

**Determination of NEPA Adequacy (DNA)**  
**U.S. Department of the Interior**  
**Bureau of Land Management**

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**Office:** Burns District, Three Rivers Resource Area

**Tracking Number (DNA #):** DOI-BLM-OR-B050-2015-0034-DNA

**Case File/Project Number:** OROR-058109

**Proposed Action Title/Type:** 2012 Plan of Operation Modification

**Location/Legal Description:** Willamette Meridian, T. 19 S., R. 37 E., section 31, N<sup>1</sup>/<sub>2</sub>, and T. 19 S., R. 37 E., section 30, NE1/4 and NW1/4

**Applicant:** EP Minerals, LLC, 9785 Gateway Drive, Suite 1000, Reno, Nevada 89521

**A. Description of the Proposed Action and Project Design Elements  
(or any applicable mitigation measures)**

The proposed action is for the Bureau of Land Management (BLM) to authorize modifications to the current approved Plan of Operation (PoO), as proposed by EP Minerals, LLC (EPM). The location of the requested modification is entirely within the 12,640 acre project area previously evaluated in a 2012 Environmental Impact Statement (EIS) and specifically at T. 19 S., R. 37 E., section 31, N1/2 (Mill Gulch), and T. 19 S., R. 37 E., section 30, NE1/4 and NW1/4 (well) of the Willamette Meridian. The proposed work could start as soon as the summer/fall of 2015. For specifics of the current environmental impacts, design elements, and conditions of approval for the mine's project area, please refer to the Celatom Mine Expansion Project's Final Environmental Impact Statement (FEIS)(DOI-BLM-OR-B050-2009-0037-EIS), Record of Decision (ROD), or the Plan of Operations (PoO). Note that the FEIS and PoO were concurrently reviewed, evaluated, and approved. All three of the documents can be found on the Burns BLM website (<http://www.blm.gov/or/districts/burns/plans/plans.php>).

The first proposed modification is to add Mill Gulch to the areas approved for mining in the PoO. Note that the Mill Gulch mining area is entirely within the previously evaluated project area (see attached figure). This proposal would add 67.41 acres of incremental disturbance to the previously evaluated 1,394.5 acres (page 3-8 of EIS) already approved for a combined total of 1,461.91 acres of disturbance within the 12,640 acre (page ES-1 of EIS) project area. Currently there are approximately 725 acres of surface disturbance, which include Beede Desert, that have had a great deal of reclamation work completed. Thus, the total disturbed area through time will also include areas under various stages of reclamation.

Consistent with the PoO and FEIS, the proposed work would be done using surface mining equipment (dozers, loaders, trucks, scrapers, etc.), starting by removing the top soil and storing it for reclamation. For Mill Gulch, the approved reclamation plan includes top soil stored to the north on private land (which has an agreement in place to utilize the stored soil for reclamation, from the private land, when the time comes). The diatomaceous earth (DE) will then be mined from the north to the south of the Mill Gulch mining area while waste material will be used for

EPM PoO Modification  
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fill and reclamation within the east side of section 36 (State land) and backfilling behind mining operations at Mill Gulch. Once the DE has been mined out, the land will be reclaimed per the State of Oregon Department of Geology and Mineral Industries (DOGAMI) and BLM standards, (i.e., there is currently an adequate bond in place and reclamation will be consistent with EIS sections 2.5 and 3.2.10 and section 8.0 of the current PoO). Note that all existing PoO and National Environmental Policy Act (NEPA) conditions that have been approved for the mining complex would apply to the Mill Gulch operation. Additionally, the bonding (financial guarantee) calculation approach for Mill Gulch is consistent with that of the mining complex and is also consistent with DOGAMI's bonding and reclamation on private and State land.

The second modification is to drill one water well, also within the EIS project area and on the north side of Kelly Field (see figure). The exact location will be dependent upon the hydrogeological properties, including subsurface water occurrence and relative aquifer permeability, and will be located within a previously mined out area that has surface disturbance and is accessible from the access road in Mill Gulch (unnamed on BLM's Geographic Information System (GIS)) and/or Hart Road. The well permit applicant may be either the BLM (with an agreement with EPM to install, use, and maintain the well for both dust and cattle operations in the project area) or EPM (with an agreement with BLM to transfer the well to BLM for the purpose of continuing its usefulness in cattle and wildlife purposes in the future). A portable water basin will be present when cattle are expected to be in the area. The intent is to keep the water well for cattle and wildlife use beyond the life of the mining operation. Note that the proposed well could be considered a minor modification (43 CFR 3809.432) as it is entirely within previously disturbed land (no new surface disturbance) from past mining activities and no additional impacts not previously evaluated were identified, however, is included within this evaluation and open to public comment.

