

**U.S. Department of the Interior
Bureau of Land Management**



**Finding of No Significant Impact
for
High Bar Placer Group (OR-63719)
and
Upper/Lower Pine Creek Mining (OR-60224)**

Environmental Assessment #DOI-BLM-OR-V050-2013-010-EA

High Bar Group and Upper/Lower Pine Creek Mining Project
Environmental Assessment
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Finding of No Significant Impact (FONSI)

Background

The FONSI is a document that explains the reasons why an action will not have a significant effect on the human environment and why, therefore, an Environmental Impact Statement (EIS) will not be required under the National Environmental Policy Act (NEPA) [40 CFR 1508.13]. This FONSI is a standalone document but is attached to the Environmental Assessment (EA) and incorporates the EA by reference. The FONSI does not constitute the decision record as the authorizing document.

This EA (DOI-BLM-OR-V050-2013-010-EA) analyzes the environmental impacts of the proposed mining plan entered by High Bar Mining, LLC. The High Bar Group and Upper/Lower Pine Creek Mining Project is located on upper Pine Creek, Brannon Gulch, and Reeds Gulch in the Baker Resource Area. The Project is located within unpatented placer mining claims in T. 12 S., R. 39 E., Sections 14, 15, 22, 23, 26 and 27, W.M, Baker County, Oregon. The Pine Creek drainage had no claims in 1892, but had been intensively placer mined on both banks of the creek by 1906. A dredge was used in the mid-1950s and a cabin was built at the Elliot Mine site. Mining has continued in the project location through the early 2000s by the previous claim owners Ken Casper and Jack Cogswell under Notice level operations. Placer mining, logging and livestock grazing have occurred on both private and public lands throughout the project area and the vicinity.

The proposed Project is detailed in two Plans of Operation (Plans): High Bar Group (OR-63719) and Upper/Lower Pine Creek (OR-60224). These Plans were originally submitted in 2006 and 2004 respectively and final versions were submitted to the Baker Resource area in 2012 and 2011 respectively. The project area as proposed includes a maximum disturbance of 247 acres within unpatented mining claims on federal lands open to mineral entry. Existing historic disturbances include dredge tailings, underground workings, and in-channel ponds. Excavation and processing of 15 acres is currently taking place under notice level work to explore the mineralization of the area. All required permits for the work being done and the proposed work have been submitted to the BLM from the Oregon Water Resources Department, Oregon Department of Geology and Mineral Industries, and Oregon Department of Environmental Quality.

Both action alternatives would use placer mining techniques to excavate and process gravels to extract gold over a period of 20 years from a ridge top area west of Pine Creek, but the proposed action would also include mining the valley bottom of the Pine Creek drainage. The gravel would be excavated, sorted, washed and free gold would be removed before non-gold bearing material is returned to the excavations during reclamation. Once topsoil is replaced and the disturbed area recontoured it will be seeded with a seed mix approved by the BLM botanist.

Reclamation would occur as the mining operation progresses and only one working hole will be open at a time. As the pits are mined out they would be backfilled with sorted gravels and covered with dried fine material from the settling ponds. Topsoil would be replaced from stockpiles close to the workings and the surface would be recontoured to natural, pre-mining contours. Seeding of all disturbances would be done in the fall with state certified weed free native seed. Mining would take place in five acre parcels with a maximum of 15 acres being disturbed per season in the 130 work day period. Final reclamation would take place in years 20-23 after mining has been completed.

The proposed mining operations are not in any National Wild and Scenic River Systems, Areas of Critical Environmental Concern, National Wilderness Preservation System lands, National Monuments, or National Conservation Areas. BLM has evaluated this area and has determined that significant impacts are unlikely to occur because of the pre-existing mining disturbances and the proposed concurrent reclamation plan with a minimal amount of area open at a time.

Significance – “Significance” as used in NEPA requires consideration of both context and intensity (40 CFR 1508.27).

Context – For context, significance varies with the setting of the proposed action. For instance, for a site specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. For this proposal, the effects are confined to the project area including a portion of the Pine Creek drainage, Brannon Gulch, and Reeds Gulch, near Hereford, Oregon. These effects are described and analyzed in the EA.

Intensity – Intensity refers to the severity of effects. The proposal would adhere to best management practices, operating stipulations, and environmental protection measures that would prevent undue and unnecessary degradation of public lands.

Controversy – Controversy in this context means disagreement about the nature of the effects, not expression of opposition to the proposal or preference among the alternatives. There will always be some disagreement about the nature of the effects for land management actions, and the decision maker must exercise some judgment in evaluating the degree to which the effects are likely to be highly controversial. Substantial dispute within the scientific community about the effects of the proposal would indicate that the effects are likely to be highly controversial.

