

**U.S. Department of the Interior
Bureau of Land Management**

**Finding of No Significant Impact
for
Paul Ada#2/Snappy Ben (Clarks Creek-Lacey) Plan of
Operations (OR66704)**

Environmental Assessment #DOI-BLM-OR-V050-2014-025-EA

**Baker Field Office
P.O. Box 947
Baker City, Oregon 97814
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Finding of No Significant Impact (FONSI)

Background

This EA (DOI-BLM-OR-V050-2014-050-EA) analyzes the environmental impacts of the proposed mining plan entered by Art and A.J. Lacey for placer operations on the PaulAda #2 and Snappy Ben mining claims. These claims are located near the junction of Clarks Creek and Towne Gulch in the Baker Resource Area. The Project is located within unpatented placer mining claims in T. 12 S., R. 41 E., Section 27, Willamette Base Meridian, Baker County, Oregon. Portions of this site have been extensively mine since the late 1800s up to the present day. The earliest operations involved placer mining conducted primarily by Chinese miners. In the early 20th Century, dredging operations were conducted on areas below the mining claims along Clarks Creek. Exploration activities have been conducted on the mining claims since more recently with the Lacey assuming the claims in 2006. Placer mining, logging, and livestock grazing have occurred on both private and public lands throughout the project area. The area also receives considerable hunting use and is nearby to the Snake River-Mormon Basin Backcountry Byway.

The proposed Project is detailed in one plan of operations (OR66704). This plan of operations was originally submitted in 2013, although a prior plan of operations (OR58112) was submitted in 2002 by a prior operator for this site, but never approved. The project area as proposed includes a maximum disturbance of 35 acres within the 40 acres covered by the unpatented mining claims on Federal lands open to mineral entry. Existing historic disturbances include roads, pits, dredge tailings, hand worked placer areas, ditches, and in-channel disturbance including ponds. Disturbance of 4.5 acres has currently taking place under notice level work to explore the mineralization of the area including development of a pit area and placer process components such as settling ponds. All required permits for the work being done and the proposed work have been submitted to the BLM from the Oregon Water Resources Department, Oregon Department of Geology and Mineral Industries, and Oregon Department of Environmental Quality.

The FONSI is a document that explains the reasons why an action will not have a significant effect on the human environment and why, therefore, an Environmental Impact Statement (EIS) will not be required under the National Environmental Policy Act (NEPA) [40 CFR 1508.13]. This FONSI is a standalone document but is attached to the Environmental Assessment (EA) and incorporates the EA by reference. This FONSI does not constitute the decision record as the authorizing document and discusses the following items.

Significance – “Significance” as used in NEPA requires consideration of both context and intensity (40 CFR 1508.27).

Context – For context, significance varies with the setting of the proposed action. For instance, for a site specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. For this proposal, the effects are confined

to the project area including a portion of the Clarks Creek drainage including Towne Gulch near Bridgeport, Oregon. These effects are described and analyzed in the EA.

Intensity – Intensity refers to the severity of effects. This proposal would adhere to best management practices, operating stipulations, and environmental protection measures that would prevent undue and unnecessary degradation of public lands.

Controversy – Controversy in this context means disagreement about the nature of the effects, not expression of opposition to the proposal or preference among the alternatives. There will always be some disagreement about the nature of the effects for land management actions, and the decision maker must exercise some judgment in evaluating the degree to which the effects are likely to be highly controversial. Substantial dispute within the scientific community about the effects of the proposal would indicate that the effects are likely to be highly controversial.

Summary of the Actions Described in the Alternatives

Both action alternatives (Alternative #1 and #2) would use placer mining techniques to excavate and process gravels to extract gold over a period of 10 to 15 years within the two claims on a ridge south of Clarks Creek, but the proposed action (Alternative #2) would also include mining five acres of tailings associated with historic mining activity, primarily Chinese. This would extend the life of the project by an additional five years. The gravel would be excavated, sorted, washed and free gold would be removed before non-gold bearing material is returned to the excavations during reclamation. Once topsoil is replaced and the disturbed area recontoured it will be seeded with a seed mix approved by the BLM botanist.

Reclamation would occur as the mining operation progresses and only one working hole will be open at a time. As the pits are mined out they would be backfilled with sorted gravels and covered with dried fine material from the settling ponds. Topsoil would be replaced from stockpiles close to the workings and the surface would be recontoured to natural, pre-mining contours. Seeding of all disturbances would be done in the fall with state certified weed free native seed. Mining would take place in one-half to one acre parcels with a maximum of 2 to 3 acres being disturbed per season in the 130 work day period. Final reclamation would take place in years 15-18, after mining has been completed.

The proposed mining operations are not in any National Wild and Scenic River Systems, Areas of Critical Environmental Concern, National Wilderness Preservation System lands, National Monuments, or National Conservation Areas. BLM has evaluated this area and has determined that significant impacts are unlikely to occur because of the pre-existing mining disturbances and the proposed concurrent reclamation plan with a minimal amount of area open at a time.

