

# **Decision Record for the Gold Run #1**

# DOI-BLM-OR-M070-2013-004-EA

**United States Department of the Interior  
Bureau of Land Management  
Medford District, Grants Pass Resource Area**

## **I. INTRODUCTION**

This Decision Record (DR) approves the Gold Run #1 Mining Plan of Operations on 2 acres of BLM managed lands because it conforms to the provisions of the 43 Code of Federal Regulations (CFR) 3809 surface management regulations and would not cause unnecessary or undue degradation of the public lands, as defined at (43 CFR § 3809.5). Gold Run #1 also conforms with the multiple use mandate for mineral extraction in the 1995 Medford District RMP (p. 76). However, approval of a mine Plan of Operation does not authorize the start of operations. The Proponent must obtain all necessary Federal and State permits before beginning mining activities. Additionally, the Proponent must provide a reclamation bond sufficient to pay third party contractors reclamation of the proposed disturbance (43 CFR § 3809.412).

The activities of this DR are analyzed under the Gold Run #1 Mining Plan of Operations Environmental Assessment (DOI-BLM-OR-M070-2013-004-EA). The land use allocation of this project is Riparian Reserve under the Medford District's 1995 Resource Management Plan (RMP).

The Gold Run #1 mining claim is located in the Middle Cow Creek watershed (HUC 10) near the confluence of Ramsey and Bull Run Creeks. The legal description of the Proposed Action is T. 32 S., R. 4 W., Section 31, NW1/4, Willamette Meridian, Douglas County, Oregon.

## **II. PUBLIC INVOLVEMENT**

The Grants Pass Resource Area accepts public comment of proposed activities through the quarterly BLM Medford Messenger publication. The Gold Run #1 Mining Plan of Operations was included in the Medford Messenger beginning in the winter of 2012/2013. A brief description of proposed project, Gold Run #1 Mining Plan of Operations, a legal location and general vicinity map was provided along with a comment sheet for public responses.

The public comment period for review of the Gold Run #1 Mining Plan of Operations EA was initiated on July 7, 2013 for 15 days. Sixty-nine letters were sent to individuals, groups and agencies that requested to be kept informed of the project. The letter announced the 15-day public comment period, provided a synopsis of the proposed activities, and noted the EA is available online and at the Grants Pass Interagency Office. A legal ad (Notice of Availability) was published in the Grants Pass Daily Courier on July 7, 2013. Two comment letters were received in response to these public outreach efforts.

Concerns identified in these comment letters regarding the Gold Run #1 Mining Plan of Operations were:

- effects to fish habitat and juvenile coho salmon, reduction in stream surface flow

- potential loss of large diameter shade trees along fish bearing streams from the project damaging roots
- public motorized access during and after the mining operation
- whether mercury, lead, and arsenic would enter streams
- whether the project would meet Aquatic Conversation Strategy objectives and the State of Oregon's Water Resources Division 9 Rules
- rate and volume of ground water seepage to wash excavated material

Commenters also requested the following:

- a more detailed reclamation plan
- whether there would be occupancy during mining activities
- disclosure of the distance and rate of stream sedimentation
- cumulative effects analysis for water resources to occur at a broader scale than the project area
- disclosure of whether there are adjacent landowners with domestic/drinking water use from aquifers in the area
- a monitoring plan to correct any erosion problems in 6-8 months
- disclosure of whether there are any Water Quality Limited streams and the Beneficial Uses of each stream

Substantive public comments were reviewed by Gold Run #1 Mining Plan of Operations interdisciplinary team and the BLM has responded to those comments in Attachment 1 of this Decision Record.

### **III. CONSULTATION AND COORDINATION**

#### Fish and Wildlife Service: Wildlife and Botany

No disturbance to nesting spotted owls or removal of spotted owl habitat or spotted owl critical habitat would occur for the Proposed Action; therefore the project will not have an effect to spotted owls or spotted owl critical habitat and no consultation is required.

Since the Project Area is outside the natural range of the marbled murrelet and there are no known bald eagles on BLM land within the Project Area, no consultation is required for these species.

Since no threatened or endangered plant species were found within the Project Area, no consultation is required.

#### National Marine Fisheries Service: Oregon Coast Coho Salmon

Consultation with the National Marine Fisheries Service (NMFS) is not required for the Proposed Action because there are no adverse effects to Endangered Species Act listed fish. Oregon Coast (OC) coho salmon and coho critical habitat is present within the Planning Area but the proposed activities with implementation of applicable BMPs and PDFs will have no effect on these species and their habitat. Consultation with the NMFS is not required as there would be no adverse effects to essential fish habitat.

#### State Historical Preservation Office

A cultural resource survey of the Project Area was conducted on February 27, 2013. Survey guidelines followed compliance procedures set forth in Section 106 of the National Historic Preservation Act and in accordance with the National Cultural Programmatic Agreement and the Protocol for Managing Cultural

Resources on Lands Administered by the BLM in Oregon. No cultural resource sites were identified during survey.