#### **B. Land Use Plan (LUP) Conformance (from EIS page 1-9):**

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is consistent with the following resource management plan (RMP) decisions (objectives, terms, and conditions):

- Three River RMP/Record of Decision (ROD), August 5, 1992.
  - The Energy and Minerals (EM) Objective EM 3 in the RMP calls for providing maximum opportunity for mineral exploration and development on Federal mineral estate in areas identified as open to operation of the mining laws (page 2-162).
  - The Three Rivers RMP identified the BLM-administered lands within the project area as open to exploration and mining operations and identified the area as having moderate to high mineral potential (page 2-165).

#### **C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.**

- Celatom Mine Expansion Project, FEIS ROD signed June 13, 2012.

- Harney County Comprehensive Plan (acknowledged in 1983) does not require a permit for mining on Federal land, however, does allow for conditional use permits to be issued for private land development.
- Malheur County does not have a comprehensive plan but relies upon conditional use permits and does not require a permit for mining on Federal land (FEIS page 1-11).
- Mining operations on private, State, and Federal lands are regulated by the Oregon Department of Geology and Mineral Industries' (DOGAMI) Mineral Land Regulation and Reclamation Program. In accordance with State regulations regarding mining and reclamation, proponents are required to follow procedures and standards including submitting a mine plan, providing a financial guarantee of reclamation, and operating under a State permit. In addition, DOGAMI implements the Federal Clean Water Act General Storm Water Permit and the State Water Pollution Control Facility Permit at mine sites based upon an agreement with the Oregon Department of Environmental Quality (ODEQ). DOGAMI has been made aware of this modification request (FEIS page 1-11).
- Mining and Minerals Policy Act
  - *"The Mining and Minerals Policy Act declares that it is the continuing policy of the [F]ederal government to foster and encourage private enterprise in the development of domestic mineral resources. BLM Mineral Policy (1984) states that public lands will remain open and available for mineral exploration and development unless withdrawal or other administrative action is clearly justified in the national interest (FEIS page 1-9).*
- BLM Energy and Mineral Policy
  - The BLM land use planning and multiple-use management decisions will recognize that energy and mineral development can occur concurrently or sequentially with other resource uses, providing that appropriate stipulations or conditions of approval are incorporated into authorizations to prevent unnecessary or undue degradation, reduce environmental impacts, and prevent a jeopardy opinion (BLM Energy and Mineral Policy no. 1).
- EPM's proposed mining modification activities would occur on public land administered by the BLM. Such operations must comply with regulations for mining on public land (43 CFR 3809, Surface Management Regulations), 43 CFR 3715 (Use and Occupancy), 43 CFR 3814 (Disposal of Reserved Minerals Under the Stock Raising Homestead Act (SRHA)), the Mining and Mineral Policy Act of 1970, and the Federal Land Policy and Management Act (FLPMA) of 1976. These laws recognize the statutory right of mining claim holders to develop Federal mineral resources under the General Mining Law of 1872, as amended. These laws, in combination with other BLM policies, also require the BLM to analyze proposed mining operations to ensure the following: 1) adequate provisions are included to

prevent undue or unnecessary degradation of public land, 2) measures are included to provide for reasonable reclamation of disturbed areas, and 3) proposed operations would comply with other applicable Federal, State, and local statutes and regulations. In accordance with 43 CFR 3809, the BLM would conduct periodic inspections of the mining operation. (FEIS page 1-9)

