

**Categorical Exclusion Review**  
U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Boise District Office  
Owyhee and Bruneau Field Offices

**Owyhee and Bruneau Abandoned Mine Land Closures**

<b>CE No.:</b> ID-130-2009-CE-3747	<b>Lease/Serial/Case File No.:</b>
<b>Purpose and Need for Action:</b> <p>Abandoned mine land (AML) investigations were conducted in 2007 by the Boise District Office on public lands in the Federal Butte area within the Owyhee Field Office. These investigations resulted in the identification of over 20 dangerous open mine workings at 14 AML sites. All of the workings pose significant threats to public safety. This is especially true due to the increase in public visitation to the area in the past few years.</p> <p>The proposed project would eliminate or reduce safety hazards for two of these sites that are located on public lands administered by the Bureau of Land Management (BLM) by completing physical closures at these sites over the next two years.</p>	
<b>Description of Proposed Action:</b> <p>The two sites include 3 open adits (See Appendix A for specific site information). All openings are easily accessible and are potentially very hazardous to the public. The sites are located adjacent to existing roads and trails which provide easy access by vehicle and are getting frequent visits from the public. Because of the physical safety hazards found at these sites, the proposal is to mitigate and remedy any hazards these sites pose to the public while at the same time protecting habitat for bats where necessary.</p> <p>Remediation of abandoned open mine workings would depend on the type of opening, stability of an opening, and if wildlife habitat (primarily bats) within a working needs to be protected. Any adit that has the potential for bat habitat, even if bat surveys identify no current use, would have bat gates or bat gate culverts installed. Work would include installing wildlife biologist approved steel bat gates or bat gate culverts at 4 sites. All work areas would utilize waste rock from adjacent mine workings for these closure operations. Work may include the use of a backhoe, track hoe, and pickup truck.</p> <p>It is estimated work at all these sites would be completed within 1 year from the date remediation commenced.</p> <p><b>Mitigations</b></p> <p>All sites where ground disturbance is necessary would be seeded with a BLM approved seed mixture.</p> <p>Remediation work would not occur on any site covered by an active mining claim, unless a written agreement describing the proposed work had been previously signed by both the BLM and the mining claimant.</p> <p>Cultural and botanical clearances as well as bat surveys would be completed prior to any project work.</p>	
<b>Project Location:</b> <p>Generally located in T8S, R 1W, Sec. 20: SWNE; T3S, R2W, Sec30: NWNE; Boise Meridian, Owyhee County, Idaho See Appendix A for site specific project locations.</p>	
<b>Applicant</b> (if any):	

**Part I – Plan Conformance Review**

**The Proposed Action is subject to the following land use plan:**

The Owyhee Resource Management Plan, approved in 1999, or the Bruneau Management Framework Plan, approved in 1983, did not address abandoned mine land safety issues. When this plan was developed, there was little knowledge or concern for the hazards posed by AML sites and visitation to these types of sites was rare.

**The Proposed Action is subject to the following regulations and guidance:**

Washington Office Instructional Memorandum 2000-182 – “Mitigating and Remediating Physical Safety Hazards at Abandoned Mine Land Sites” – Policy/Action: State and Field Offices should focus their physical safety hazard AML cleanup projects at AML sites which are situated on or in immediate proximity to developed recreation sites and areas with high visitor use.

Abandoned Mine Lands Program Policy 3720.02 (2) “Protect public safety and reduce liabilities by eliminating or reducing hazards posed by abandoned mines.”

**Part II – NEPA Review**

- A. Categorical Exclusion Review: This proposed action qualifies as a categorical exclusion under 516 DM 11.9 J (8). Category description: which states categorical exclusions may include “Installation of minor devices to protect human life (e.g. grates across mines).”
- B. Exceptions Review (Departmental List of Extraordinary Circumstances Review): Review the 12 exceptions which apply to individual actions within categorical exclusion. Environmental documents (EA or EIS) must be prepared for any actions involving these exceptions.

**List of Exceptions**

1. Have significant impacts on public health or safety.

Yes	No	Specialist Signature/Date: <i>Paul Getonko</i> July 29, 2009
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*Comments/Explanation:* The action would have a positive, but not significant, effect on public health and safety.

2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; or ecologically significant or critical areas, or is not in compliance with the Fish and Wildlife Coordination Act.