#### Native American Tribal Consultation

The BLM works with federally recognized Tribes to further identify and address Native American concerns and traditional uses of lands administered by the BLM. Consultation with these Tribes did not identify cultural resource concerns within the potential ground disturbing activities proposed in the Gold Run #1 Mining Plan of Operations.

#### **IV. DECISION**

Based on site-specific analysis, the supporting project record, management recommendations contained in the *Middle Cow Creek Watershed Analysis (1999)* as well as the management direction contained in the Record of Decision and Standards and Guidelines of the Northwest Forest Plan (1994), Medford District Resource Management Plan and Record of Decision (1995), and public comments, **I have decided to approve the Gold Run #1 Mining Plan of Operations, as described in the EA (Proposed Action – Alternative 2), with all Project Design Features (PDFs) and Best Management Practices (BMPs) described in Section 2.3 of the EA. This approval is contingent upon the Proponent obtaining all necessary state and federal permits and adjudication of the reclamation bond.** The Plan includes excavation of eight test trenches across 2 acres to determine the quantity and quality of placer gold in the alluvial material that overlies bedrock on the Bull Run #1 claim (a map of the test locations is provided in the Gold Run #1 Mining Plan of Operations Environmental Assessment). The test trenches will be excavated with a Kobelco 905 excavator or equivalent. Each excavation will be approximately 6 ft x 6-14 ft and a maximum of 18 ft deep. Operation will take place during dry soil conditions in summer months (June 1st thru October 15<sup>th</sup>) for less than two weeks. One excavation trench would be open at any given time and excavated material will be processed on site. The total ground disturbance from the excavations will not exceed 0.05 acres. No ground disturbing activities would be located within 25 ft of the top of the bank for both Ramsey and Gold Run creeks. The Proponent is required to provide a reclamation performance bond, to follow best management practices, utilize PDFs, adhere to state and federal regulations, and obtain all necessary state and federal permits as a condition of BLM authorization of the Plan. The Plan cannot be approved before adjudication of the reclamation bond and before all BLM authorization contingencies are met.

#### **ALTERNATIVES CONSIDERED**

The alternatives considered and analyzed in detail included the No Action Alternative (Alternative 1), which serves as the baseline to compare effects with the Proposed Action (Alternative 2). BMPs and PDFs are included in the project's design to ensure compliance with the federal Clean Water Act and higher-level National Environmental Policy Act (NEPA) documents, laws and BLM guidelines. The alternative descriptions, BMPs, and PDFs incorporated into the Proposed Action are found on pages 3-6 of the EA.

The alternative action requests made by the public were not substantially different than the Proposed Action (Alternative 2) or the No Action Alternative (Alternative 1); therefore, these alternatives were considered but eliminated from further analysis.

#### **REASONS FOR THE DECISION**

My rationale for the decision is as follows:

1. The Proposed Action meets the obligation to the RMP, as the Proponent has submitted a complete Plan of Operations and reclamation plan. The decision supports the BLM's obligation to provide opportunities for exploration and extraction of saleable minerals (RMP, p.76).
2. Alternative 1 (No Action) was not selected because it would not meet the purpose and need of the project as described in Chapter 1 of the EA nor would it support the guidance of the RMP.
3. Public comments were considered. Responses to these comments are found as an attachment to this Decision Record.

There are no direct or indirect effects to Sensitive wildlife species, Survey and Manage wildlife species, migratory birds or game birds from the Gold Run #1 Mining Plan of Operations. The Plan will not affect the existing forest primary constituent elements (PCEs) supporting the life history, biology, and ecology of the northern spotted owl or the requirements of the habitat to sustain its essential life history functions. There would be no noise disturbance to nesting owls.

There are no Threatened and Endangered, Bureau Sensitive, or Survey and Manage species in the project work area of the Gold Run #1 Mining Plan of Operations.

The Gold Run #1 Mining Plan of Operations is consistent with the 2001 Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines, as incorporated into the Medford District Resource Management Plan.

## **FINDING OF NO SIGNIFICANT IMPACT (FONSI)**

A Finding of No Significant Impact (FONSI) is attached. I have determined that the Gold Run #1 Mining Plan of Operations does not constitute a major Federal action having a significant effect on the human environment; an environmental impact statement is not necessary and will not be prepared.

## **V. PLAN CONSISTENCY**

The Selected Action is in conformance with the following plans:

- *Final Supplemental Environmental Impact Statement and 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 FSEIS, 1994 and ROD, 1994)
- *Final-Medford District Proposed Resource Management Plan/Environmental Impact Statement and Record of Decision* (EIS, 1994 and RMP/ROD, 1995)
- *Final Supplemental Environmental Impact Statement: Management of Port-Orford-Cedar in Southwest Oregon* (FSEIS, 2004 and ROD, 2004)
- *Final SEIS for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines* (2000), and the *ROD and Standards and Guidelines for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines* (2001)
- *Medford District Integrated Weed Management Plan Environmental Assessment* (1998) and tiered to the *Northwest Area Noxious Weed Control Program* (EIS, 1985)

## **VI. EFFECTIVE DATE OF DECISION**

This is a surface management decision on a mining action in accordance with BLM regulations at 43 CFR Subpart 3809.5. All BLM decisions under 43 CFR § 3809.5 will become effective on the day the Decision is published. The decision will remain in effect unless a stay is granted during an appeal.