- FLPMA, the Mining and Mineral Policy Act of 1970, and BLM Mineral Policy. (FEIS section 1.5.1, page 1-9).
  - Section 102(a)(12) of FLPMA states that “*the public lands be managed in a manner which recognizes the Nation’s need for domestic sources of minerals, food, timber, and fiber from the public lands including implementation of the Mining and Minerals Policy Act of 1970 (84 Stat. 1876, 30 U.S.C. 21a) as it pertains to the public lands*”. The Mining and Minerals Policy Act declares that it is the continuing policy of the Federal government to foster and encourage private enterprise in the development of domestic mineral resources. BLM Mineral Policy (1984) states that public lands will remain open and available for mineral exploration and development unless withdrawal or other administrative action is clearly justified in the national interest.
- Mining Law regulations at 43 CFR 3809.430, 3809.431, 3809.432, 3809.433(b), and 3809.434 allow BLM to approve a mine plan modification for a new or existing facility following the same review and approval as the initial plan under 43 CFR 3809.401 through 43 CFR 3809.420. Approval may be subject to terms and conditions identified in the environmental analysis process necessary to meet the performance standards of 43 CFR 3809.420 and to prevent undue or unnecessary degradation of public land. The BLM is allowed to disapprove or withhold approval of a mine plan modification for the following reasons: 1) it is not complete according to content requirements at 43 CFR 3809.401; 2) the mine plan modification proposes operations in an area segregated or withdrawn from mineral entry; or 3) the plan modification proposes operations that would result in unnecessary or undue degradation of public land as defined at 43 CFR 3809.415 (FEIS page 1-10).
- Additional regulations at 43 CFR 3715 and 43 CFR 3814 govern requirements for use and occupancy under the mining laws (wells, cattle guards, signs, and fences on Federal land associated with a mine plan) and mining activities on SRHA lands (FEIS page 1-10).
- In accordance with Federal regulations, proponents are required to follow procedures and standards to prevent unnecessary or undue degradation of public land and reclaim disturbed areas. These procedures include submitting a mine plan (modification) and reclamation cost estimate, public review and environmental analysis of the proposed action; providing a financial guarantee for reclamation for operations on Federal land; obtaining BLM approval before beginning operations; modifying the plan before making changes to the operations described in the approved plan; and addressing impacts from unforeseen circumstances (FEIS page 1-10).

#### D. NEPA Adequacy Criteria:

**1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?**

The EPM proposed modifications are entirely within the FEIS evaluated project area and are consistent with the FEIS and PoO authorized in the ROD signed on June 13, 2012.

The BLM handbook H-3809-1, Surface Management, under section 4.6.3, BLM Review of Plan Modifications, lists “*Increasing the area of disturbance*” as an example in processing a modification consistent with 43 CFR 3809.401 through 43 CFR 3809.420.

The rationale in proceeding with a DNA was determined after all interdisciplinary team (IDT) specialists and Oregon Department of Fish and Wildlife (ODF&W) indicated that the areas, methods, and impacts of the two requests (i.e., well installation and addition of Mill Gulch mining area) were adequately evaluated within the FEIS and are consistent with the 2012 FEIS which addressed the NEPA; no additional issues were noted. However, in order to be consistent with the FEIS, the off-site mitigation condition should also apply consistent with the rate specified within the FEIS (page 4-94 and Appendix C). Finally, a 30-day public review will take place for the proposed PoO modification, consistent with 43 CFR 3809.411(3)(c).

43 CFR 3809.432 requires the approval process for a mine plan modification to be the same as the initial plan under 43 CFR 3809.401 through 43 CFR 3809.420. The current PoO (approved in 2012) was determined to be complete and consistent with 43 CFR 3809.401 and the proposed modification is consistent with those provisions. The project area baseline data discussed in the FEIS (section 1.7 starting on page 1-12) meets the requirements in 43 CFR 3809.411(3)(i) and has been updated with annual monitoring provided to the BLM from EPM and on-site mine inspections by the BLM.

The proposed Celatom Mine PoO modifications are within the 12,640 acre project area evaluated in the FEIS (DOI- BLM-OR-B050-2009-0037-EIS). Both the Mine PoO and FEIS were approved on June 13, 2012. The NEPA FEIS evaluation included the following:

- FEIS Section 1.3.8: “*The area covered by the Proposed Action would remain available for future DE processing or for other purposes.*” (FEIS page 4-102).
- FEIS Section 4.13.3.3.1 (page 1-103): “*Exploration drilling and subsequent trenching and bulk sampling would be conducted to delineate boundaries of known ore reserves and to explore for new deposits and could occur on [F]ederal lands anywhere within the Project Area over the 50-year life of the Project. Up to 250 acres of disturbance from the exploration activities would be created*”

*incrementally and dispersed throughout the Project Area.” (Also in FEIS sections 3.2, 3.2.5, 4.4.3.3, 4.5.3.3, and 4.9.3.3).*

The PoO approved document includes the following:

- *PoO Section 2.5: “EP Minerals has plans to develop additional mining areas near the existing mine workings.”*

