

Worksheet
Land Use Plan Conformance and Determination of NEPA Adequacy (DNA)
DOI-BLM-ORWA-L050-2016-0007-DNA

U.S. Department of the Interior
Bureau of Land Management (BLM)

A. BLM Office: Lakeview District, Lakeview Resource Area

Lease/Serial/Case File No.: OR68593

Proposed Action Title/Type: William Ross Mining Plan of Operations (43 CFR 3809/43 CFR 3715)

Location of Proposed Action: Sunstone Deposit area North of Plush, Oregon, T.33N., R.25E., Section 18 NE and SE, Willamette Base Meridian, Lake County, Oregon (See Maps #1 and #2).

Description of the Proposed Action: William Ross has been operating on a Notice of Exploration, off and on, since 2007. The Notice had expired and now operations must be administered under a Plan of Operations. The proposed activity is to utilize an existing clearing for a campsite and equipment staging area about 0.33 acres in size (119 feet by 119 feet) and to open new exploration/production pits disturbing approximately one acre (42,560 square feet). He proposes continued mining of existing open pit processing areas (0.05 acres). Access to the site would be by way of 600 feet of existing 2-track roads (6,000 square feet) and overland travel. Total disturbance under the Plan of Operations would remain under five acres.

All types of earthmoving equipment could be utilized on the site including D9, excavators, loaders, dump truck, track drill, compressors, impact hammers, power screens, conveyor belts, rock crushers, generators and all types of hand tools. The processing equipment (hopper/screen/conveyors) is not portable and would remain on site during non-operating periods.

Fuel and oil would be transported to the site by vehicles in mobile type containers on an as needed basis. During fueling or oil changes, any spills would be contained, cleaned up, and disposed of according to state and government regulations. There will be no on-site storage of hazardous material. Explosives may be used on-site by a licensed person on the day they arrive, but will not be stored on-site.

Occupancy of the site would be limited to semi-permanent equipment. All other trailers or tents would be seasonal, and leave with the occupants.

Reclamation will include storage of topsoil and overburden separately next to excavated areas. Equipment and materials would be removed from site. Processed ore will be returned to the pit areas for backfill during reclamation. Pit areas would then be re-contoured to the surrounding topography and seeded with a BLM recommended seed mix. Access roads no longer needed (both new or existing) would be ripped, raked, and seeded.

Applicant (if any): William Ross, 863 Kelly Lane, Eugene, OR 97404

B. Conformance with one or more of the following Land Use Plans (LUPs)/Programmatic Strategies:

Land Use Plan Name: Lakeview Resource Management Plan/Record of Decision (BLM 2003c)

Date Approved/Amended: November 2003, as maintained

The proposed action is in conformance with the applicable plan because it is specifically provided for in the following decision(s):

The proposed action is in conformance with the plan, even though it is not specifically provided for, because it is clearly consistent with the following decision(s) (objectives, terms, and conditions):

Energy and Minerals Management Goal 1 – Provide opportunity for the exploration, location, development, and production of locatable minerals in an environmentally-sound manner.

Management Direction

The area is open to mineral exploration and development (see Map M-10).

However, a plan of operations is required for all mining activity that is not casual use, regardless of the number of acres disturbed.... The approval of plans of operations is a Federal action that requires further NEPA compliance. Mining claim use and occupancy under 43 CFR 3710 also requires further NEPA compliance.

Commercial Sunstone Area. As a result of the implementation of the amended 3809 regulations, it is anticipated that the BLM will receive (and need to review and/or approve) several plans of operations for commercial (mining) activities in the Rabbit Basin Sunstone Area annually... (BLM 2003c, pages 89-90, as maintained).

Further, the *Lakeview Proposed RMP/FEIS* (BLM 2003b) was intended to be the NEPA analysis guiding the approval of future sunstone exploration and mining plans of operations in the Rabbit Basin Sunstone Area... It also amend(ed) the analysis contained in the *Mining Use and Occupancy – Sunstone Mining Area* (EA No. OR-010-98-05; BLM 1998) (see also BLM 2003c, pages 89-90, as maintained).

Land Use Plan Name: Record of Decision and Oregon Greater Sage-Grouse Approved Resource Management Plan Amendment

Date Approved/Amended: September 2015

The proposed action is in conformance with the applicable plan because it is specifically provided for in the following decision(s):

The proposed action is in conformance with the plan, even though it is not specifically provided for, because it is clearly consistent with the following decision(s) (objectives, terms, and conditions):

Management Goals and Objectives

There are no specific management goals or objectives identified in this plan amendment for locatable mineral development. Because the claim area is not located within a sage-grouse General Habitat Management Area (GHMA) or a Priority Habitat Management Area (PHMA).