## **VII. RIGHT OF APPEAL**

This decision may be appealed to the U.S. Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals (IBLA) by those who have a “legally cognizable interest” to which there is a substantial likelihood that the action authorized in this decision would cause injury, and who have established themselves as a “party to the case.” (See 43 CFR § 4.410). If an appeal is taken, a written notice of appeal must be filed with the BLM officer who made the decision in this office by close of business (4:30 p.m.) not more than 30 days after date of service. Only signed hard copies of a notice of appeal that are delivered to the Grants Pass Field Manager, 2164 NE Spalding Avenue, Grants Pass, OR 97526, will be accepted. Faxed or emailed appeals will not be considered.

In addition to the applicant, anyone who has participated in the National Environmental Policy Act process for this project by providing public comments on the environmental assessment will qualify as party to the case. (See 43 CFR § 4.410(b)). However, in order to qualify as an appellant, a “party to the case,” you also have the burden of showing possession of a “legally cognizable interest” that has a substantial likelihood of injury from the decision. (See 43 CFR § 4.410(d)). Furthermore, you may raise on appeal only those issues you raised in comments on the environmental assessment or that have arisen after the opportunity for comments closed. (See 43 CFR § 4.410(c)). As the appellant you have the burden of showing that the decision appealed from is in error. Enclosed is BLM Form 1842-1 that contains information on taking appeals to the IBLA. If your notice of appeal does not include a statement of reasons, such statement must be filed with this office and with the Board within 30 days after the notice of appeal was filed. This decision will remain in effect while the IBLA reviews the case, unless a stay is granted by the IBLA. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

You may also request that the BLM Oregon State Director review this decision. If you request a State Director Review, the request must be received in the BLM Oregon State Office, 1220 S.W. 3<sup>rd</sup> Avenue, 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 BLM Oregon State Office to determine when the 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 2164 NE Spalding Avenue, Grants Pass, OR 97526, which we will forward to IBLA.

According to 43 CFR Part 4, you have the right to petition the Board to stay the implementation of the decision. Should you choose to file one, your stay request should accompany your notice of appeal. You must show standing and present reasons for requesting a stay of the decision. A petition for 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.

A notice of appeal with petition for stay must be served upon the Board, the Regional Solicitor, and Mr. Allen Bollschweiler at the same time such documents are served on the deciding official at this office. Service must be accomplished within fifteen (15) days after filing in order to be in compliance with appeal regulations 43 CFR § 4.413(a). At the end of your notice of appeal you must sign a certification that service has been or will be made in accordance with the applicable rules (i.e., 43 CFR §§ 4.410(c) and 4.413) and specify the date and manner of such service.

#### VIII. CONTACT PERSON

For additional information contact either Allen Bollschweiler, Grants Pass Field Manager, 2164 NE Spalding Avenue, Grants Pass, OR 97526; telephone 541-471-6653 or Mark Brown, Environmental Planner, 541-471-6505.

  
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**Allen Bollschweiler**  
Field Manager, Grants Pass Resource Area  
Medford District, Bureau of Land Management

6 / 2 / 14  
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Date



United States Department of the Interior  
BUREAU OF LAND MANAGEMENT  
MEDFORD DISTRICT OFFICE  
GRANTS PASS RESOURCE AREA  
2164 Spalding Avenue  
Grants Pass, Oregon 97526



***FINDING OF NO SIGNIFICANT IMPACT (FONSI)***  
**for the**  
**Gold Run #1 Mining Plan of Operations**

**I. INTRODUCTION**

The Grants Pass Resource Area, Medford District Bureau of Land Management (BLM), Gold Run #1 Mining Plan of Operations Environmental Assessment (EA) was made available for public comment from July 7, 2013 to July 23, 2013. The EA stated that the purpose and need of the EA is to ensure that the mining Plan of Operations conforms to the provisions of the 43 Code of Federal Regulations (CFR) 3809 surface management regulations. The BLM is mandated to act timely in processing Plans submitted under the mining laws, including completion of an environmental review. It is BLM's responsibility under the Federal Land Policy and Management Act (FLPMA) to ensure that the Plan action does not cause unnecessary or undue degradation of the public lands, as defined at 43 CFR § 3809.5. The Plan was submitted pursuant to the 43 CFR § 3809 surface management regulations.

**II. DETERMINATION OF SIGNIFICANCE**

The discussion of the significance criteria that follows applies to the analyzed actions and is within the context of local importance. Chapter 3 of the EA details the effects of Alternative 2. None of the effects identified, including direct, indirect and cumulative effects, are considered to be significant and do not exceed those effects described in the Medford District Resource Management Plan/Final Environmental Impact Statement (June 1995). The environmental effects of Alternative 2 do not meet the definition of significance in context or intensity as defined in 40 CFR § 1508.27. Therefore, an environmental impact statement is not necessary and will not be prepared.

