

FINDING OF NO SIGNIFICANT IMPACT

For the

Bear Lake Mining - Humbug Exploration & Occupancy Request

Bureau of Land Management
Coeur d'Alene District
Cottonwood Field Office, Idaho

Proposed Action: Approval of Bear Lake Mining Company, LLC's (BLC) Plan of Operations (Plan) submitted to the Bureau of Land Management's (BLM) Cottonwood Field Office on February 5, 2009. BLC's Plan outlines the steps they deem necessary to extract a bulk sample (150 to 200 tons) of material from an old adit (mine) on their Humbug No. 3 unpatented mining claim in Idaho County, Idaho. Sample material would be prepared on site for shipment(s) to a lab(s) for metallurgical testing.

EA Number: ID-420-2009-EA-3691

Contact Person: Scott Sanner, Mining Engineer, Coeur d'Alene Field Office

Location of Action: BLC's proposed operations would occur on BLM administered land located about twenty-three air miles east of Riggins, Idaho. The proposed operations would affect surface resources in Section 9 of Township 24 North, Range 5 East, Boise Meridian.

Finding of No Significant Impact (FONSI)

I have reviewed the Environmental Assessment (EA) completed for this project which includes the explanation and resolution of any potentially significant impacts. I have determined that the BLM's approval of BLC's proposed operations involving less than one and one-half (1.5) acres of public land will not have any significant impacts on the human environment and that an Environmental Impact Statement (EIS) is not required.

Implementing regulations for the National Environmental Policy Act (NEPA) found at Title 40 Code of Federal Regulations (40 CFR) §1508.27 provide criteria for determining the significance of effects. *Significantly*, as used in NEPA, requires consideration of both context and intensity. The text below cites 40 CFR 1508.27, with an explanation following each, stating how the proposed action conforms to this regulation.

Pursuant to 40 CFR 1508.13 and 1508.27, the potential "significance" of all reasonable alternatives was evaluated and it was concluded that there will be no significant effect on the human environment (including the natural and physical environment and the relationship of people with that environment). No significant irreversible or irretrievable resource commitments have been made, and long-term productivity has not been sacrificed in order to meet the project objectives, therefore, an EIS is not needed. This determination is based on:

- a) Context: This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant.

The disclosure of effects in the EA found the actions are limited in context, the project area is limited in size, and the activities are limited in duration. Effects are local in nature and are not likely to significantly affect regional or national resources.

- b) Intensity: This refers to the severity of impact. The following were considered in evaluating intensity:

1. *Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effects will be beneficial.*

Impacts associated with the Proposed Action are discussed in the “Environmental Impacts” section of the EA. While the overall impacts of this proposal are expected to be beneficial to some resources and adverse for others, the impact on any resource is not expected to be significant.

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

The Proposed Action is not expected to have any impacts related to public health. Because heavy equipment will be used during proposed operations, BLC’s plan includes a provision that they will strategically place warning signs which will inform any visitors of possible dangers and restrict public access from work areas.

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 exploration and occupancy activities outlined in the Proposed Action will all occur on land that is surrounded by the Marshall Mountain Wilderness Study Area. The EA identified impacts during completion of the proposed exploration activities that will have adverse effects on the wilderness characteristics in the immediate vicinity of operations. However, the required reclamation of existing and newly authorized disturbances will remove these adverse impacts and ultimately benefit the overall area.

Proposed activities that have potential to impact wetlands/riparian areas include water withdrawal from Bear Lake during completion of the proposed activities,

and reclamation of the existing outlet stream crossing during final reclamation. No reduction in riparian/wetland areas is expected to occur from the proposed level of Bear Lake water withdrawal. Reclamation of the Bear Lake outlet stream crossing will result in long term benefits from removal of the crossing material and restoration of streambanks and riparian habitat.

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

The degree of the effects to the human environment is not highly controversial.

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

The Selected Action does not contain any unique or unknown risks to the human environment.

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 Selected Action does not set a precedent or alter existing management for the analysis area. The decisions being made are site-specific and consistent with activities proposed on unpatented mining claims.

7. *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.*

The EA identified historical activities in the Bear Creek drainage and several projects which are currently being implemented in area. The quantifiable and qualifiable cumulative impacts of past and current activities were evaluated in the EA. A careful review of the cumulative impacts associated with the Selected Action and reasonably foreseeable future actions indicates there will be no significant cumulative effects on the environment.

8. *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.*

No direct, indirect or cumulative impacts to cultural resources are expected.