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

Yes, the alternatives were no action, proposed action, proposed action with additional design elements, and alternatives considered but eliminated from detailed study. The proposed modifications are consistent (in mining methods and environmental impacts) with the selected proposed action in the June 2012 ROD (page 10) as evaluated in chapters 3, 4, and 5 of the FEIS. Note that the NEPA evaluation took into consideration additional impacts within the 12,640 acre project area (section C of the DNA above). The mitigation plan (FEIS Appendix C) would mitigate for Greater Sage-Grouse habitat and big game winter range. The plan identified 5,568 acres of mitigation would be completed during the 50-year life of the mines (page 3-54 of the FEIS). Reclamation was addressed in FEIS section 2.5 (starting on page 2-28) and section 3.2.10 (starting on page 3-29) and the proposed modification is consistent with that evaluated.

The FEIS (page ES-5) outlines the additional design elements as *“The Proposed Action includes environmental protection measures incorporated by EPM as design features. During preparation of this EIS, the BLM identified resource-specific measures as additional environmental protection measures. Alternative 3 is the same as the Proposed Action except as modified by the following design and operations changes as well as additional or modified design elements for environmental protection. These additional elements include fenced mine areas, one additional access road, a locked gate, removal of a sediment basin, maintenance of an existing stock water pond, and installation of new stock watering ponds.”*

It should be noted that mining has certain rights under the 1872 mining law that are viewed as non-discretionary, as suggested in the FEIS (page ES-3) *“The BLM is responsible for administering mining activities on [F]ederal lands as authorized by mineral regulations under the General Mining Law of 1872 (for public domain lands) and Public Law 103-23 (for SRHA lands). “Except as otherwise provided, all valuable mineral deposits in lands belonging to the United States, both surveyed and unsurveyed, shall be free and open to exploration and purchase, and the lands in which they are found to occupation and purchase...” (30 U.S.C. §228).” and “The purpose (of the FEIS) is to approve, approve with conditions, or deny EPM’s proposal for an authorized mine plan. The BLM could deny the proposal if the Project did not comply with regulations, particularly those under 43 Code of Federal Regulations (CFR) 3809.420.” (FEIS page ES-3)*

**3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, and updated lists of Bureau of Land Management [BLM] sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?**

Yes, the NEPA evaluation is approximately 3 years old. The FEIS and ROD were delayed for about one year to coordinate with ODF&W and incorporate the 2011 ODF&W Greater Sage-Grouse conservation assessment and strategy (Hagen 2011) and mitigation guidance (ODF&W 2012). The Oregon Sub-Region Greater Sage-Grouse Resource Management Plan Amendment (RMPA) and EIS are in preparation. The proposed mining area (i.e., Mill Gulch) is within a general sage-grouse habitat area. ODF&W reviewed the proposal for potential sage-grouse impacts and determined they were the same as disclosed in the FEIS.

This proposal would add 67.41 acres (see figure) of mining and related disturbance to the 1,395 acres already approved (total of 1,461.91 acres) within the 12,640 acre permitted project and adjacent to the existing Kelly Field and Section 36 pits. ODF&W recommended that the mitigation area for the new disturbance be calculated in conformance with ODF&W (2012). This results in an additional 207 acres of mitigation (total of 5,775 acres) to be implemented through the life of the mine. As with the ongoing mitigation (FEIS Appendix C), mitigation will be a combination of juniper control and medusahead rye and other noxious weed control implemented in areas where these actions have been analyzed and approved by BLM.

The FEIS (page 4-94) states that *"Since mitigation projects would be located near the mines, they would benefit the populations potentially [a]ffected by mine expansion. The mitigation area is approximately four times larger than the area of direct impacts from the proposed mine expansion. Implementation of the Mitigation Plan is expected to help maintain or increase the local [G]reater [S]age-[G]rouse population and maintain big game winter range values over the life of the mine. In conclusion, the potential impacts of the proposed action plus mitigation are expected to be small and slightly beneficial."*

Yes, BLM can reasonably conclude that new information and new circumstances would not substantially change the NEPA analysis of the new proposed action. The BLM specialists evaluated the impacts of the proposed PoO modification and compared it to the FEIS and current conditions and policies. No new issues were identified.

Hagen, C. A. 2011. Greater Sage-Grouse conservation assessment and strategy for Oregon: a plan to maintain and enhance populations of habitat. Oregon Department of Fish and Wildlife, Salem, USA.