**Context.** The Gold Run #1 Mining Plan of Operations EA covers site-specific actions directly involving 2 acres of BLM administered land that by itself does not have international, national, region-wide, or state-wide importance. The Proposed Action is located within the Riparian Reserve land use allocations under the Medford District's 1995 Resource Management Plan (RMP). The Gold Run #1 mining claim is within the boundaries of the Hydrologic Unit Condition (HUC 10) of Middle Cow Creek near the confluence of Ramsey and Bull Run Creeks.

The discussion of the significance criteria that follows applies to the intended actions and is within the context of local importance. Chapter 3 of the EA details the effects of the Proposed Action. None of the effects identified, including direct, indirect and cumulative effects, are considered to be significant and do not exceed those effects described in the *Medford District Proposed Resource Management Plan/Environmental Impact Statement (1994 PRMP/EIS)*.

**Intensity.** The following discussion is organized around the Ten Significance Criteria described in 40 CFR § 1508.27.

**1. Impacts may be both beneficial and adverse.** The most noteworthy predicted environmental effects of the Proposed Action (Alternative 2) include:

There is little opportunity for sediment to leave the site and reach either of the streams since soil in the project area is protected by vegetation, litter, and duff. No mineral soil is exposed; therefore, concentrated flow erosion is not likely to occur and mass movement or stream bank erosion is less likely to occur. There would be no effect to water quality in Bull Run and Ramsey Creeks due to the small scale of disturbed soil, the gently sloping to flat terrain, and the implementation of BMPs and PDFs.

See effects to ESA threatened and endangered species in criteria # 9 below.

**2. The degree to which the selected alternative will affect public health or safety.** Public health and safety would not be affected due to the application of BMPs and PDFs. The Proposed Action is comparable to other projects which have occurred within the Grants Pass Resource Area with no unusual health or safety concerns.

**3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, wild and scenic rivers, or ecologically critical areas.** There are no prime farm lands, wetlands, or wildernesses located within the Planning Area.

There are no eligible rivers under the Wild and Scenic Rivers Act of 1968, as amended segments for Middle Cow Creek. There are no Research Natural Areas (RNAs) or Areas of Critical Environmental Concern (ACEC) as designated by the Medford District RMP in the Project Area for the Gold Run #1 Mining Plan of Operations.

There are no developed recreation sites in the Project Area. There are no impacts anticipated to dispersed recreation used by hikers, campers, hunters, and off-highway vehicle use.

See Criteria #8 on cultural resources.

**4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.** The effects of the Proposed Action on the quality of the human environment are adequately understood by the interdisciplinary team to provide analysis for the decision.

Substantive public comments were analyzed by the Gold Run #1 Mining Plan of Operations interdisciplinary team and the BLM responded to those comments in Attachment 1 of the DR. While comments, such as other scientific research, were mentioned by the public, the actions of the Gold Run #1 Mining Plan of Operations are within those identified in the 1995 Medford District RMP and the predicted effects are discussed in Chapter 3 of the EA. None of the comments were considered controversial in respect to their context and intensity in determining significance.

**5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** The Proposed Action is not unique or unusual. The BLM has reviewed similar actions in similar areas and have found effects to be reasonably predictable. The environmental effects to the human environment are fully analyzed in Chapter 3 of the EA. There are no predicted effects on the human environment which are considered to be highly uncertain or involve unique or unknown risks.

The Grants Pass Resource Area accepts public comment of proposed activities through the quarterly BLM Medford Messenger publication. A brief description of proposed projects, such as the Gold Run #1 Mining Plan of Operations, a legal location and general vicinity map are provided along with a comment

sheet for public responses. The Gold Run #1 Mining Plan of Operations has been included in these quarterly publications beginning in the winter of 2012/2013.

The Grants Pass Resource Area, Medford District Bureau of Land Management (BLM), Gold Run #1 Mining Plan of Operations Environmental Assessment (EA) was made available for public comment from July 7, 2013 to July 23, 2013. Substantive public comments were reviewed by Gold Run #1 Mining Plan of Operations interdisciplinary team and the BLM has responded to those comments in Attachment 1 of this Decision Record. No unique or unknown risks were identified in public comments.

**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 Proposed Action does not set a precedent for future actions that might have significant effects nor does it represent a decision in principle about future consideration. The Proposed Action is located in the Riparian Reserve land use allocations under the Medford District's 1995 Resource Management Plan (RMP).

Chapter 1 of the Gold Run #1 Mining Plan of Operations EA identifies how the Proposed Action meets the Purpose and Need and is in compliance with higher level EIS documents. Chapter 3 evaluates the effects of the Proposed Action and No Action Alternatives and the findings are that all proposed activities would be compliant with the effects anticipated under the 1995 Medford RMP.

**7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.** The interdisciplinary team evaluated the Proposed Action and No Action Alternatives in context of past, present and reasonably foreseeable actions. Significant cumulative effects outside those already disclosed in the 1995 ROD/RMP are not predicted. A complete disclosure of the effects of the Proposed Action is in Appendix 2 and Chapter 3 of the EA.