FINDING OF NO SIGNIFICANT IMPACT

Mining operations create temporary changes to topography, access, land use, plants, wildlife and associated habitat, air quality, esthetics, and hydrology during mining operations. Short term or temporary positive socioeconomic impacts are anticipated as well. Impacts to public lands are predicted to be initially moderate to major for most resources, with impacts to vegetation major in the short term. Impacts would diminish to minor over the life of the mining period (20 years) and the final financial guarantee release period (approximately 23 years). Additionally, some permanent or long term changes would occur including alteration of the geologic strata, increased infiltration rates through the areas of backfill and revegetation of the disturbed areas. Alternative 2 reduces these impacts to minor to moderate for most resources by utilizing best

management practices added by the BLM, with impacts to vegetation still predicted to be major in the short term due to complete removal.

The project area has observable historic mining disturbances dating back to the late 1890s. High Bar Mining LLC proposed to mine 247 acres, most of which would be in a previously tested area on the ridge between Pine Creek and Brannon Gulch. Most of the previous mining was focused in the Pine Creek channel area.

The appropriate implementation of the proposed environmental protection measures and concurrent reclamation would prevent or minimize any adverse long term effects that may occur from permanent changes. A maximum of 15 acres would be mined in a season, during an estimated 130 working days, with only a five acre parcel being open at one time. Wildlife habitat would be temporarily eliminated within the project boundary at a rate of 15 acres per year, resulting in displacement of the more mobile species and the possibility for some direct mortality of the slow moving species. However, concurrent reclamation, including establishment of native plant species could result in improved native plant cover compared to what currently exists on site, which would enhance wildlife habitat in the long term.

All proposed mining and processing areas within the Pine Creek valley bottom received increased evaluation due to the sensitivity of water quality and the presence of a special status amphibious species (Columbia spotted frog). Alternative 2 limits the mining and processing within the valley bottom to what currently exists and adds environmental protection measures and monitoring to minimize effects and increase awareness of effects to these resources.

The project area is localized and the effects of implementation are relevant to compliance with Federal and state laws. There would be no adverse societal or regional impacts and no significant adverse impacts to the environment. The environmental effects have been evaluated together with the environmental protection measures, against the tests of significance found in 40 CFR 1508.27. All environmental protection measures and operating stipulations identified in sections 2.1(l) and 2.2(l), pages 16-18 and 21-23 of the EA would be critical to successful implementation of the project.

Any land management action involving ground disturbance invariably entails environmental effects. Based on the analysis contained in the EA (DOI-BLM-OR-V050-2013-010-EA), the potential impacts to the human environment resulting from Alternative 2 would not be significant and therefore, preparation of an EIS is not required.

If the decision were made to implement Alternative 2 the following would address intensity:

1. Impacts that may be both beneficial and adverse.

The proposal would cause no significant impacts, either beneficial or adverse; all impacts would be insignificant; and the proposed activities under Alternative 2 would not have an adverse effect to water quality or wildlife as anticipated under the original proposed action. The reason for this determination is because no new mining would occur along the valley bottom of Pine Creek, and additional environmental protection measures would be implemented for any work associated with the exiting Notices in and around the valley

bottom. Water used in the mining operation is from two wells and an impoundment on Forest Service managed land and is being piped to the ridge top; would be recycled through a three settling pond process; and all ponds are lined to prevent seepage. For the wildlife special status species Columbia spotted frog and Greater sage-grouse, Alternative 2 “may impact individuals or habitat, but will not likely contribute to a trend towards federal listing or loss of viability to the population or species”. The sage-grouse habitat has been specifically addressed in the Habitat Mitigation Plan.

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

The proposal would have no adverse effect on public health or safety because the operation would require a safety check-in while on the premises under the Mine Safety and Health Administration (MSHA) requirements, roads would be signed, and during highly active operations roads may even be closed for public safety.

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

The proposal would not affect unique characteristics of the geographic area such as proximity to park lands, prime farmlands, wild and scenic rivers, or ecologically critical areas because none have been identified in this area.

The analysis did identify some areas that may be considered wetlands in the valley bottom; however Alternative 2 was created to prevent any effects to sites that were identified. Therefore, there would be no impacts on wetlands.

The project area was also surveyed for cultural resources. There are cultural resources in the area; however, the mining operations would not impact these resources because of either a 20 meter buffer on these resources or no activity in the areas of cultural concern. Additional information regarding cultural resources is provided later in this document under #8.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.