Oregon Department of Fish and Wildlife (ODF&W). 2012. Implementing habitat mitigation for Greater Sage-Grouse under the core area concept. Salem, USA.

**4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?**

Yes, the proposed PoO modification is the same action in the same area that was analyzed in the FEIS. Chapter 5 (including tables 5.2-1 and 5.2-2) of the FEIS' cumulative effects evaluation includes grazing and agriculture, utilities and infrastructure, wildfires and fuel management, recreation and transportation, land and mineral development, air and water quality, wildlife, migratory birds, fisheries, geology and soils, noxious weeds, special status species (SSS) (including Greater Sage-Grouse), and vegetation. Additional off-site habitat mitigation will be required, consistent with Appendix C of the FEIS.

**5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?**

Consultation under Section 206 took place during the FEIS process for the project area and no additional consultation is anticipated since all the disturbance is within the area that had consultation.

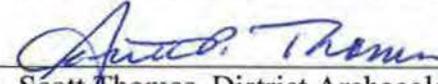
BLM specialists have determined that the FEIS was adequate in reviewing conditions within the National Historic Preservation Act and the Endangered Species Act because the proposed PoO modifications are for the same actions in the same area that were evaluated in the FEIS which included public involvement and interagency review.

The proposed PoO modifications were discussed with the DOGAMI and the ODF&W. ODF&W recommended adding additional area of off-site mitigation consistent with that in the FEIS. DOGAMI's response was that they felt it was acceptable and EPM will need to add it to their permit for mining if approved by BLM. The discussed mitigation plan for SSS is provided on page 3-54 of the FEIS. The FEIS mitigation Alternative 2 (ROD chosen option from the FEIS) includes the Greater Sage-Grouse and big game winter range habitat mitigation plan. The plan identified that 5,568 acres of mitigation would be completed during the 50-year life of the mines. The reclamation actions would be juniper control and medusahead rye control. In compliance with ODF&W policy, the goal of the plan was "no net loss" with "net benefit" to sage-grouse and big game winter range habitats (FEIS Appendix C).

BLM personnel visited the proposed area for the PoO modification site in May of 2015 and the mine site at least 15 times per year since 2011.

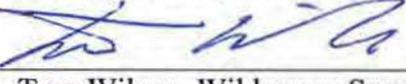
**E. Interdisciplinary Analysis:** Identify those team members conducting or participating in the NEPA analysis and preparation of this worksheet.

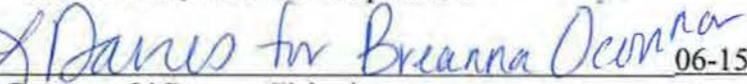
Specialist Signature and Date:  06-15-2015  
Matt Obradovich, District Biologist

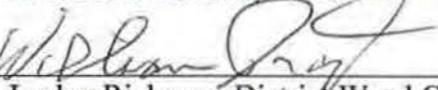
Specialist Signature and Date:  06-15-2015  
Scott Thomas, District Archaeologist

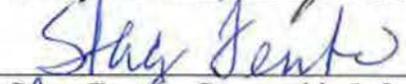
Specialist Signature and Date:  06-15-2015  
Caryn Burri, Natural Resource Specialist (NRS), Botany

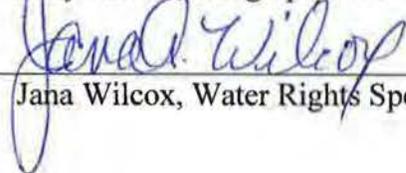
Specialist Signature and Date:  06-15-2015  
Lindsay Davies, Fish Biologist

Specialist Signature and Date:  06-15-2015  
Tom Wilcox, Wilderness Specialist

Specialist Signature and Date:  06-15-2015  
Breanna O'Connor, Fisheries

*for* Specialist Signature and Date:  06-15-2015  
Lesley Richman, District Weed Coordinator

Specialist Signature and Date:  06-15-2015  
Stacy Fenton, Geographic Information Specialist

Specialist Signature and Date:  06-15-2015  
Jana Wilcox, Water Rights Specialist

**F. Others Consulted:**

Identify other individuals, agencies, or entities that were consulted with as part of completing the NEPA analysis.

**For this proposed modification**

- Rod Klus, Oregon Department of Fish and Wildlife (ODF&W);
- Ben Mundie, Oregon Department of Geology and Mineral Industries (DOGAMI);
- Myron (Skylar) Burdette, adjacent land owner's representative (applicant and EPM).