**8. The degree to which the action may adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.** The Proposed Action would not adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places, nor would the Proposed Action cause loss or destruction of significant scientific, cultural, or historical resources.

A cultural resource survey of the Project Area was conducted on February 27, 2013. Survey guidelines followed compliance procedures set forth in Section 106 of the National Historic Preservation Act and in accordance with the National Cultural Programmatic Agreement and the Protocol for Managing Cultural Resources on Lands Administered by the BLM in Oregon. No cultural resource sites were identified during survey.

If cultural resources are found during project implementation the project would be redesigned to protect the cultural resource values present, or evaluation or mitigation procedures would be implemented based on recommendations from the Resource Area Archaeologist, with input from local federally recognized Tribes, and concurrence from the Field Manager and State Historic Preservation Office.

**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 of 1973.**

**Oregon Coast coho salmon (ESA-Threatened) and coho critical habitat:** The main mechanism for erosion and sediment delivery is disturbed, bare soil, steepness of slope and water routing the sediment to the stream. Due to the small scale of disturbed soil and the implementation of BMPs and PDFs (such as the minimum 25 foot no-entry vegetative buffer, which would prevent off-site sedimentation, and

retaining trees greater than 3 inch dbh, which would protect future LWD recruitment) there would be no causal effect to coho critical habitat and essential fish habitat in Bull Run and Ramsey Creeks.

**Northern Spotted Owl Habitat (ESA Threatened):** The Proposed Action would not affect the existing forest primary constituent elements (PCEs) supporting the life history, biology, and ecology of the northern spotted owl and the requirements of the habitat to sustain its essential life history functions. These forest elements, such as mature and old-growth forests, moderate to high canopy cover, large trees, snags, and down wood, support the nesting, roosting and foraging (NRF), and dispersal habitat for the spotted owl. These elements would not be altered. No noise disturbance to nesting owls would occur.

**10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.** The Proposed Action does not violate any known federal, state, or local law or requirement imposed for the protection of the environment. Furthermore, the Proposed Action is consistent with applicable land management plans, policies, and programs (see Section 1.5 of the EA).

### III. FINDING

I have determined that the Proposed Action does not constitute a major federal action having a significant effect on the human environment; an environmental impact statement is not necessary and will not be prepared. This conclusion is based on my consideration of the Council on Environmental Quality's criteria for significance (40 CFR §1508.27), with regard to the context and the intensity of the impacts described in the EA, and on my understanding of the project, review of the project analysis, and consideration of public comments. As previously noted, the analysis of effects has been completed within the context of the Medford District's Resource Management Plan and the Northwest Forest Plan. This conclusion is consistent with those plans and the anticipated effects are within the scope, type, and magnitude of effects anticipated and analyzed in those plans. The analysis of project effects has also occurred in the context of multiple spatial and temporal scales as appropriate for different types of impacts and the effects were determined to be insignificant.

  
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Allen Bollschweiller  
Field Manager, Grants Pass Resource Area  
Medford District, Bureau of Land Management

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Date

## **PUBLIC COMMENT GOLD RUN #1 MINING PLAN OF OPERATIONS BLM RESPONSE**

The Gold Run #1 Mining Plan of Operations Environmental Assessment (EA) was released for public comment from July 7, 2013 to July 23, 2013. Notification of the comment period was included in publication of a legal notice in the Daily Courier newspaper of Grants Pass, Oregon on July 7, 2013; the Medford District Bureau of Land Management website at <http://www.blm.gov/or/districts/medford/index.php>; and a letter was mailed to those individuals, organizations, and agencies that requested to be involved in the environmental planning and decision making processes for surface management activities. Two comment letters were received by the Grants Pass Resource Area from two parties.

Substantive comments do one or more of the following (H -1790-1, National Environmental Policy Handbook):

- question, with reasonable basis, the accuracy of information
- question, with reasonable basis, the adequacy of, methodology for, or assumptions used for the environmental analysis
- present new information relevant to the analysis
- present reasonable alternatives
- cause changes or revisions in one or more alternative

Comments that are not considered substantive include the following:

- comments in favor of or against the Proposed Action or alternatives without reasoning that meet the criteria listed above (such as “we disagree with Alternative Two and believe the BLM should select Alternative Three)
- comments that only agree or disagree with BLM policy or resource decisions without justification or supporting data that meet the criteria listed above (such as “more grazing should be permitted”).
- comments that don’t pertain to the Project Area or the project (such as “the government should eliminate all dams,” when the project is about a grazing permit)
- comments that take the form of vague, open-ended questions

For comments that were identical or very similar, they were combined and a single response was made. The Code of Federal Regulations (40 CFR §1503.4) identifies five possible types of responses for use with environmental impact statements.

- modifying one or more of the alternatives as suggested
- developing and evaluating suggested alternatives
- supplementing, improving, or modifying the analysis
- making factual corrections
- explaining why the comments do not warrant further agency response, citing cases, authorities or reasons to support the BLM’s position.