Context

Mining operations create temporary changes to topography, access, land use, plants, wildlife and associated habitat, air quality, esthetics, and hydrology during mining operations. Short term or temporary positive socioeconomic impacts are anticipated as well. Impacts to public lands are

predicted to be initially moderate to major for most resources, with impacts to vegetation major in the short term. Impacts would diminish to minor over the life of the mining period (15 years) and the final financial guarantee release period (approximately 18 years). Additionally, some permanent or long term changes would occur including alteration of the geologic strata, increased infiltration rates through the areas of backfill and revegetation of the disturbed areas. Alternative 2 reduces these impacts to minor to moderate for most resources by utilizing best management practices added by the BLM, with impacts to vegetation still predicted to be major in the short term due to complete removal.

The project area has observable historic mining disturbances dating back to the late 1800s. The plan of operations proposes to mine up to 35 acres, some of which would be in previously tested areas on the ridge between Clarks Creek and Towne Gulch. Much of the previous mining in the area was focused within the Clarks Creek channel area.

The appropriate implementation of the proposed environmental protection measures and concurrent reclamation would prevent or minimize any adverse long term effects that may occur from permanent changes. A maximum of three acres would be mined in a season, during an estimated 130 working days, with only a one acre parcel being open at one time. Wildlife habitat would be temporarily eliminated within the project boundary at a rate of three acres per year, resulting in displacement of some wildlife species and the possibility of mortality for others. However, concurrent reclamation, including establishment of native plant species could result in improved native plant cover compared to what currently exists on site, which would enhance wildlife habitat in the long term.

All proposed mining and processing areas within the historic tailings area received increased evaluation due to the eligibility of this area for National Historic Register subject to an agreement between BLM and the Oregon State Historic Preservation Office (SHPO). Alternative 2 would allow an additional five acres of this historic tailings area to be mined increasing total disturbance to 35 acres and extending the life of the mine by approximately five years. Alternative 2 also allows access to the mining area across existing roads entirely on BLM lands alleviating concerns over access across private lands from the Clarks Creek Road.

In April 2003, the agreement with the SHPO, addressed future mining operations in areas proposed for mining, specifically the historic tailings area, and identified three phases for mitigation of the site. With data recovery of this historic resource and photographic documentation of the site, the SHPO determined that with these mitigation measures, there would be no adverse effect on the historic property. To protect cultural resources and to comply with the agreement with SHPO the following stipulations will be added to the plan of operations authorization:

- The five acres of historic tailings identified in 2003 shall not be disturbed by mining activities, until data recovery and reporting of all phases of the 2003 agreement are complete.
- The existing 2,660 linear feet access road shall not be widened or maintained with heavy equipment until the Section 106 process and consultation is complete.

- Expansion of mining activity under the mining plan of operation onto the Snappy Ben claim shall not occur until consultation on the 2014 survey of the Snappy Ben claim is complete.
- Any new sites identified in the 2014 survey, that are not identified in the 2003 agreement, will not be covered by the data recovery agreement and will require a separate SHPO consultation process and agreement on how to handle potential effects.

Intensity

I have considered the potential intensity and severity of the impacts anticipated from the implementation of a Decision on this EA relative to each of the ten areas suggested for consideration by the CEQ. With regards to each:

1. Would any of the alternatives have significant beneficial or adverse impacts (40 CFR 1508.27(b)(1)? No

Rationale: The proposal would cause no significant impacts, either beneficial or adverse; all impacts would be insignificant.

2. Would any of the alternatives have significant adverse impacts on public health and safety (40 CFR 1508.27(b)(2)? No

Rationale: The proposal would have no adverse effect on public health or safety because the operation would be subject to Mine Safety and Health Administration (MSHA) requirements such as safety check-ins while on the premises and warning signs on access roads.

3. Would any of the alternatives have significant adverse impacts on unique geographic characteristics (cultural or historic resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas (ACECs, RNAs, significant caves)) (40 CFR 1508.27 (b)(3)? No

Rationale: The proposal would not affect unique characteristics of the geographic area such as proximity to park lands, prime farmlands, wild and scenic rivers, or ecologically critical areas because none have been identified in this area.

4. Would any of the alternatives have highly controversial effects (40 CFR 1508.27(b)(4)? No

Rationale: The proposal would have no highly controversial effects. Public comment provided input to the decision process allowing the Baker Field Office staff to further evaluate the analysis on streams, associated riparian habitat, and cultural resources.

5. Would any of the alternatives have highly uncertain effects or involve unique or unknown risks (40 CFR 1508.27(b)(5)? No

Rationale: The BLM has extensive expertise reviewing and analyzing impacts of proposed placer mining operations such as those proposed by the EA. This project is consistent with other placer operations that have been analyzed and conducted with the same size and scope. All potential impacts were considered in the areas of air quality, climate, soils, water quality, botany, noxious weeds, wildlife, range management, cultural resources, and resources important to Native American tribes, geology, socioeconomic, recreation and visual quality based on current existing science and professional expertise.

