

DECISION RECORD & CATEGORICAL EXCLUSION REVIEW

Project Name: Norling Mine Stope Closure Project (DOI-BLM-OR-M060-2013-16-CX)

BLM Office: Ashland Resource Area, Medford District.

Contact: Susan Lee, District AML Restoration Lead, 541-618-2291

DESCRIPTION & LOCATION OF THE PROPOSED ACTION:

The Norling Mine site (AML 28, 40; Cultural OR110-1654) is located in the Jackson Creek drainage approximately 3 miles west of Jacksonville, Oregon in T.37S., R.03W., Sec. 26 (SWSW). The exact location of the stope (glory hole shaft) is UTM: E497455 N4685298. The proposed road begins at UTM E497486 N4685325 and runs 20-40m to the stope.

Project will entail the remediation of a high-priority Abandoned Mine Land (AML) hazard. The F7 stope (Shaft 1614) is deemed to be a physical safety hazard according to nationally established AML physical safety risk assessment criteria (cf. BLM H- 3720-1, Sections 3.2.2, 7.2, and 9.2). The feature is immediately adjacent to a high-traffic recreation pathway, is approximately one mile from a residential area, and presents an imminent threat to public health and safety (falling, collapse). The AML feature consists of an open vertical shaft (technically a surface-breach stope or “glory hole”) that is at least 30m deep (nearest sub-level floor) with extant collar dimensions that are maximally about 10m long x 6m wide. This maximum aperture narrows as one continues down into the feature. The underground workings connect with another feature (F6, Adit 1613) further down slope that previously received a grated closure (bat friendly angle iron) by BLM sometime prior to 2009.

The proposed remediation would consist of the installation of a mechanical closure device at the shaft collar, i.e. a steel grate, roughly 8m long x 6m wide. The angle-iron (4”) steel grate would be mounted within the existing shaft structure and anchored to the wall-rock with rebar (1”). In order to safely and effectively mount the closure device, heavy equipment (690 Excavator) would be used to lift and suspend the grate over the opening. Equipment access to the shaft collar would be provided by cutting-in a short road (less than 40m) from the existing road bed. Once a small operating platform was established at the lip of the collar, the excavator would peel away approximately 2-3 feet of colluvium around the lower edge of the collar to identify solid rock and to create a level platform for placing/anchoring the grate. It is estimated that possibly as many as 30 trees would need to be removed in construction of the road and platform (primarily saplings; only around 5-7 trees over 6” DBH). Once the grate was set and anchored, portions of the headwall above the portal would be intentionally sloughed over the edges of the closure device. While the grate would prevent access to the stope interior, there would still be a high-wall hazard along the upper edge of the collar. Accordingly, the current fence surrounding the feature also be replaced with a chain-link fence and appropriate signage placed at the site. The signage placement also presents an interpretive opportunity along the heavily used trail system.

The site is not eligible for the National Register for Historic Preservation (NRHP). The site offers excellent bat habitat (BCI evaluation) and has been used by populations of Townsend’s big eared bats (*Corynorhinus townsendii*) in the past. Site occurs within *fritillaria gentneri* (FRGE) range and a population of *Cypripedium montanum* (CYMO2) was recorded 61m SE of the feature, suggesting that botanical survey would be necessary.

PROJECT DESIGN FEATURES

The following project design features (PDFs) are required conditions for this project:

- All work will be monitored by a qualified BLM archaeologist and if any cultural artifacts and/or features are found during any ground disturbing activity, work will cease until the monitor approves resumption of work.
- Prior to any ground disturbing activity, appropriate survey and assessment will be completed on site to ensure compliance with the National Historic Preservation Act of 1966 (Section 106), as amended; likewise the site will be surveyed to determine whether any threatened, endangered, and/or candidate

plant or wildlife species – or the suitable habitat thereof – is present, in consultation with qualified BLM specialists.

- Road construction would be limited to the dry season (May 15 to October 15). The seasonal restriction dates may be extended based on dry conditions as approved by the resource area hydrologist.
- Vehicle and/or equipment entry to the site will not take place under wet conditions indicated by visible soil displacement on road surfaces.
- Refueling of equipment shall not be within 150 feet of a stream.
- Any soil that becomes contaminated by fuel, oil, or other petroleum products will be excavated to a depth of 12 inches beyond the contaminated soil and disposed of off public lands in a legal manner at the contractor's expense; the hole will be backfilled with material approved by the BLM project monitor.
- If any HAZMAT or unknown materials are discovered during the closure process the contractor will be required to cease work until the monitor approves resumption of work.
- Weed free straw or mulch and BLM-approved native grass seed will be applied to any disturbed areas.

Wildlife

- This project will not alter habitat for any Federally listed Threatened or Endangered species, or Bureau listed Sensitive species.
- This site was evaluated for use by bats (some of which are Bureau Sensitive species) and found to have potential for use by these species. Evidence of use by Townsend's big eared bats (*Corynorhinus townsendii*) was detected.
- The Northern Spotted Owl is the only Federally listed Threatened or Endangered species known to occur in the habitat surrounding the stope site. The nearest known nest site for this species is more than ¼ mile away.
- The proposed activity would not affect wildlife species that are listed or proposed for listing under the auspices of the Endangered Species Act of 1973, as amended.