**Comment 1:** The commenter states the EA failed to describe fish species presence in Ramsey Creek and Bull Run Creek adjacent to the Project Area.

**BLM Response:** The EA acknowledges Bull Run Creek and Ramsey Creek are coho critical habitat and essential fish habitat. The operations would have no effect to fish due to “the minimum 25 foot no-entry vegetative buffer, which would prevent off-site sedimentation, and retaining trees greater than 3 inch dbh,

which would protect future LWD recruitment) there would be no causal effect to coho critical habitat and essential fish habitat in Bull Run and Ramsey Creeks,” EA (p.9).

**Comment 2:** The commenter states the EA is misleading in stating Ramsey Creek is an intermittent stream.

**BLM Response:** Ramsey Creek was reviewed by the hydrologist and determined to meet the RMP definition of an intermittent stream “any nonpermanent flowing drainage feature having a definable channel and evidence of scour or deposition” (RMP p. 106) and was identified as such in the EA (p. 7). Regardless of Ramsey Creek’s classification, there will be no loss of vegetative shade cover per PDF #1, “maintain a 25 foot no entry vegetative buffer from the top of stream bank” and PDF #7, “trees greater than 3 inch DBH would not be disturbed during operations and no excavation or reclamation would occur within canopy driplines”.

**Comment 3:** The commenter states the EA (p.20) failed to consider loss of or reduced surface flow in Ramsey Creek and Bull Run Creek due to excavated trenches filling with water. Loss of any surface flow would likely adversely affect coho salmon rearing in the adjacent streams because summer flows are already critically low. The commenter also states Aquatic Conservation Strategy objective #5 would not be met because mining trenches would intercept and disrupt ground water recharge of surface flow needed by juvenile coho salmon and shade trees.

**BLM Response:** The Gold Run #1 Proposed Action does not include diverting water out of Ramsey Creek, so there would be no loss of surface flow in Ramsey Creek that would harm or kill Coho salmon. The excavation of test trenches would not affect the local ground water table surface elevation or ground water quantity. The surface of the ground water in the test holes would remain the same as the surrounding undisturbed terrain. The water removed during processing would be immediately recirculated through a sluice back into the test hole containing the ground water, there would be no off site loss of ground water or change in surface stream flow in Ramsey or Bull Run Creeks due to the Proposed Action. The Gold Hill #1 Proposed Action does not include diversion of surface stream flow, or changes in infiltration, storage or delivery of surface stream flow in Ramsey or Bull Run Creeks.

The Proposed Action does not impede the Aquatic Conservation Strategy (ASC) #5. The ACS #5 will be met by “implementation of BMPs and PDFs will allow for interception and filtration of surface run-off before sediment reaches active waterways”(EA p. 24).

**Comment 4:** The commenter states the EA fails to describe the age and size of trees adjacent to the 8 trenches and their influence on stream shade (i.e. context).

**BLM Response:** The EA does not need to describe the age and size of trees and influence on stream shade in the Project Area as no shade providing trees or other shade providing vegetation would be removed or damaged during project implementation. PDF #7 states, “trees greater than 3 inch diameter at breast height (dbh) would not be disturbed during operations. No excavation would occur within the canopy driplines (outer edge of the longest limbs as measured from the trunk) and ensuring that reclamation activities do not disturb canopy dripline areas”. Test trench locations would be both outside canopy driplines and the 25 foot undisturbed vegetative buffer (EA p. 5).

**Comment 5:** The commenter states the high density of mature trees on the 2 acre Project Area and presence of mature trees immediately adjacent to proposed trenches makes it improbable for PDF #7 to be effectively implemented for most locations (see Table 1). “PDF #7 will not prevent damage to tree roots of mature trees. The proposed mining is inconsistent with the Umpqua Basin Water Quality Management Plan because trees in the primary shade zone will have roots severed causing reduced crown vigor and

likely death for some.”

**BLM Response:** See response in comment #3. Test trenches would be adjusted and aligned as to avoid excavation of mature conifers and their canopy driplines in the Project Area.

Most of the available science on drip line protection comes from Horticulture research. According to an article by Horticulture Professor Dennis S. Schrock, from the University of Missouri, at [treehelp.com](http://treehelp.com), tree roots often spread out to encompass an area two to three times the width of the canopy, in search of nutrients, aeration and water. However, he writes, the roots at and inside the drip line are those most essential to the health of the tree and the ones it is most necessary to protect. Also, canopy drip line protection is necessary for structural stability of trees, operating within drip lines would damage and/or kill the larger root components leading to tree mortality or blow down. While some smaller feeder roots may grow beyond the canopy drip line, protecting roots at and inside the drip line is the most important for tree health. The article notes protection of the tree within the drip line allows trees to recover. For more information from Professor Schrock, please see <http://www.treehelp.com/how-to-prevent-construction-damage/>.

**Comment 6:** The commenter states the PDFs fail to provide for the exclusion of public motorized access during and after the mining operation.

