



# United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
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**FINDING OF NO SIGNIFICANT IMPACT (FONSI)**  
**for the**  
**Goat Mountain Hardrock Prospecting Permit Applications**  
**(DOI-BLM-ORWA-0000-2016-0001-EA)**

## INTRODUCTION

In accordance with authority at 43 Code of Federal Regulations (CFR), Part 3505, the BLM has responsibility for management of the federal mineral estate and to implement regulations pertaining to minerals which are legally available and subject to prospecting and exploration. Ascot USA, Inc. (Ascot) – a Canadian-public exploration company registered in the State of Washington, has submitted two Hardrock Prospecting Permit Applications (WAOR-066628 and 066973) for the approximately 900 acres of acquired lands encompassed by Mineral Survey (MS) parcels 708, 774, 779, 1329, and 1330 (see Table A – *Parcels Included in Prospecting Permit Applications*). These parcels were formally patented to Duval Corp., and subsequently acquired by the United State Forest Service (USFS), Gifford Pinchot National Forest (GPNF). The Permit Application Area is situated within portions of Sections 7, 8, 9, 16, 17, 18, and 19 of Township 10 North, Range 6 East, Willamette Meridian, Skamania County, Washington, located on and adjacent to the south facing slope of Goat Mountain (approximately 12 miles northeast of the crater of Mount St. Helens) in the historic Mount St. Helens Mining District.

**Table A. Parcels Included in Prospecting Permit Applications**

| Name                                 | Serial # | Patent Date       | Acres         | Mineral Survey Block |
|--------------------------------------|----------|-------------------|---------------|----------------------|
| Index Group                          | 43393    | March 8, 1906     | 247.93        | MS-779*              |
| Earl Group                           | 43189    | November 20, 1906 | 266.15        | MS-774*              |
| Judy/April Group                     | 46820016 | August 6, 1982    | 163.90        | MS-1329*             |
| Wendy Group                          | 46820017 | August 6, 1982    | 2.70          | MS-1330*             |
| Germania Group                       | 114944   | March 21, 1910    | 217.27        | MS-708†              |
| <b>Total acres under application</b> |          |                   | <b>897.94</b> |                      |

\* Parcels included in Prospecting Permit WAOR-066628.

† Parcel included in Prospecting Permit WAOR-066973.

## **PROPOSED ACTION**

Subject to permitting by the BLM pursuant to regulations and 43 CFR 3505 – *Prospecting Permits*, Ascot is proposing to establish up to 23 drill sites (each approximately 400 square feet) within the subject MS parcels and to directionally drill as many as 63 small diameter NQ core holes (2.75-inch diameter) with, as needed, HQ casing (3.78 inches). Drill pads will be situated adjacent to existing USFS Road 2612 and within the road prism of currently closed upslope logging and drill trails, the latter having been previously established by the former patentee, resulting in a total surface disturbance of <4 acres. Drilling will be completed within one field season and will recover approximately 100,000 feet of core material that will be taken off-site along with surface hand samples for analysis of the rock type, formation structure, and mineralogy. During Project implementation, Ascot will be required to establish prudent erosion controls, preclude or minimize sedimentation to existing natural drainages to the point of no effect, minimize water usage from on-site sources to no more than 5,000 gallons per day (gpd) unless a State permit is obtained, conduct drilling in a manner that maximized reuse of drilling fluids that contain only additives approved for water wells, control public vehicular access to active drill sites for safety, monitor surface and groundwater quality, and fully reclaim all Project associated disturbance. Associated equipment will be small scale, fully portable or self-propelled, equipped with spill containment, and operated in a manner that minimizes noise and night-light intrusion into the surrounding environs.

## **PURPOSE AND NEED**

The purpose and need of this action is for the Bureau of Land Management (BLM) to respond to the two applications for Hardrock Prospecting Permits and the associated Exploration Plan submitted by Ascot USA, Inc. (Ascot), to carry out mineral prospecting on MS parcels 708, 774, 779, 1329, and 1330 by taking formal administrative action to approve, deny, or approve with conditions the applications and the exploration plan upon receipt of written consent of the USFS (the surface resource managing agency). In order to consider the prospecting permit applications, the BLM and the USFS jointly prepared an Environmental Assessment (EA) designated DOI-BLM-OR-934-2012-0001-EA that was released on June 28, 2012. The EA was subsequently modified (MEA) consistent with the July 3, 2014 Opinion and Order of the U.S. District Court of Oregon, and redesignated DOI-BLM-ORWA-0000-2016-0001-EA before being released for public comment on December 17, 2015. The MEA analyzed four action alternatives: Alternative 1, the no action alternative; Alternative 2, the action as proposed by Ascot; Alternative 3, the alternative developed by the BLM and the USFS based on scoping comments; and Alternative 4, the preferred alternative also developed by the BLM and the USFS that precludes placing drill sites within riparian reserve buffer zones.