Yes	No	Specialist Signature/Date: <i>Buddy Green</i> October 5, 2009
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*Comments/Explanation:* None – Inventories for cultural and historic resources will be conducted prior to project initiation and all significant sites will be avoided.

3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].

Yes	No	Specialist Signature/Date: <i>Paul Getonko</i> July 29, 2009
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*Comments/Explanation:* None were identified during the scoping of this project or under similar circumstances during completion of the Castle Creek and Rough Mountain AML Closures (ID-120-2008-CE-131) or the War Eagle Mountain AML Remediation (ID-130-CE-2006-1754)

4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

Yes	No	Specialist Signature/Date: <i>Paul Getonko</i> July 29, 2009
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*Comments/Explanation:* The BLM has extensive experience in abandoned mine land remediation. The potential impacts associated with the activities themselves are well know and generally negligible.

5. Establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects.

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: <i>Paul Getonko</i> July 29, 2009
<i>Comments/Explanation:</i> The proposed actions have been conducted in other areas in the Boise District (e.g., Castle Creek and Rough Mountain AML Closures, ID-120-2008-CE-131 and War Eagle Mountain AML Remediation, ID-130-2006-CE-1754). The Castle Creek AML Closures and the War Eagle Mountain AML Remediation did not set any precedents for future actions nor did it result in actions with significant environmental effects. The proposed action is expected to have similar results.		
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant environmental effects.		
Yes	No	Specialist Signature/Date: <i>Paul Getonko</i> July 29, 2009
<i>Comments/Explanation:</i> None – the proposed action is routine, rather than precedent setting. The impacts should be negligible or unnoticeable upon completion of the project. They would not add, in any noticeable way, to any impacts from other activities in the area administered by the BLM.		
7. Have significant impacts on properties listed or eligible for listing on the National Register of Historic Places as determined by either the bureau or office.		
Yes	No	Specialist Signature/Date: <i>Brian P. McCabe</i>
<i>Comments/Explanation:</i> Cultural surveys have been completed and no impacts under these criteria are projected.		
8. Have significant impacts on species listed or proposed to be listed on the List of Endangered or Threatened Species, or on designated Critical Habitat for these species.		
Yes	No	Specialist Signature/Date for Plants: <i>Holly Beck</i> 7/30/09 Specialist Signature/Date for Wildlife: <i>Mike McGee</i> 8/7/09 Specialist Signature/Date for Aquatics: <i>Richard Jackson</i> 8/7/09
Plants <i>Comments/Explanation:</i> No special status species or suitable habitat were located during field surveys of the closure areas. No special status species were previously known to occur in the vicinity of the projected area based on BLM and IDFG databases.		
Wildlife <i>Comments/Explanation:</i> All sites will be closed using bat friendly bat gate culverts with no impacts to these species.		
Aquatics <i>Comments/Explanation:</i> No impacts to aquatic species or habitat are projected by completing these projects.		
9. Violate a Federal, State, local, or tribal law or requirement imposed for the protection of the environment.		
Yes	No	Specialist Signature/Date: <i>Paul Getonko</i> July 29, 2009
<i>Comments/Explanation:</i> The proposed action would be in compliance with all laws and requirements that pertain to environmental protection in the area.		
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		
Yes	No	Specialist Signature/Date: <i>Buddy Green</i> October 5, 2009
<i>Comments/Explanation:</i> There are no low income or minority populations living in the area. Low income or minority visitors to the area would not be affected any differently by the proposed activities than any other visitor.		
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).		
Yes	No	Specialist Signature/Date: <i>Brian P. McCabe</i>
<i>Comments/Explanation:</i> This undertaking will not limit access or use of any known native American sacred site or area.		
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).		
Yes	No	Specialist Signature/Date: <i>Pat Kane</i> July 30, 2009
<i>Comments/Explanation:</i> Whitetop is known to occur at the Lucky Day Group site primarily adjacent to the road. Whitetop, although not occurring at the Matteson Mine site, is known to occur in this general area. There are		

currently no known populations of noxious weeds at the Nugent Mine or Slacks Mountain Prospects sites. Any noxious weeds encountered during or after project implementation would be treated, monitored, and retreated as necessary, consistent with established BLM procedures, to prevent infestations from establishing and spreading within the project area.