**BLM Response:** The public can and do access the site by motorized vehicles. It is not BLM policy to exclude people from public lands (FLPMA).

**Comment 7:** The commenter states, “the proposal does not conform to Standard and Guideline MM-2, RF-2, and RF-3 because it does not provide for road remediation subsequent to mining.”

**BLM Response:** MM-2 discusses what do to with roads constructed for mining operations. Access to the mining claim is via an existing un-numbered route. Since this route is not a system road it does not receive maintenance nor would the project propose any re-construction. The project meets the Standard and Guidelines for RF-2 and RF-3.

**Comment 8:** The commenter states, “Standard and Guideline MM-1 for Riparian Reserves requires a reclamation plan (ROD C-34).”

**BLM Response:** A reclamation plan is included as part of the Mining Plan of Operations. All excavations are required to be backfilled as identified (EA, §2.2, Alternative 2: Proposed Action, p. 3).

**Comment 9:** The commenter states “the proposal violates Standard and Guideline MM-3 because there is no discussion of occupancy or mitigating requirements concerning anticipated occupancy.”

**BLM Response:** No occupancy other than the testing is authorized. Public may camp for up to 14 days in a 28 day period at any one site in Oregon (Federal Register Vol. 70, No. 159, pp 48584-48587 & 43 CFR §3715.2).

**Comment 10:** The commenter states “the proposal violates Standard and Guideline MM-3a because there is no required analysis of potentially toxic waste materials such as mercury, lead, and arsenic.”

**BLM Response:** No toxic wastes are anticipated or expected to reside in the alluvial gravels.

**Comment 12:** The commenter states “the decision needs to consider reclamation with tree planting.”

**BLM Response:** See response to comment #3. The grass forb seed is to establish ground cover at each disturbed site, additionally the disturbed footprints will naturally re-vegetate with native species located in the project area. There will be no trees or vegetation removed larger than 3 inch DBH.

**Comment 13:** The commenter states the EA fails to disclose that cumulative effects of suction dredging in Bull Run or Ramsey creeks adjacent to the Planning Area would likely adversely affect coho salmon. “BLM needs to obtain assurances from claimants that suction dredging will not occur during the summer when trenches are dug. The decision needs to stipulate that there would be no suction dredging on Ramsey Creek or Bull Run Creek adjacent to the Project Area.”

**BLM Response:** Suction dredging is not part of the Proposed Action for the Gold Run #1 EA and as such would not contribute cumulatively to the effects of any suction dredging occurring in Bull Run or Ramsey Creek. There would be no direct or indirect effects from the Proposed Action with the total area of 0.05 acres of disturbance not adding to cumulative watershed effects (EA pp. 24-25).

**Comment 14:** The commenter states the State of Oregon Water Resources Division's 9 rules mandate that any groundwater that is within ¼ mile of a surface water body is presumed to be hydraulically connected to surface water, and as such must be controlled in the same manner as the associated surface water. The commenter notes Oregon Administrative Rules (OAR) 690-09-0040(2), OAR 690-09-0050(2). The commenter states the EA has not adequately described all the affected resources involved, the potential effects on streamflow, or the fish population of Bull Run Creek.

**BLM Response:** The Gold Run #1 Mining Plan of Operations EA Proposed Action does not include the drilling of wells or the appropriation of ground water for consumptive use. Oregon Administrative Rule(s), Division 9 Ground Water Interference with Subsurface Water, 690-009-0010 through 690-0090-0040 pertain to well drilling and ground water appropriation.

**Comment 15:** The commenter states the EA should disclose information such as the rate and volume of groundwater seepage that will be used to wash the excavated material down a sluice; the rate of seepage inflow filling the excavated trench; the flow volume of both streams’ surface water during excavation entry seasons.

**BLM Response:** The excavation of test trenches would not affect the local ground water table surface elevation or ground water quantity. The surface of the ground water in the test holes would remain the same as the surrounding undisturbed terrain. The water removed during processing would be immediately recirculated through a sluice back into the test hole containing the ground water, there would be no off site loss of ground water or change in surface stream flow in Ramsey or Bull Run Creeks due to the Proposed Action. The Gold Run #1 Proposed Action clearly states that any ground water used for sluicing would be immediately recirculated back into each test hole. No ground water would be removed from the project area.

**Comment 16:** The commenter states the rate of subsurface stream flow often exceeds the rate of the visible surface flow...”it is entirely possible for the water seeping into and being drawn from the excavation trench to exceed the amount of water flowing aboveground. The actual flow rate of each stream must be disclosed along with the gross and net volume being pumped through the sluice box (accounting for the actual consumptive volume not being returned to the stream), alongside the potential effects to the water cycle created by the sluicing process.”