Both Agencies' respective determinations and decisions are based on the information, issues, effects analysis, and public comments presented in the MEA. Consistent with 43 CFR 3503.20 (c), the USFS has consented to BLM issuing the two prospecting permits for exploration of

hardrock minerals including copper, molybdenum, silver, gold, and associated minerals. The USFS determination and decision, as well as conditions specified for management of other resources were documented in the USFS' Decision Notice (DN) and FONSI dated January 29, 2018.

In the associated BLM Decision Record (DR) and based on the MEA and this FONSI, the BLM has decided to issue the two prospecting permits consistent with the MEA preferred Alternative 4, along with necessary conditions and stipulations summarized in the DR.

## **RATIONALE**

Based on the context, intensity of the impacts, and design features analyzed in the MEA, I have determined that implementation of Alternative 4, the preferred alternative, with appropriate conditions and stipulations (see BLM DR, Attachments B and C) for protection of surface and subsurface resources will not constitute a major Federal action that would significantly affect the quality of the human environment either individually or cumulatively with other actions in the general area. The context for this decision is the applicant proposed prospecting activities and alternatives examined in the MEA and the analytical area(s) as defined for each resource described in the MEA. In arriving at this determination, I utilized the ten significant criteria described in CEQ regulations (40 CFR 1508.27(b) – *Significantly*) for evaluating the intensity and/or severity of the impacts of hardrock geotechnical prospecting and exploration at Goat Mountain utilizing the methods and procedures outlined in Alternative 4 of the MEA.

### **Impacts that may be both beneficial and adverse.**

The proposed prospecting/exploration will provide mineralogical and geotechnical information regarding the existence, grade and extent of sub-surface hardrock mineralization within the Permit Area. As demonstrated by the MEA, the environmental effects of the associated disturbance on soils, hydrology, vegetation, wildlife species and their habitats are anticipated to be of short duration, and minimal to undetectable (see MEA Section 3 – *Affected Environment and Environmental Consequences*). Effects will be temporary and all areas of project related surface disturbance will be rehabilitated. The stipulated timing limitations on the prospecting and exploration activities will avoid impacts to the habitat of the northern spotted owl and to recreationists utilizing the Green River Horse Camp during the period of peak use. I therefore find that impacts of the project as described in Alternative 4 that may be both beneficial and adverse would not lead to a significant effect.

### **The degree to which the selected alternative will affect public health or safety.**

The exploration activities are not expected to impact public health or safety as noted in the discussion for each alternative (MEA Section 2.1 – Alternatives). Public vehicular access to drill sites in the northern portion of the Project Area will be controlled during active drilling through the use of a temporary gate at the junction of the currently closed

roads/trails that will be used to access the drill sites from Forest Service Road FS-2612 (see MEA Appendix A, Figures 3 and 4). Drilling equipment at active pad sites will be housed in a portable drill shack to attenuate noise and operating light intrusion into the surrounding environment. Signs will be placed warning the public of hazards in the vicinity of active drilling. Signage and other project design features based on the *Best Management Practices* listed in the MEA Appendix E will provide reasonable and adequate protection of public health and safety while maintaining existing accessibility to the adjoining public lands.

As noted in the MEA Section 2.1 discussion of *Alternatives*, and in Appendix G – *Groundwater Resources Report...*, design features will be implemented to both minimize the amount of groundwater withdrawn for Project use (not more than 5,000 gallons per day without a State issued permit), and to preclude degradation of surrounding groundwater during drilling through use of well casing, mud caking of the well column, and sealing of each bore hole upon completion.

For all of the reasons discussed above, I find that the project as described in Alternative 4 would not affect public health or safety to the degree that it would lead to a significant effect.