**As part of the FEIS (pages 6.1 through 6.4)**

- Burns Paiute Tribal Council
- US Fish and Wildlife Service (USFWS)
- Oregon Department of Fish and Wildlife (ODF&W)
- Oregon Department of State Lands
- Harney County Court
- Malheur County Commissioners
- Southeast Oregon Resource Advisory Council (SORAC)

**Public comment as part of FEIS (page 6.4)**

- Six comments

**G. Conclusion:** Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the FEIS NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of the NEPA.

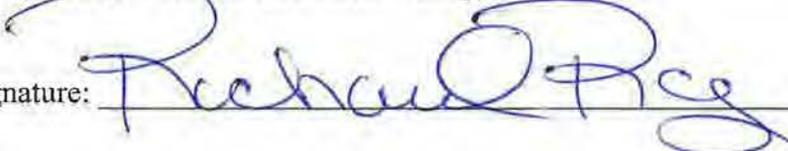
Rick Wells, Geologist

Signature:  Date: 6-15-15

Holly Orr, District Planning and Environmental Coordinator

Signature:  Date: 6/15/15

Richard Roy, Three Rivers Field Manager

Signature:  Date: 6/15/15

**Note:** The signed conclusion on this worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision.

BLM has published a notice of availability of this request in a local newspaper of general circulation (Burns Times-Herald) and will accept public comments for at least 30 calendar days, ending on July 17, 2015. This DNA, with the proposed PoO modification, will be posted on the Burns District BLM planning website at <http://www.blm.gov/or/districts/burns/plans/index.php>.

BLM may approve the proposed PoO modifications based upon the performance standards of 43 CFR 3809.420. An appealable decision for this proposed action could be issued following the 30-day comment period.

BLM has published a notice of availability of this request in a local newspaper of general circulation (Burns Times-Herald) and accepted public comments for at least 30 calendar days (June 17 through July 17, 2015). This DNA, with the proposed PoO modification, was also posted on the Burns District BLM planning website at <http://www.blm.gov/or/districts/burns/plans/index.php>.

There were not public comments or responses (written or verbal) received by the Bureau of Land Management.

The PoO modifications are in compliance with the performance standards of 43 CFR 3809.420 and the BLM approves the proposed modifications. If you do not agree and are adversely affected by this decision, you may request that the Oregon BLM State Director review this decision. If you request a State Director Review, the request must be received in the Oregon BLM State Office at 333 S.W. 1st Ave., Portland, Oregon 97204 no later than 30 calendar days after you receive or have been notified of this decision. The request for State Director Review must be filed in accordance with the provisions in 43 CFR 3809.805. This decision will remain in effect while the State Director Review is pending, *unless* a stay is granted by the State Director. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If the State Director does not make a decision on your request for review of this decision within 21 days of receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the Oregon BLM State Office to determine when BLM received the request for State Director Review. You have 30 days from the end of the 21 day period in which to file your Notice of Appeal with this office at 28910 Highway 20 West, Hines, Oregon 97738, which we will forward to IBLA.

If you wish to bypass a State Director Review, this decision may be appealed directly to the IBLA in accordance with the regulations at 43 CFR 3809.801(a)(1). Your Notice of Appeal must be filed in this office at 28910 Highway 20 West, Hines, Oregon 97738 within 30 days from receipt of this decision. As the appellant you have the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, 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 the decision and to the Office of the Solicitor, U.S. Department of the Interior, 805 SW Broadway, Suite 600, Portland, Oregon 97205 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 based on the standards listed below.

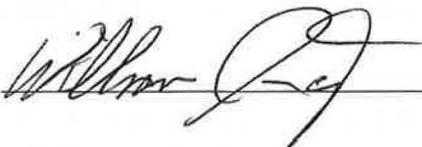
Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

