approximately 75 acres of public lands administered by the BLM and 111 acres of private land. Activities associated with the Proposed Action would be located in all or parts of Sections 21 through 23, 26 through 28, 34, and 35, Township 31 North, Range 34 East, (T31N, R43E),

Mount Diablo Base and Meridian (MDB&M), Lander County, Nevada (Project Area). Other modifications are detailed below:

- a) approximately 78 acres from the NOUA, 92 acres from the Philadelphia Canyon WRF, 24 acres from the Ore Stockpile, 15 acres from the Ancillary Facilities, and four acres of the Utility Corridor disturbance would be transferred to Phoenix open pit disturbance; and
- b) approximately 32 acres of the Minnie open pit disturbance, 15 acres of the Office Area disturbance, 39 acres of the Utility Corridor disturbance, and 186 acres of new disturbance would be transferred to the expansion of the Philadelphia Canyon WRF.

In addition to the proposed activities and modifications listed above, Newmont would conduct construction, mining, and milling operations, and reclamation and closure at the Project in accordance with the approved 2012 Plan, which is described in the 2011 Draft EIS in pages 2-8 through 2-54 (BLM 2011), modifications and corrections identified in the 2012 Final EIS in Table 2.1 (BLM 2012, pages 2-3 through 2-10), as well as the 2002 Final EIS in pages 2-1 through 2-49 (BLM 2002).

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 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 2012 Plan as well as by the concurrent reclamation and other measures required in the APO. Newmont would continue to commit to the practices described in the approved 2012 Plan and the existing Programmatic Agreement that would prevent undue or unnecessary degradation during the life of the Project. No changes to these committed practices are proposed in this APO. However, a new cultural resources applicant-

committed environmental protection measure (EPM) has been added to this Project, as well as measures to mitigate the loss of Greater sage-grouse Moderate habitat described in item 9 below.

Travel on dirt roads and construction/mining activity within the Project Area have the potential to create fugitive dust and vehicle emissions. Fugitive dust would be controlled by minimizing surface disturbance and utilization of other EPMs described in Chapter 2 of the EA. 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 Chapter 3 and 4 of the EA. 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. The Project Area is located in areas classified as Class IV and the Project meets all of the requirements associated with those classifications.

Impacts that would be avoided or minimized by operating and reclamation measures committed to by Newmont are presented in Chapter 2 and by the BLM operating and reclamation measures. 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."

Under the No Action Alternative, Newmont would not conduct additional surface disturbance activities, add new facilities, or expand their Project boundary from the approved 2012 Plan. Newmont 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 public health and safety would not have significant adverse impacts because Newmont would 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. Newmont would commit to the following EPMs to insure public health and safety:

- All equipment and other facilities would be maintained in a safe and orderly manner.
- Personnel working at the site would keep the occasional public out of operational areas.

- 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 to them.
- Newmont would hire a certified commercial applicator for the application of pesticides on the Project site. Existing roads within the Project boundary that are disturbed during the proposed action would be reclaimed, by Newmont, to their pre-disturbance condition in order to provide continued public access through the area.
- Unpaved roads are well maintained and accommodate two-lane traffic to and from the Project Area.
- Trash and regulated wastes would be contained and hauled to an approved landfill.
- Portable chemical toilets would be used for human waste.
- Drill sites and storage yards would be located off of existing roads.
- Only nontoxic fluids would be used in the drilling process.
- Emissions of fugitive dust from disturbed surfaces would be minimized by utilizing appropriate control measures.
- Speed limits would be enforced.

***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 12 miles south of the town of Battle Mountain, Nevada. There are no park lands, prime farmlands, wetlands, and 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 applicant committed EPMs described in Section 2.1.6. 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 effects on the quality of the human environment that are highly controversial. 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, grazing, and recreation uses, the Project Area is typically uninhabited.

The reclamation should return the land to its pre-mining/exploration uses of livestock grazing, mineral exploration, dispersed recreation, and wildlife habitat.

