

**UNITED STATES  
DEPARTMENT OF INTERIOR  
BUREAU OF LAND MANAGEMENT  
EUGENE DISTRICT OFFICE  
DECISION RECORD**

**HALFWAY MINING CLAIM OCCUPANCY PERMIT  
DOI-BLM-OR-E060-2010-0002-EA**

Background:

The Bureau of Land Management prepared an Environmental Assessment (DOI-BLM-OR-E060-2010-0002-EA) which analyzed the effects of occupying Halfway Mining Claim for up to seven months annually. The claim is located at T22S, R1W, Willamette Meridian, Section 5, Lot 18.

The EA considered two alternatives: Alternative 1 which is the no action alternative; and Alternative 2, which is to issue an occupancy permit.

Purpose and Need:

The purpose of the action is to permit or deny occupancy of the mining claim between May 10 and November 30. The need for the project is established by BLM's responsibility under 43 CFR §3715 (Use and Occupancy under the Mining Laws) to respond to a request for extended occupancy during the mining season on BLM lands.

Robert Arndell filed a Notice describing mining operations for the Halfway Mining claim on February 2, 2010. The Notice included a request to occupy the site for more than 14 days annually. The Notice was evaluated and found to be complete according to the regulations (43 CFR §3809), and Mr. Arndell was notified of this determination by certified letter dated February 18, 2010. Occupancy of public lands under the mining laws for more than 14 days in any 90-day period within a 25-mile radius of the initially occupied site is subject to Bureau of Land Management (BLM) review and approval. The occupancy request is evaluated separately from the mining request, since different regulations apply to this activity. These regulations include a requirement to conduct environmental analysis. Such occupancy must be reasonably incident to the mining operation (as defined in 30 USC 612) without unnecessary or undue degradation (as defined in 43 CFR §3802.0-5 and §3715.2-1).

Decision:

Based on the analysis documented in the Environmental Assessment (DOI-BLM-OR060-EA-2010-02) and the Finding of No Significant Impact (FONSI), it is my decision to implement Alternative 2 and all associated Project Design Features because it best meets the purpose and need of the project.

This alternative allows the proponent plans to:

- Occupy the site from mid-May to the end of November, placing a fully self-contained motor home, camper, and portable toilet on the site;
- Build a driveway from Sharps Creek Road to the site;
- Remove understory vegetation over about 2,000 square feet;
- Rock the driveway and two camping pads over about 1,500 square feet;

- Construct a trail to Sharps Creek; and
- Restore the site when annual occupancy ends, including rock removal and replanting native species, as secured by a bond.

Compliance:

This project is in conformance the 1995 *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents within the Range of the Northern Spotted Owl* (Northwest Forest Plan {NSO-ROD} USDA Forest Service and USDI Bureau of Land Management, April 1994), and the 1995 *Eugene District Resource Management Plan* (1995 RMP) including the 2007 *Record of Decision To Remove the Survey and Manage Mitigation Measure Standards and Guidelines from Bureau of Land Management Resource Management Plans within the Range of the Northern Spotted Owl*.

The implementation of this project will not have significant environmental effects beyond those already identified in the 1994 Final EIS.

Approved by:

/s/Alan Corbin  
Alan Corbin,  
Upper Willamette Field Manager

Date: September 13, 2010