**BLM Response:** Velocities of ground-water flow generally are low and are orders of magnitude less than velocities of streamflow. The movement of ground water normally occurs as slow seepage through the pore spaces between particles of unconsolidated earth materials or through networks of fractures and

solution openings in consolidated rocks. A velocity of 1 foot per day or greater is a high rate of movement for ground water, and ground-water velocities can be as low as 1 foot per year or 1 foot per decade. In contrast, velocities of streamflow generally are measured in feet per second. A velocity of 1 foot per second equals about 16 miles per day. The low velocities of ground-water flow can have important implications, particularly in relation to the movement of contaminants. (Sustainability of Ground-Water Resources by W.M. Alley, T.E. Reilly, and O.L. Franke, U.S. Geological Survey Circular 1186, Denver, Colorado 1999)

Since there would be no effect to streamflow from the Proposed Action (EA p. 25) and there would be no consumptive use of water from the stream, there is no need to measure stream flow. The water removed during processing would be immediately recirculated through a sluice back into the test hole containing the ground water, there would be no off site loss of ground water and no effects to the water cycle.

**Comment 17:** The commenter states the EA lacks effects disclosure and “credible metrics” for potential sediment flow through the coarse gravel and cobble substrate and into streams.

**BLM Response:** The soil in the project area is identified as Acker gravelly loam (EA p. 7), occurring on the footslopes of mountains. It is colluvium and residuum derived from metamorphic rock. It typical soil profile from 0-5 inches is a dark brown gravelly loam, from 5- 19 inches dark brown and strong brown clay loam and from 19-60 inches strong brown clay loam, with moderately slow permeability (<http://soildatamart.nrcs.usda.gov/Manuscripts/OR649/0/DouglasOR.pdf>). Clay particles are classified as being < 0.002 mm in size, with gravel classified as > 2.00 mm in size. The fine grained soil matrix in the project area would filter any sediment or turbidity out of the ground water before it contributes to surface flow.

**Comment 18:** The commenter states the EA lacks effects disclosure and “credible metrics” for the distance and rate of any sediment to be delivered to the waters of Oregon.

**BLM Response:** Page 9, Chapter 3 of the EA says, “Due to the small scale of disturbed soil; the gently sloping to flat terrain; and the implementation of BMPs and PDFs (such as the minimum 25 foot no-entry vegetative buffer, which would prevent off-site sedimentation) there would be no effect to water quality in Bull Run and Ramsey Creeks.”

**Comment 19:** The commenter states the EA used an irrelevant scale for its effects analysis, “project scale” is a meaningless context, especially with motile [resources] like water and aquatic life.” The commenter further states, “Whether there are adjacent use of the ground or surface water that may contribute to cumulative effects at a local HUC scale– the scale of BLM’s analysis must be made at a meaningful level in recognition of the fact that effects which may be insignificant at HUC 5 may be extremely negative at the smaller scale and resulting in a significantly negative impact on a protected resource.”

**BLM Response:** Since the Proposed Action would have no off-site direct or indirect effects, there would be no cumulative effects to water quality (EA p. 24) in Bull Run and Ramsey Creeks at any HUC scale.

**Comment 20:** The commenter states, “no adjacent landowner was notified, despite the fact that water resources are directly involved in an area where each individual residence supplies domestic/drinking water from a different private well drawing on the same aquifer; likewise with no party holding a surface water right within half-mile of the Action Area”. The commenter states the EA does not describe whether the IDT determined if such parties exist or where the nearest potentially affected party is located.

**BLM Response:** There will be no effect to ground water aquifers or parties holding valid surface water rights from the Proposed Action. This treatment would maintain stream flows within the range of natural variability at the site scale (EA p. 25).

**Comment 21:** The Plan of Operations makes no provision to monitor the site to ensure that assumptions that the slope will be restored to original line and level, nor any contingency plan to correct any problems with erosion or other negative effects occur– e.g. what will happen in 6 or 8 months after normal rainfall and the material refilling the excavations continues to settle over time, creating a surface depression which fills with water and then overflows? What if overflow occurs from the seepage-filled trenches as sluiced materials and muddy slurry is poured back in?

**BLM Response:** In 6 to 8 months vegetative cover would be well established creating effective ground cover at each test trench. There would be no disturbed soil exposed to erosional process. Rainfall would infiltrate into the soil at the project site. If surface runoff occurs at each test hole from rainfall, it would either re-infiltrate into the surrounding undisturbed residual soil or be filtered through the undisturbed 25 foot vegetative buffer and would not exceed natural background rates of turbidity in both Ramsey and Bull Run Creeks.

The small volume of water that may overflow out of the test trenches during overburden back filling would quickly infiltrate into the surrounding soil during the dry summer months of operation.

**Comment 22:** The EA did not list the Beneficial Uses of each stream, nor whether either was 303(d) listed as Water Quality Limited and why (what element violates State TMDLs) as part of the statement of current conditions with the 303(d) listings included in the Cumulative Effects Analysis.

**BLM Response:** The EA did not list the beneficial use of each stream due to the fact there would be no direct, indirect or cumulative effect to water quality from the Proposed Action (EA p. 8). Furthermore, with the implementation of the BMPs and PDFs, Section 2.3 of the EA (EA pp. 4-5 ) will allow for the interception and filtration of surface run-off before sediment reaches active waterways. This treatment would maintain the existing water quality at the site scale (EA p. 24).