***5. The degree to which the possible effects on the human environments 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 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 development 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 (Affected Environment and 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 resources inventory was completed and included the proposed expansion area. Cultural resource inventories identified a total of five historic or potentially historic properties within the proposed expansion area. One resource, a prehistoric rockshelter, has been recommended as unevaluated for listing in the National Register of Historic Places (NRHP), and would therefore be treated as eligible. Four other resources are recommended as contributing elements to the overall eligibility of the Battle Mountain Mining District. These four elements consist of three road segments associated with Philadelphia Canyon (recommended as contributing elements under Criterion A) and one mining camp (recommended as a contributing element under Criteria A and D). None of these elements have been recommended as individually eligible for the NRHP.

Newmont has identified that avoidance of the unevaluated rockshelter site and the four contributing elements to the Battle Mountain Mining District is not possible for this Project. The applicant-committed EPM outlined in Section 2.1.6 would be followed to mitigate any adverse effects to these five properties, including the preparation and implementation of a HPTP. Newmont would follow the applicant-committed EPMs identified in the 2011 Draft EIS

(BLM 2011, page 2-56). Through implementation of these EPMs and existing Programmatic Agreement, no appreciable impact to cultural resources is expected.

By incorporating the protection measures detailed in Section 2.2.5 of the EA, significant cumulative impacts to cultural resources have not occurred and are not anticipated.

***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 of 1973.***

The United States Fish and Wildlife Service, the Nevada Natural Heritage Program (NNHP), and Nevada Department of Wildlife (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.

Impacts to special status species or their habitat from the Proposed Action are analyzed in Chapter 3 section 3.2.12 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 of the EA, which include: in order to reduce impacts from disturbance which occurs within Greater sage-grouse Moderate Habitat, the following applicant committed EPM's could be implemented. The obligation for restoration and enhancement of Greater sage-grouse habitat would be calculated at a 2:1 ratio (2 acres of restoration/enhancement for every one acre of disturbance) for disturbance in Moderate Habitat.

- Off-site pinyon-juniper (PJ) thinning to benefit Greater sage-grouse habitat would be considered. There are four wildlife habitat enhancement project EAs prepared by the BLM that have analyzed the effects of PJ thinning throughout various locations in Lander County and are referenced for locations of PJ treatments within this EA. A BLM biologist, in coordination with an NDOW biologist, would choose a PJ thinning area analyzed in any of the following EAs for potential off-site mitigation: Bald Mountain Wildlife Habitat Enhancement Project (BLM 2010, NV062-EA08-083), Eagle Butte Wildlife Habitat Enhancement Project (BLM 2011, DOI-BLM-NV-B010-2011-0021-EA), Toiyabe West Wildlife Enhancement Project (BLM 2013, DOI-BLM-NV-B010-2013-0020-EA), and Mount Lewis North Wildlife Habitat Enhancement Project (BLM 2015, Draft EA). These four EAs identified and assessed crucial Greater sage-grouse habitat where PJ thinning projects would be beneficial due to PJ encroachment into sagebrush communities. BLM and NDOW would preferably choose PJ thinning projects located within the nearest Greater sage-grouse Population Management Unit (PMU) to the Project Area and analyzed under the above described PJ thinning EAs. Any off-site mitigation plan would be subject to BLM approval. Impacts associated with the off-site mitigation areas were addressed in the corresponding EAs; therefore, no additional NEPA

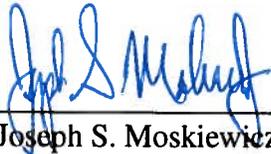
analysis would be required for this mitigation option. Newmont would implement the EPM measures within two years of the Decision Record for the Plan; Greater sage-grouse EPMs completed would be reported in the annual disturbance summary report, which is provided to the BLM and NDEP by April 15.

- Outlined in the Memorandum of Understanding (MOU) Regarding the Establishment of a Partnership for the Conservation and Protection of the Greater sage-grouse and Greater sage-grouse Habitat, payment may be made into a Greater sage-grouse mitigation bank account. The Nevada Standardized Reclamation Cost Estimator (SRCE) model would provide the basis for negotiating costs for public lands.

The 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 environments.***

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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May 15, 2015

Date

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