I certify that none of the Departmental exceptions (Extraordinary Circumstances) listed in the above Part II (516 DM 2, Appendix 2) apply to this action; therefore, this categorical exclusion is appropriate for this situation.

Remarks:

Authorizing Official: /s/ *Paul Seronko*

Date: 10/4/2009

Name: Paul Seronko

Title: Soil Scientist

### **Part III – Decision**

I have reviewed this plan conformance and NEPA compliance record and have determined that the proposed project is in conformance with the approved land use plan and that no further environmental analysis is required. It is my decision to implement the project, as described, with the mitigation measures either identified below or with the stipulation(s) described above.

#### **Administrative Review or Appeal Opportunities**

Any party in a case who is adversely affected by a decision of an officer of the Bureau of Land Management shall have a right to appeal to the Interior Board of Land Appeals following the process detailed in 43 CFR part 4, subpart E. A person who wishes to appeal to the Board must file a notice of appeal in the office of the officer who made the decision, within 30 days following receipt of the decision. The appeal may be accompanied by a petition for a stay of the decision pending appeal in accordance with 43 CFR 4.21. The appeal may include a statement of reasons for the appeal and any arguments the appellant wishes to make (43 CFR 4.411). If the notice of appeal did not include a statement of the reasons for the appeal, the appellant shall file such a statement with the Board (address: Board of Land Appeals, Office of Hearings and Appeals, 801 North Quincy Street, Arlington, VA 22203) within 30 days after the notice of appeal was filed. The appellant must also serve a copy of the notice of appeal and any statement of reasons on each adverse party named in the decision from which the appeal is taken and on the Office of the Solicitor, Field Solicitor-U.S. Department of the Interior, University Plaza, 960 Broadway Avenue, Suite 400, Boise, Idaho 83706.

Should you wish to file a petition for a stay, see 43 CFR 4.21. In accordance with 43 CFR 4.21 (b), a petition for a stay must show sufficient justification based on the following standards:

- (i) The relative harm to the parties if the stay is granted or denied,
- (ii) The likelihood of the appellant's success on the merits,
- (iii) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (iv) Whether the public interest favors granting the stay.

Authorizing Official: /s/ *Buddy Green*

Date: 10/4/2009

Name: Buddy Green

Title: Owyhee Field Office Manager

Appendix A - AML Closures

**1. Lucky Day Group (Site No. JV-100)**

**Location**

This prospect is just east of Summit Springs and on the south side of Mud Flat Road, in T8S, R1E, Sec. 20:SENE on the Snow Creek quad. The property is easily accessible by foot from the Mud Flat Road. An old jeep trail, overgrown with sagebrush in places, leads to the shaft and several prospects, most of which are shown on the topographic map. An adit, also shown on the map, is along the Mud Flat Road. The shaft and prospects are on a patented claim surrounded by BLM land. The adit is on BLM land.

**Safety Concern**

The open adit is directly off a well travelled road and easily accessible to the public.

**Actions**

The adit will be secured with a 36" diameter bat gate culvert placed in the adit and foamed with a natural rock facing applied. A grill or other device will be placed on the floor of the adit to allow drainage.

**2. Matteson Mine (Site No. BO-447)**

**Location**

The Matteson Mine is near Point of Rocks Spring in T3S, R2W, Sec. 30: NWNE on the Murphy quad. Access from Murphy, Idaho, is via the old Silver City road south about 6 miles to a jeep road that turns to the west. About 2 miles west of the turnoff, the road passes Point of Rocks Spring, where a poor jeep trail heads to the north and passes below the mine. A bulldozer road leads to some of the workings from this rough jeep trail. The mine is on the east slope of Federal Butte and is on BLM land.

**Safety Concern**

Adits 1, 3, 4, and 5 could easily be entered. Adit 1 is short and the rock competent, as is the rock inside Adit 4. Conditions inside Adits 3 and 5 could not be determined. Adit 6 has a small, irregular, short opening that would not likely be entered. The workings are fairly obvious on the open slope and are in an area frequented by outdoor enthusiasts, particularly those on all-terrain vehicles, so some visitors to the mine are likely.

**Actions**

Adits 4 and 5 will be secured with a 36" diameter bat gate culvert foamed into place with a natural rock facing applied.