**The anticipated severity of impacts to unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, Wild and Scenic Rivers, or ecologically critical areas.**

The MEA identified unique resources in the proximity of the proposed area of exploration. These include the Mount St. Helens National Volcanic Monument, a segment of the Green River determined to be eligible under the Wild and Scenic Rivers Act, and a designated Inventoried Roadless Area. As explained in the MEA, these areas will be virtually unchanged and unaffected by the prospecting and exploration activities associated with implementation of Alternative 4 (see MEA Sections 3.2 – *Geologic and Mineral Resources*, and 3.12.1 – *Affected Environment*).

**The degree to which the possible effects on the human environment are likely to be highly controversial.**

“Highly controversial” in the context of 40 CFR 1508.27(b)(4), refers to substantial disagreement within the scientific community about the environmental effects of the proposed action. Public scoping and subsequent public comment on the MEA identified a wide range of opinions and substantial public interest in the project. However, neither those public involvement opportunities nor the MEA itself have identified substantial disagreement within the scientific community about the nature and extent of potential

impacts. I therefore find that impacts of the project as described in Alternative 4 are not likely to be highly controversial.

**The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.**

The survey and analytical methodologies utilized by the BLM and the USFS to describe the affected environment and environmental effects follow established practices. The MEA constitutes a thorough analysis of the effects on all of the resources potentially impacted by the project. Furthermore, the MEA did not identify any environmental effects or environmental risks that could not be described adequately using available tools and methodologies. No highly uncertain effects or unique or unknown risks were identified in the effects analysis in the MEA (see Section 3.0 – *Affected Environment and Environmental Consequence*). I therefore find that the project as described in Alternative 4 would not have highly uncertain effects or involve unique or unknown risk.

**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 BLM's approval of these prospecting activities does not authorize any other prospecting or mineral development. The results of the prospecting remain unknown at this time. It is also unknown whether Ascot might pursue future applications for as authorization to conduct further prospecting or mineral development. Any such future requests would be subject to separate application by Ascot, environmental analysis by the agencies, public involvement as required by the National Environmental Policy Act (NEPA), and separate administrative decisions. No leasing applications are associated with implementation of Alternative 4, nor are any pending within the Project Area at this time. For all of the reasons described above, I find that the project as described in Alternative 4 will not establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration.

**Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.**

No other applications for new resource use proposals or authorizations are pending within the geographic area of the proposed permits or for any other activities with similar or overlapping effects in space and time. The MEA analyzed cumulative effects and concluded that the project will not result in any significant cumulative effects. None of the resource effects subsections (see MEA Section 3.0 – *Affected Environment and Environmental Consequence*) of the MEA identified significant cumulative effects occurring as a result of the proposed prospecting and exploration activities. I therefore find that the project as described in Alternative 4 is not related to other actions with individually insignificant but cumulatively significant effects.

**The degree to which the action may adversely affect districts, sites, highways, structures, or other 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 historical resources.**

The areas that will be disturbed as a result of the exploration and prospecting activities will be limited to previously disturbed locations. Site surveys have not identified any cultural, historic, or scientific resources that would be impacted by the proposed prospecting and exploration activities. I therefore find that the project as described in Alternative 4 would not adversely affect any facilities or objects listed in or eligible for listing in the National Register of Historic Places, now will it cause loss or destruction of significant scientific, cultural, or historical resources.

**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 northern spotted owl was the only federally listed or proposed to be listed as Federally Endangered or Threatened Species suspected to be present in the vicinity of the proposed prospecting and exploration. The project-specific *Biological Assessment* (BA) in the MEA Appendix F addressed potential impacts to the species from the proposed prospecting and exploration activities. The BA found that there is suitable habitat in the mature forested areas around or adjacent to drill Pads 10, 11, 12, 13, 22, 23, 24, and 25. The exploration activities will occur at the edge of the suitable habitat along existing decommissioned roads that will be temporarily reopened and maintained for access to these drill sites. It is estimated that approximately 68 trees will be removed along the edge of suitable habitat. However, no trees greater than a 12-inch at breast height (dbh) will be removed as analyzed in the MEA; therefore, the suitability of the habitat will be unchanged by removal of more mature stands.