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.*

A “*no effect*” determination was concluded for the ESA listed species which occur within the analysis area.

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

The Selected Action does not violate any Federal, State, or local laws or requirements imposed for the protection of the environment.

/s/ William Runnoe

William Runnoe
Field Manager

October 19, 2009

Date

DECISION RECORD
Bear Lake Mining - Humbug Exploration & Occupancy Request
ID-420-2009-EA-3691
Bureau of Land Management
Coeur d'Alene District
Cottonwood Field Office, Idaho

Decision

It is my decision to approve the Proposed Action (Bear Lake Mining Company, LLC's Plan of Operations) for this project as described in the attached Environmental Assessment (EA); serial number ID-420-2009-EA-3691. Approval of this plan will not now or in the future serve as a determination of the ownership or the validity of any mining claim to which it may relate.

Rationale for Decision

This action is authorized in accordance with the Federal Land Policy and Management Act of 1976, as amended, and complies with various laws and regulations including the National Environmental Policy Act, Clean Water Act, Endangered Species Act, and the National Historic Preservation Act. Appropriate agencies and specialists were consulted during the analysis and the project was cleared for implementation.

After reviewing the EA, I have determined that the selected alternative (Proposed Action) will have no significant impacts and will not require preparation of an environmental impact statement (EIS). The decision is in conformance with the Chief Joseph Management Framework Plan (1981) and subsequent amendments and updates. Bear Lake Mining Company, LLC's completion of approved activities and their adherence to 43 CFR § 3809.420, (What performance standards apply to my notice or plan of operations?), should prevent unnecessary or undue degradation of public lands.

This project is an example of the BLM complying with the mandate of the Federal Land Policy Act of 1976 requiring federal land managing agencies to: "Manage public lands and their resource values so they are utilized in the combination that best meets the present and future needs of the American people." Furthermore, this project helps fulfill the BLM's mission of providing multiple use of America's public lands while sustaining the health, diversity and productivity of those lands.

Authority

The BLM has prepared the attached EA in compliance with the National Environmental Policy Act (NEPA) as well as other appropriate federal and state laws and regulations. The EA discussed direct, indirect and cumulative impacts that may result from the Proposed Action or alternatives. The EA also provided supporting documentation for this decision document. I am implementing this action by the authority delegated to the Bureau of Land Management found in Section 302 (b) of the Federal Land Policy Management Act of 1976 (43 USC 1732).

/s/ William Runnoe
William Runnoe
Field Manager
Cottonwood Field Office
1 Butte Drive
Cottonwood, Idaho 83522

October 19, 2009
Date

Administrative Review Procedures

Title 43, Code of Federal Regulations, Part 3800 - Mining Claims Under the General Mining Laws

§ 3809.800 - Who may appeal BLM decisions under this subpart?

- (a) A party adversely affected by a decision under this subpart may ask the State Director of the appropriate BLM State Office to review the decision. {Per 43 CFR 3809.804: A State Director review request must be received no later than 30 calendar days after receipt of BLM's decision. Required information for a State Director review request is provided at 3809.805, and State Director review protocol is provided at 3809.806 - 809.}
- (b) An adversely affected party may bypass State Director review and directly appeal a BLM decision under this subpart to the Office of Hearings and Appeals (OHA) under part 4 of this title. {Per 43 CFR 3809.801 (b): In order for OHA to consider your appeal of a decision, you must file a notice of appeal in writing with the BLM office where the decision was made. Required information for an OHA appeal is provided at 3809.802.}

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4, and Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

§ 3809.803 - Will the BLM decisions go into effect during an appeal to OHA?

“All decisions under this subpart go into effect immediately and remain in effect while appeals are pending before OHA unless OHA grants a stay under § 4.21 (b) of this title.”

Pursuant to 43 CFR 4.21, if you wish to file a petition for a stay of the effectiveness of this decision, during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of

Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413), at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- A. The relative harm to the parties if the stay is granted or denied,
- B. The likelihood of the appellant's success on the merits,
- C. The likelihood of immediate and irreparable harm if the stay is not granted, and
- D. Whether the public interest favors granting the stay.

Contact Person

For further information regarding this project, contact Scott Sanner in writing at 3815 Schreiber Way, Coeur d'Alene, Idaho, 83815; by phone at 208-769-5032; or by email at scott_sanner@blm.gov.

Attachments: (1)

Environmental Assessment; ID-420-2009-EA-3691