Management Direction

MR 11: To the extent consistent with the rights of a mining claimant under existing laws and regulations, limit surface disturbance, and provide recommendations for net conservation gain of Greater Sage-grouse habitat (see page 2-24).

C. Identify the applicable NEPA document(s) and other related documents that cover the proposed action.

1. List by name and date any additional applicable NEPA documents that cover the proposed action.

Mining Use and Occupancy - Sunstone Mining Area (EA No. OR-010-98-05) (BLM 1998)
Final EIS for the Surface Management Regulations Locatable Mineral Operations (BLM 2001)
Lakeview Draft Resource Management Plan and Draft EIS (BLM 2003a)
Lakeview Proposed Resource Management Plan and Final EIS (BLM 2003b)
Oregon Greater Sage-Grouse Proposed Resource Management Plan Amendment and Final EIS (BLM 2015)

2. List by name and date other documentation relevant to the proposed action (e.g., subbasin review, source drinking water assessment, biological assessment, biological opinion, watershed/landscape assessment, allotment evaluation, rangeland health standard assessments, and monitoring reports).

Northeast Warner (00511), Corn Lake (00514), Little Juniper (01000), and Bar 75 FRF (01002) Rangeland Health Assessment (BLM 2003d)
Rabbit Basin (00516) Rangeland Health Assessment (BLM 2003e)
Rabbit Basin (00516) Rangeland Health Assessment Update (BLM 2013a)
Rabbit Hills East (00530) Rangeland Health Assessment (BLM 2003f)
North Rabbit Hills (00531) Rangeland Health Assessment (BLM 2003g)
North Rabbit Hills (00531) Rangeland Health Assessment Update (BLM 2013b)

In addition, cultural, botanical, and wildlife clearances have been completed.

D. NEPA Adequacy Criteria

1. Is the current proposed action substantially the same action (or is a part of that action)

as previously analyzed? (*Documentation of answer and explanation*):

Yes, as noted above, the *Lakeview Proposed RMP/Final EIS* (BLM 2003b) was intended to be the NEPA analysis guiding the approval of future sunstone exploration and mining plans of operations in the Rabbit Basin Sunstone Area and also amended the analysis contained in EA No. OR-010-98-05, *Mining Use and Occupancy – Sunstone Mining Area* (BLM 1998) (see BLM 2003c, pages 89-90, as maintained)

Sunstone mining development was analyzed in the *Lakeview Proposed RMP/Final EIS* (BLM 2003b, page 3-104 and Appendix N, pages A-218 to A-219). It was analyzed because of changes in the 43 CFR 3809 regulations (effective January 20, 2001) required new mining operations (that formerly only required notices of operations because they were 5 acres or less) to file plans of operations, even though the scope of these operations would remain the same. The proposed operation would disturb less than 5 acres of public land and is consistent with the level of mining activity anticipated within the sunstone mining area in the alternatives analyzed in the Final EIS.

In addition, temporary occupancy of the site with travel trailers, trucks, and semi-permanent equipment, as described in the proposed action, is consistent with the type of occupancy analyzed in EA-010-98-05 specifically in the sunstone area (BLM 1998). Since the occupancy proposed within the proposed action is portable and not permanent, the proposed action is consistent with the actions considered and analyzed in this EA.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, resource values, and circumstances? (*Documentation of answer and explanation*):

Yes, the *Lakeview Proposed RMP/FEIS* (BLM 2003b) considered five (5) alternatives: No Action, Commodity Production, Active Restoration, the Preferred Alternative and Passive Restoration (see Chapter 3; BLM 2003b).

In addition, EA-010-98-05 (BLM 1998) considered two alternatives: allowing occupancy and the no action alternative (which would have not allowed any proposed mining-related occupancy to occur on public lands in the sunstone area).

The *Oregon Greater Sage-Grouse Proposed Resource Management Plan Amendment and Final EIS* analyzed seven (7) alternatives that varied in the levels of conservation measures considered to protect greater sage-grouse and their habitat (see Chapter 2; BLM 2015a). These measures ranged from continuing current management (No Action) to complete withdrawal of sage-grouse habitat from future mining development.

3. Is the existing analysis adequate and are the conclusions adequate in light of any new information or circumstances (including, for example, riparian proper functioning condition [PFC] reports; rangeland health standards assessments; Unified Watershed Assessment categorizations; inventory and monitoring data; most recent Fish and Wildlife Service lists of threatened, endangered, proposed, and candidate species; most recent BLM

lists of sensitive species)? Can you reasonably conclude that all new information and all new circumstances are insignificant with regard to analysis of the proposed action?

(Documentation of answer and explanation):

The existing analyses are still adequate for the decision at hand. The following discussion summarizes new information that has been collected in the sunstone area since 1998.