The uncertain and unique or unknown risks of this project have been addressed through a site specific, focused analysis. The main concerns were water quality, wildlife habitat, and cultural resources. These concerns were addressed and would be monitored to learn more and see if the protection measures created for this specific situation are going to work.

6. Would any of the alternatives establish a precedent for future actions with significant impacts (40 CFR 1508.27(b)(6)? No

Rationale: Due to the site specific protection measures created for this project, there should not be any significant effects or represent a decision in principle about a future consideration.

7. Are any of the alternatives related to other actions with potentially significant cumulative impacts (40 CFR 1508.27(b)(7)? No

Rationale: The proposal is not related to any immediate action being considered by BLM within the project area defined in the EA (page 1, Appendix A). However, there are other mining projects being done both on BLM and private lands in the vicinity of the project area. Based on the analysis contained within the Cumulative Effect section of the EA (page 49, section 4.4), Alternative 2 would not have significant cumulative effects when added to the effects of other past, present, and reasonably foreseeable future actions.

8. Would any of the alternatives have significant adverse impacts on scientific cultural or historic resources, including those listed or eligible for listing on the National Register of Historic Resources (40 CFR 1508.27(b)(8)? No

Rationale: In April 2003, an agreement with the Oregon SHPO was made that addressed future mining operations in these areas, whether continued under the existing notice or under the new plan of operations. To mitigate the effects of these future operations, the SHPO recommended that data recovery be completed with an emphasis on recovering information about Chinese adaptations, occupation and use. With data recovery of this historic resource and photographic documentation of the site, the SHPO determined that with those mitigation measures, there would be no adverse effect on the historic property from future mining activity.

The agreement was set for three phases:

- 1) Mapping, photo documentation, and data recovery of certain areas if exploration continued under the mining notice. Since the plan of operations was not approved, exploration has continued under a mining notice, and the BLM has completed these items.
- 2) Mapping, photo documentation, and data recovery of other areas prior to an approved plan of operations expanding into these areas.
- 3) Complete intensive inventory, mapping, and data recovery of the remaining areas of the site impacted by the plan of operations.

Following the agreement with SHPO, the BLM is currently in the process of contracting Phase 2 and Phase 3 of the mitigation plan with a 3rd party contractor to complete the required mitigation in the spring of 2015 and prior to mining operations being allowed in these areas.

As originally submitted by the operator, the proposed project (Alternative 1) did not include mining through the historic tailings area (approximately 5 acres). Alternative 2 was added because of BLM funding to mitigate the cultural resources following the agreement with SHPO. The plan of operation would be subject to the stipulations that no mining could occur in areas identified in the agreement nor could the existing 2,660 linear feet of existing access road be widened or maintained with heavy equipment until the Section 106 process is completed.

9. Would any of the alternatives have significant adverse impacts on threatened or endangered species or their critical habitat (40 CFR 1508.27(b)(9)? No

Rationale: There are no known federally threatened or endangered listed species within the project area. The proposal would not significantly adversely affect candidate species (Greater Sage-Grouse) and special status species (Columbia spotted frog) or their habitat.

10. Would any of the alternatives have effects that threaten to violate Federal, State, or local law or requirements imposed for the protection of the environment (40 CFR 1508.27(b)(10)? No

Rationale: The proposal does not violate any law or regulation imposed by BLM for the protection of the environment in 43 CFR 3809. It is required that all Federal, state, and local laws and regulations are followed. All permits from other agencies must be acquired and copies must be turned in prior to starting operations.

The proposal would not significantly affect air quality because no chemicals are being used, dust control methods are being utilized during mining activities, and there will be no crushing of rock to create extra particulates in the air.

The proposal would not significantly affect water quality under the Clean Water Act because the water is regulated by the Oregon Water Resources Department under water

rights and protection measures have been added to prevent any discharge of sediments into the stream channel.

Finding

On the basis of the information contained in the EA, the consideration of the intensity factors described above, and all other information available to me, I have determined that: (1) the Proposed action and alternatives will not have significant environmental impacts beyond those already addressed in the Baker PRMP/FEIS (1989); (2) the Proposed Action and alternatives are in conformance Baker RMP ROD; (3) there would be no adverse societal or region impacts and no adverse impacts to the affected interests; and (4) the environmental effects, together with the proposed project design features (environmental protection measures and operating stipulations identified in sections 2.1(l) and 2.2(e), pages 14-15 and 17-19 of the EA), against the tests of significance (described above and found at 40 CFR 1508.27) do not constitute a major federal action having a significant effect on the human environment. Therefore, an EIS or supplement of the existing EIS is not necessary and will not be prepared.



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Date