While there have been no surveys to indicate whether northern spotted owls actually occur in the habitat near the exploration and prospecting area, the MEA is based on the assumption that the habitat is occupied. Applying that assumption, the BLM determined that equipment noise, lights, and activity may affect, but are not likely to adversely affect northern spotted owls (see MEA Appendix F – ...*Biological Assessment*). The young second-growth habitat lower in elevation in the Project Area is not suitable habitat for northern spotted owls. To avoid potential noise-related disturbance to northern spotted owls, which may utilize the mature forest in the northern portion of the Project Area, limits have been placed on the area of operations between February 28 and July 1. Likewise, no loud noise producing activities, such as road reactivation or drilling activities will occur in or adjacent to the late successional forest stands in the northern upper elevations of the Project Area between February 28 and July 1. Finally, the U.S. Fish and Wildlife Service has concurred with the findings of the Biological Assessment in the MEA Appendix F. For all of the reasons described above, I find that the project as

described in Alternative 4 is not likely to adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

**Whether the action threatens to violate Federal, State, or local law or requirements imposed for the protection of the environment.**

The action is in conformance with multiple management objectives and decisions of the Gifford Pinchot National Forest Plan. Specific decisions include those from:

- *The 1994 Northwest Forest Plan as Amended.* In 1994 the Gifford Pinchot Forest Plan was amended with the completion of a comprehensive and long-term policy for the management of USFS and BLM lands within the range of the northern spotted owl.
- *The 1994 Northwest Forest Plan and Aquatic Conservation Strategy (ACS) Objectives*, requires that proposed projects on Federal lands must be consistent with the ACS Objectives.
- *The 1994 Northwest Forest Plan Standards and Guidelines for riparian reserves.*
- *Gifford Pinchot National Forest, Land and Resource Management Plan, 1999.* Management Area categories in the larger permitted area include: unroaded recreation, visual emphasis (Visual Quality Objectives), and (nominated) Wild and Scenic Rivers (Green River).
- *Gifford Pinchot National Forest Land and Resource Management Plan Management Indicator Species List.*
- *Gifford Pinchot National Forest Survey and Manage Species List.*
- *USFS Sensitive Species (USFS 2011).*
- *USFS Special Status Plant Species data in the Project Area.*
- *USFS Region 6 Regional Forester Special Status Species List, December 1, 2011.* Includes Region 6 Regional Forester Sensitive Species List.
- *Magnuson-Stevens Act Provision: Essential Fish Habitat (EFH): Final Rule (50 CFR Part 600; 67 FR 2376).*

Of particular importance, the Reorganization Plan No. 3 of 1946 and the BLM regulations at 43 CFR 3505 require the USFS to make a finding with respect to the primary purposes, before making a decision. The primary purposes to be considered are those defined by Congress in the Weeks Act of 1911, and the court's July 3, 2014 Opinion and Order. Following the court's Opinion and Order, the EA was modified (MEA) to include additional discussion on the 168 acres within the project area that were purchased by the USFS with funds from the Land and Water Conservation Fund (LWCF). The LWCF issue is discussed in Sections 1.4 – Primary Purpose for Which the Lands were Acquired, 1.6 – Federal Authority and Regulatory Context, and 3.12 – Recreation, of the MEA.

As required by the Reorganization Plan, the USFS determined in their decision documentation that the Project would not interfere with the flow of navigable streams, production of timber, or outdoor recreation. The USFS determination related to the primary purpose of outdoor recreation only applies to 168 acres within MS-1329 and MS-1330, which are included in the Prospecting Permit Application WAOR-066628, because they were the only land at issue acquired with LWCF monies. The USFS included special stipulations in their consent decision, which the BLM has adopted verbatim.

For all of the reasons described above, I find that the project as described in Alternative 4 does not threaten to violate Federal, State, or local law or requirements imposed for the protection of the environment.

**FINDING OF NO SIGNIFICANT IMPACT**

I have determined that issuance of the Goat Mountain Hardrock Mineral Prospecting Permits does not constitute a major Federal action having a significant effect on the human environment; an environmental impact statement is not necessary and will not be prepared. This conclusion is based on my consideration of the Council on Environmental Quality's criteria for significance (40 CFR § 1508.27(b)), as summarized above, with regard to impacts analyzed for Alternative 4 in the MEA, the USFS's consent decision, my understanding of the project, my review of Project assessment in the MEA, and my consideration of the public comments received. The analysis of effects documented in the MEA has been completed within the context of multiple spatial and temporal scales and within the context of the GPNF Plan, as amended and the specific plans and program guidance listed above.

Signature: \_\_\_\_\_

Title: Chief, Branch of Land Mineral and Energy Resources, Oregon State Office

Date: \_\_\_\_\_