The sunstone mining area falls within grazing allotments 00514 (Corn Lake), 00516 (Rabbit Basin), 00530 (Rabbit Hills East) and 00531 (North Rabbit Hills). Rangeland health assessments were completed for these allotments in 2003. In addition, assessments for 00516 and 00530 were updated in 2013. All applicable standards were being met.

The BLM has also updated its road and wilderness character inventories in the sunstone area. The lands within and immediately surrounding the proposed mining area have been actively mined for many years. Numerous mining-related ground disturbances, including constructed roads and primitive motorized mining access routes exist in the area. For this reason, the area is not roadless, is in a predominantly unnatural condition, and does not contain wilderness characteristics.

The rangeland health assessments and wilderness inventory updates for the area are available on BLM's website at <http://www.blm.gov/or/districts/lakeview/plans/inventas.php> and are incorporated by reference herein in their entirety.

In 2015, BLM completed a Final EIS that thoroughly analyzed relevant new information regarding the greater sage-grouse, its habitat, and the potential impacts of mining within the Oregon region. As a result of this analysis (and similar EIS-level analyses completed throughout the range of this species), and BLM's commitment to implement management changes via the adoption of the *ROD for the Oregon Greater Sage-Grouse Approved Resource Management Plan Amendment* (BLM 2015b) (and similar RODs completed throughout the range of this species), the U.S. Fish and Wildlife Service determined that protection of the greater sage-grouse under the Endangered Species Act (ESA) was no longer warranted and withdrew the species from the candidate species list in September of 2015. This proposed mining activity conforms to this approved management direction (refer to Section B above).

For the reasons described above, these new assessment/inventories/findings do not represent significant new information that would substantially change the existing environmental analyses. There has been no other new information or circumstances regarding mining activities in the sunstone mining area that have come about since these environmental analyses were completed which are relevant to the proposed action. Therefore, the existing analyses contained within the EA and two Final EISs are adequate in addressing the potential effects of the proposed mining in the sunstone area.

4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action? *(Documentation of answer and explanation):*

Yes, the methodology and analytical approach used in the existing NEPA documents continue to be appropriate for analyzing the potential effects of the proposed action. The proposed action, including exploration, mining, and temporary occupancy at the site, is consistent with the types of mining activities that were analyzed within the *Oregon Greater Sage-Grouse Proposed Resource Management Plan Amendment and Final EIS* (BLM 2015a), *Lakeview Proposed RMP/Final EIS* (BLM 2003b), and *Mining Use and Occupancy - Sunstone Mining Area EA* (No. OR-010-98-05) (BLM 1998).

5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA document(s)? Does the existing NEPA document sufficiently analyze site-specific impacts related to the current proposed action? (*Documentation of answer and explanation*):

Yes. The direct and current and indirect impacts of the proposed action would be the same as identified in the existing NEPA documents. The potential impacts of mining and occupancy would be consistent with the range of impacts already analyzed for the sunstone area. No new mining methods or processing techniques would be used under the proposed action.

6. Can you conclude without additional analysis or information that the cumulative impacts that would result from implementation of the current proposed action are substantially unchanged from those analyzed in the existing NEPA document(s)? (*Documentation of answer and explanation*):

Yes, the potential cumulative impacts that could result from implementation of the proposed action are within the range of, and substantially unchanged from, those previously analyzed as part of the broader energy and mineral development actions in the *Lakeview Draft RMP/Draft EIS* (BLM 2003a) (see Environmental Consequences section, page 4-137 and Appendix N) and *Lakeview Proposed RMP/Final EIS* (BLM 2003b) (see Environmental Consequences section, page 4-139 and Appendix N-2). The potential cumulative effects of other resource management activities are described throughout the Environmental Consequences section (BLM 2003a, 2003b; Chapter 4).

The potential cumulative impacts that could result from implementation of the proposed action (mining within a GHMA) are within the range of those previously analyzed in the *Oregon Greater Sage-Grouse Proposed Resource Management Plan Amendment and Final EIS* (see Chapter 4; BLM 2015a)

7. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action? (*Documentation of answer and explanation*):

Yes, the *Mining Use and Occupancy - Sunstone Mining Area EA* (No. OR-010-98-05) and associated FONSI (BLM 1998) were made available for public review on December 15, 1997, and a legal notice was published in the *Lake County Examiner* on December 18, 1997, requesting comments. No comments were received.

In addition, extensive agency, tribal and public involvement opportunities were provided for the *Lakeview Proposed RMP/Final EIS* (BLM 2003b). These opportunities are summarized on page 5 of the *Lakeview Resource Management Plan and Record of Decision* (BLM 2003c).