The proposal would have no highly controversial effects. Public comment provided input to the decision process allowing the Baker Field Office staff to further evaluate the analysis on streams, associated riparian habitat, wildlife special status species and their habitat. The BLM designed Alternative 2 with environmental protection measures which minimize or prevent negative effects to water quality, wildlife, and wildlife habitat. In addition, there was also a sage-grouse Habitat Mitigation Plan prepared to offset the potential effects mining operations will have to the sage-grouse habitat. Alternative 2 was developed to specifically address water quality issues and avoid the reconstruction of the stream channel from proposed mining in the channel.

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

The BLM has extensive expertise reviewing and analyzing impacts of proposed placer mining operations such as those proposed by the EA. This project is consistent with other placer operations that have been analyzed and conducted with the same size and scope. All potential impacts were considered in the areas of air quality, climate, soils, water quality, botany, noxious weeds, wildlife, range management, cultural resources, and resources important to Native American tribes, geology, socioeconomic, recreation and visual quality based on current existing science and professional expertise.

The uncertain and unique or unknown risks of this project have been addressed through a site specific, focused analysis. The main concerns were water quality, wildlife habitat, and special status wildlife species. These concerns were addressed and would be monitored to learn more and see if the protection measures created for this specific situation are going to work. If new science is published or the sage-grouse is listed as threatened or endangered, the decision would be reevaluated.

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.**
Due to the site specific protection measures created for this project in Alternative 2, there should not be any significant effects. The only portion of this decision that has the potential to affect future similar actions is the Habitat Mitigation Plan (HMP) for sage-grouse habitat. The HMP was put in place to avoid major changes to the decision if the sage-grouse gets listed under the ESA in 2015. The HMP approach would be taken for actions, specifically related to mining, in the future that occur within Primary General Habitat (PGH) until such a time that there is different direction on how to address mining impacts and manage sage-grouse habitat. Since the use of an HMP represents interim BLM policy and is not required by law or regulation, it should not set a precedent, but it does represent an- interim decision in principle regarding similar future considerations until a determination is made regarding the ESA status of the Greater sage-grouse, or a regulation or formal policy is promulgated by the BLM.
7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.**
The proposal is not related to any immediate action being considered by BLM within the project area defined in the EA (page 1, Appendix A). However, there are projects being done by both the BLM and the Forest Service within the Pine Creek drainage which use some of the same roads. Based on the analysis contained within the Cumulative Effect section of the EA (page 70, section 4.4), Alternative 2 would not have significant cumulative effects when added to the effects of other past, present, and reasonably foreseeable future actions.
8. **The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the NRHP or may cause loss or destruction of significant scientific, cultural, or historical resources.**
The project area has been surveyed for cultural resources. Survey results from field inventories identified 11 cultural resources within the survey area. Six of the resources have been determined not to be eligible for listing on the NRHP, by the BLM and Oregon

State Historical Preservation Office (SHPO) in letters dated July 12, 2011, and January 14, 2013. One historic cabin (OR BLM 504) was evaluated as an above-ground structure and was determined not eligible for its above-ground features, but has not been evaluated for its archaeological (subsurface) features. The archaeological component of this cabin site and three other sites are unevaluated and will be protected by a twenty meter buffer until further evaluation can occur. The last of the 11 identified resources is a historic mining ditch that has segments on BLM and Forest Service administered lands. It was determined that the BLM segment of the ditch lacks integrity and removal of the BLM segment would result in a no adverse effect (SHPO letter January 14, 2013). This was also addressed in detail at Section 3.1 (b), page 25 of the EA.

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 ESA of 1973.

There are no known federally threatened or endangered listed species within the project area. The proposal would not significantly adversely affect candidate species (Greater sage-grouse) and special status species (Columbia spotted frog) or their habitat as environmental protection measures would be implemented to minimize the potential for impacts and seasonal restrictions would be put in place to protect the species during known important life cycle periods.

10. Whether the action threatens a violation of Federal, state, or local law or requirements imposed for the protection of the environment.

The proposal does not violate any law or regulation imposed by BLM for the protection of the environment in 43 CFR 3809. It is required that all Federal, state, and local laws and regulations are followed. All permits from other agencies must be acquired and copies must be turned in prior to starting operations.

The proposal would not significantly affect air quality because no chemicals are being used, dust control methods are being utilized during mining activities, and there will be no crushing of rock to create extra particulates in the air.

The proposal would not significantly affect water quality under the Clean Water Act because the water is regulated by the Oregon Water Resources Department under water rights and protection measures have been added to prevent any discharge of sediments into the stream channel.

The proposal is consistent with Oregon State laws and regulations, federal laws and regulations, as well as the Baker Resource Management Plan 1989.



June 28, 2013

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Date