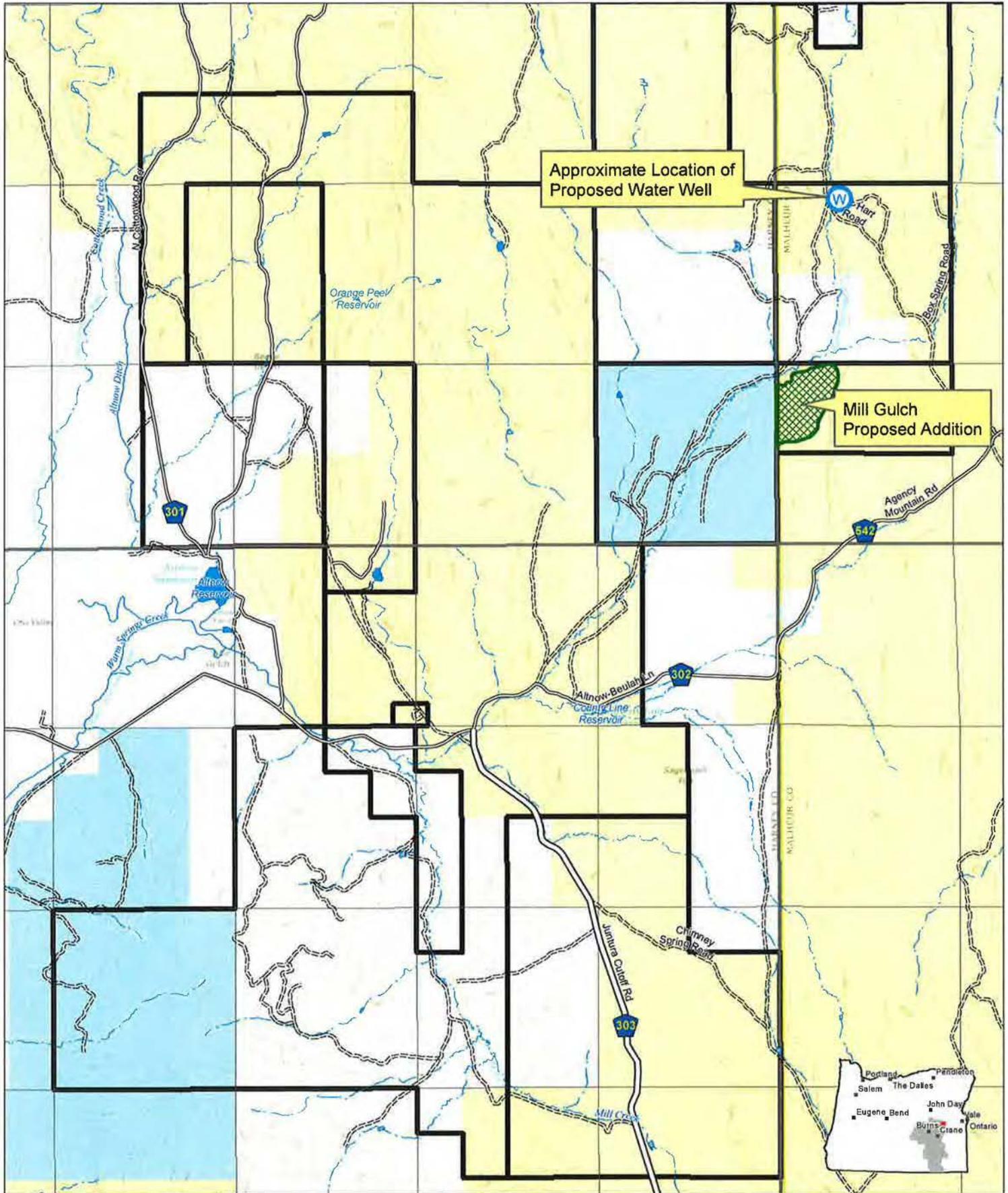
MANAGER'S RECOMMENDATION

Having considered the applicant's proposal, and public and agency input, I recommend adoption and implementation of the Plan of Operation modifications as described in this document.

*mt*  
Authorized Officer: Richard Roy, Three Rivers Field Manager

Signature:  Date: 7/24/15

# Celatom Mine Plan of Operations Modification DNA



Approximate Location of Proposed Water Well

Mill Gulch Proposed Addition

- Project boundary
- Paved Road
- Non-Paved Improved Road
- Primitive/Unknown Surface
- Perennial Lake
- Intermittent Lake
- Bureau of Land Management
- State
- Private/Unknown
- Perennial Streams
- Intermittent Streams

1 Miles



US DEPARTMENT OF THE INTERIOR  
Bureau of Land Management  
Borne District, Oregon

Note: No warranty is made by the Bureau of Land Management as to the accuracy, reliability or completeness of these data for individual or aggregate use with other data. Original data was compiled from various sources and may be updated without notification.  
DOI-BLM-CR-0050-2015-0034-DNA  
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