Extensive public and inter-agency review and tribal consultation opportunities were provided for the *Oregon Greater Sage-Grouse Proposed Resource Management Plan Amendment and Final EIS* and are described in Chapter 6 (BLM 2015a). These are also summarized in Chapter 3 of the *Oregon Greater Sage-Grouse Approved Resource Management Plan Amendment* (BLM 2015b).

These opportunities were adequate for the purposes of considering restrictions on mineral development within sage-grouse habitat.

E. Interdisciplinary Analysis: Refer to original NEPA documents for the list of team members participating in the preparation or review of the original environmental analyses. See also the internal scoping cover sheet for a list of individuals who participated in the preparation or review of this DNA.

F. Mitigation Measures: *List any applicable mitigation measures that were identified, analyzed, and approved in relevant LUPs and existing NEPA document(s). List the specific mitigation measures or identify an attachment that includes those specific mitigation measures. Document that these applicable mitigation measures must be incorporated and implemented.*

Mining Use and Occupancy – Sunstone Mining Area (EA-010-98-05; BLM 1998):

1. Occupancy within wetland or riparian areas will not be allowed.
2. Permanent structures shall be finished with non-reflective materials and colors to blend in with the surrounding environment.
3. All petroleum product storage tanks and barrels placed above ground must be in a bermed area lined with an impervious material. The bermed area must be large enough to contain 110% of the capacity of the tank(s) and/or barrel(s).

Lakeview Proposed RMP/Final EIS (Appendix N, pages A-218 to A-219; BLM 2003b) and Lakeview Resource Management Plan and Record of Decision (Appendix N-3, pages A-177 to A-179; BLM 2003c):

1. Prior to any ground clearing or excavation, site specific cultural resource and sensitive, threatened or endangered species inventories would be done where deemed necessary by a BLM archaeologist, botanist, and wildlife biologist, respectively.
2. Where excavation in the excess of 100 square feet would occur, all topsoil and/or growth medium would be removed, stockpiled, windrowed, or otherwise conserved, and if necessary, seeded.
3. Upon termination of occupancy, all structures, foundations, piers, poles, slabs, equipment, materials and debris would be removed from public land.
4. All fences, barriers, and signs would also be removed.
5. The area would be graded to conform with the surrounding topography, scarified if necessary, and the stockpiled topsoil/growth medium would be spread over the disturbance, and revegetated as directed by the BLM.
6. The BLM no longer sells a reclamation seed mix specific to the Sunstone Area. When you begin reclamation, you may contact us and we will provide you with a native seed mix and a list of seed companies that can provide seed for reclamation.

Site Specific Stipulations:

1. During extended non-operating periods, travel trailers and portable equipment will be removed from the project area.
2. Unsafe pit areas will be secured for public safety by such means as fencing, berms, signs, or other means to warn the public of potential hazards.
3. Large containers of fuel, motor oil, and other petroleum products will be stored in bermed/lined containment areas.
4. "Fee Digging" (charging the public a fee for digging for sunstones on site) would not be allowed on the site without a special recreation permit.
5. If noxious weeds are found in the project area during operations or following reclamation, the operator shall immediately notify the BLM and the operator shall be responsible for promptly treating the noxious weed infestation in accordance with current integrated weed management plans prior to disturbing the weed infested area. BLM shall approve any noxious weed treatment prior to implementation. If the operator is not capable of conducting the necessary treatment prior to implementation. If the operator is not capable of conducting the necessary treatment, BLM can perform the treatment with costs to be reimbursed to the BLM through a cost-reimbursable agreement or similar cost-recovery mechanism.
6. All Mining equipment will be cleaned using power or high pressure cleaning to remove mud, dirt, and plant parts prior to entering the Sunstone Mining Area to prevent the possible spread of noxious weeds in the area.
7. Human waste will not be disposed of on-site, but will be disposed of in a self-contained portable potty units or in accordance with Oregon Department of Environmental Quality regulations.
8. Non-permanent equipment and water tanks shall be finished with non-reflective materials and colors to blend in with the surrounding environment.

G. Conclusion*:

Based on the review documented herein and the mitigation measures applied above, I conclude that this proposal conforms to the applicable land use plans and, therefore, meets the land use plan consistency requirements of the Federal Land Policy and Management Act. Further, the existing NEPA documentation adequately covers the proposed action and constitutes BLM's compliance with the requirements of the National Environmental Policy Act.



J. Todd Forbes, Field Manager
Lakeview Resource Area



Date

** Note: If one or more of the above criteria (questions 1-7) are not met, a conclusion of conformance and/or NEPA adequacy cannot be made.*

In addition, the signed CONCLUSION above is part of an interim step in the BLM's internal analysis process and does not constitute an appealable decision.