Fish/Hydro

- Equipment restricted to the road or area adjacent to the stope, causing very little surface disturbance.
- Therefore, implementation as described in the proposed action will ensure compliance with all applicable statutes and management direction (ACS, etc.), including cumulative impacts and impacts to wetlands, floodplains, and drinking water aquifers.
- Upon completion of the project that the access route be de-compacted, seeded, and mulched/slashed.

Botany

- The project area has been surveyed for special status plants and noxious weeds during field season of 2012. No special status plants including *Fritillaria gentneri* were found. There will be no effect on *Fritillaria gentneri* or other special status plants.
- Scattered Bull thistle and other less invasive non-native species (Orchard grass, Hedgehog dogtail, White clover) occur in the project area. Washing equipment prior to accessing the site, and seeding/mulching will prevent the spread of noxious weeds
- All heavy equipment, including brushing machinery, would be pressure washed to remove all dirt and debris prior to entering BLM lands.

PLAN CONFORMANCE

The proposed action is in compliance with the 1995 Medford District Record of Decision and Resource Management Plan (RMP). The 1995 Medford District Resource Management Plan incorporated the Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl and the Standards and Guidelines for Management of Habitat for Late-

Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl (Northwest Forest Plan) (USDA and USDI 1994). The 1995 Medford District Resource Management Plan was later amended by 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*.

This proposed action is also 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 (2001 ROD). This project is not a habitat disturbing activity, as defined in page 22 of the Standards and Guidelines of the 2001 *Record of Decision and Standards and Guidelines*, for any Survey and Manage species. Because the project is not habitat disturbing, the Survey and Manage provisions, including pre-disturbance surveys, are not required (Standards and Guidelines, p. 7, 21-22).

The proposed action is also in conformance with the direction given for the management of public lands in the Medford District by the Oregon and California Lands Act of 1937 (O&C Act), Federal Land Policy and Management Act of 1976 (FLPMA), the Endangered Species Act (ESA) of 1973, the Clean Water Act of 1987, Safe Drinking Water Act of 1974 (as amended 1986 and 1996), Clean Air Act, and the Archaeological Resources Protection Act of 1979.

CATEGORICAL EXCLUSION REVIEW

Department of the Interior Regulations (43 CFR § 46.205(c)) require that any action that is normally categorically excluded must be evaluated to determine whether it meets any of the extraordinary circumstances listed in 43 CFR § 46.215. An action would meet one of the extraordinary circumstances if the action may:

<u>Yes</u>	<u>No</u>	<u>Categorical Exclusion Exception</u>
()	(X)	1. Have significant adverse effects on public health or safety.
()	(X)	2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resource; 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; and other ecologically significant or critical areas.
()	(X)	3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)] not already decided in an approved land use plan.
()	(X)	4. Have highly uncertain and potentially significant environmental effects or unique or unknown environmental risks.
()	(X)	5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.
()	(X)	6. Have a direct relationship to other actions with individually insignificant, but significant cumulative environmental effects. (40 CFR 1508.7 and 1508.25(a)).
()	(X)	7. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places.
()	(X)	8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.
()	(X)	9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.
()	(X)	10. Have disproportionate significant adverse impacts on low income or minority populations (Executive Order 12898).
()	(X)	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).
()	(X)	12. Contribute to the introduction, continued existence, or spread of noxious weeds or nonnative 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).

COMPLIANCE WITH NEPA

In accordance with 43 CFR §§ 46.205(c) and 46.215, the proposed action has been reviewed against the twelve criteria above and I have determined that none of the extraordinary circumstances described in 43 CFR § 46.205(c) apply to this project. The project qualifies as a categorical exclusion under 516 DM 11.9, J (8) "Installation of minor devices to protect human life (e.g., grates across mines)."

DOCUMENT PREPARATION AND REVIEW

Susan Lee	AML Leader	07/26/13
Prepared by	Title	Date
Ted Hass	Asst. Field Manager	07/27/13
Reviewed & Edited by	Title	Date

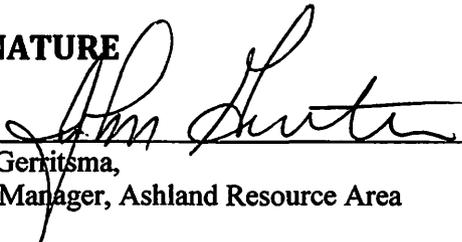
DECISION

It is my decision to implement the proposed action, as described in the above documentation for the NEPA Categorical Exclusion Review. This is a project-specific decision to build a temporary road to facilitate installing a metal grate over the mine shaft opening according to the project design features described in the Categorical Exclusion documentation. BLM will complete all archaeological, cultural and biological surveys and monitoring under the circumstances described in the project design.

RATIONALE

This project is designed to mitigate a potential threat to public health and safety while ensuring that there will be no significant impacts to cultural resources or the environment. The project complies with all laws, regulations, and policies, and conforms to the 1995 Medford District Resource Management Plan.

SIGNATURE



John Gerritsma, Date 9/17/13
Field Manager, Ashland Resource Area

ADMINISTRATIVE REMEDIES

Notice of this decision will be posted on the Medford District internet website. The action is subject to protest under 43 CFR 4.450-2. A decision in response to a protest is subject to appeal to the Interior Board of Land Appeals under 43 CFR part 4.