



**United States Department of the Interior
BUREAU OF LAND MANAGEMENT**

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**Finding of No Significant Impact
for the
Bishop Mill Project
Inyo County, California
(DOI-BLM-CAC-070-2011-043-EA)**

One of the primary purposes for preparing an environmental assessment (EA) is to determine whether or not a proposed action will have a significant impact on the human environment and therefore require the preparation of an environmental impact statement (EIS). As defined in 40 CFR 1508.13, a finding of no significant impact (FONSI) is a document that briefly presents the reasons why a federal agency action will not have a significant effect on the human environment and for which an EIS will therefore not be prepared. The regulations specify that both the context and intensity of effects be considered when determining significance (40 CFR 1508.27). This document presents the findings of the Bureau of Land Management (BLM) concerning the proposed re-activation and reclamation of the Bishop Mill in Inyo County, California, as outlined in the applicant's proposed Plan of Operations and Reclamation Plan (PoO) and analyzed EA DOI-BLM-CAC-070-2011-043-EA.

Finding of No Significant Impact and Land Use Plan Conformance Determination

I have reviewed EA DOI-BLM-CAC-070-2011-043-EA which includes the identification and explanation of the effects on the human environment that would result from the proposed re-activation and reclamation of the Bishop Mill in Inyo County, California. Based on my review of the environmental analyses, which include the incorporation of project design features and measures developed to minimize any potential adverse effects associated with the proposed project, other supporting documents incorporated by reference, and recommendations from staff, I have determined that the re-activation and reclamation of the Bishop Mill as described and analyzed in the proposed action does not constitute a major federal action that would significantly affect the quality of the human environment.

None of the effects identified (including the direct, indirect and cumulative effects) in the environmental analyses meet the definition of significance either in context or intensity as outlined in 40 CFR 1508.27. Therefore, an EIS is not required and will not be prepared.

I have also reviewed the *Bishop Resource Management Plan Record of Decision* (Bishop RMP) and determined the proposed action does conform to the terms and conditions of the applicable land use plan as defined at 43 CFR 1601.0-5(b) and as required by 43 CFR 1610.5-3(b). Specifically, the action would occur in an area identified as open to mineral entry in the Bishop RMP (RMP p.22). In addition, the proposed action is consistent with the General Policies, Area

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Manager's Guidelines, Valid Existing Management, Standard Operating Procedures, Decisions, and Support Needs prescribed by the Bishop RMP. Additional RMP direction that specifically supports implementation of the action includes:

1. Public lands will be managed in a manner which recognizes the Nation's need for domestic sources of minerals, food, timber, and fiber including implementation of the Mining and Minerals Policy Act of 1970, as it pertains to the public lands [Section 102(a)(12)] (RMP p. 8).
2. Reclamation bonds will be required for all minerals actions occurring under a Plan of Operations in accordance with Memorandums of Understanding with Inyo and Mono Counties (RMP p. 14).
3. Claim markers must be in conformance with state law and Bureau policy (RMP p. 14).
4. All mineral operations will conform with the state's Surface Mining and Reclamation Act, and county and local health and operations requirements (RMP p. 14).

Rationale for Finding of No Significant Impact

My finding is based on consideration of both the context (40 CFR 1508.27(a)) and intensity (40 CFR 1508.27(b)) of the effects identified in EA DOI-BLM-CAC-070-2011-043-EA as summarized below:

Context

The proposed action is the re-activation and reclamation of an existing mill site under an approved Plan of Operations and Reclamation Plan (PoO) pursuant to BLM regulations implementing the general mining laws (43 CFR § 3800 *et seq.*). The existing facilities are located on public lands administered by the Bishop Field Office within the bounds of seven (7) active mill site claims (43 CFR § 3832.31) near the northern extent of the Owens Valley, approximately 9 miles northeast of the city of Bishop in Inyo County, California. Together, these mill site claims total approximately 35 acres. Existing surface disturbance in the project area encompasses about 9.1 acres. The proposed project would result in an additional 0.02 acres of surface disturbance.

Ranching, dispersed recreation, and municipal watershed protection are the primary land uses in the vicinity of the project site. The nearest residential communities are Rudolph Ranch/White Mountain Estates which is located 2.0 miles east of the of the project site, Laws which is located 4 miles southeast of the project site, and Chalfant which is located 4.5 miles north of the project site. There are no active mines or mills in the area. The nearest minerals extraction and processing operation is a sand and gravel plant located on City of Los Angeles Department of Water and Power (LADWP) lands approximately 3.5 miles southwest of the project site near the Owens River on Jean Blanc/Five Bridges Road.

As proposed, the Bishop Mill would operate as an independent or custom mill (43 CFR § 3832.31(b)), processing ores transported from existing off-site mining locations. No mineral exploration or mining would occur on-site. None of the existing off-site mines that may supply ore for processing are dependent upon the Bishop Mill for either their authorization or operation. In addition, the Bishop Mill is not dependent on any currently unauthorized off-site mining operation for its authorization or operation.

The applicant would transport up to 75 tons of ore per day to stockpile at the Bishop Mill for processing. The ore would be processed through the existing gravity mill at an estimated throughput rate of up to four tons per hour (approximately 96 tons per day). Tailings derived from ore processing would be deposited in a new waste management unit (WMU) for Group A mining waste to be constructed at the site of an existing, but inoperative, tailings impoundment. The WMU would be constructed and operated in accordance with waste discharge requirements specified by the Lahontan Region of the California Regional Water Quality Control Board (LRWQCB) on July 13, 2011 in Board Order No. R6V-2011-0048 (CRWQCB, 2011a). No cyanide, or other chemicals classified as hazardous substances, would be used in the milling process.

The mill would be operated for up to five (5) years with a projected total of up to 32,000 tons of tailings being deposited into the WMU. However, based on revisions to the proposed action based on public review of the EA, the applicant would backhaul tailings to the mine site of origin for final deposition. This action would substantially reduce the projected total of tailings deposited in the WMU. While the mill has the capacity to process up to 96 tons of ore per day, the currently identified sources of ore are not capable of producing a steady feed to the mill that would allow for continuous operation at that rate. As a result, extended periods of reduced throughput due to the combined effects of limited ore availability and maintenance shutdowns are expected. Regardless of the operating schedule, the capacity of the WMU would not be exceeded. At the end of the operating period, only tailings characterized as Group C (non-hazardous) waste would be allowed to remain in the WMU. Any tailings classified as hazardous waste would be transported to an approved disposal facility in Beatty, Nevada.

At the end of the operating period, the mill would be closed and the project area would be reclaimed to support land uses consistent with direction prescribed by the Bishop RMP. Prior to commencement of any work, the applicant must post an adequate financial assurance bond to cover the cost of the required reclamation work, including the removal of buildings, equipment, vehicles, personal property and any trash, debris, refuse or hazardous materials generated by the operation.

The beneficial and adverse effects expected from re-activation and reclamation of the Bishop Mill are primarily site specific and localized in scale, with a few effects extending to the regional scale. None of the effects associated with the proposed action are considered measureable at the state-wide, national, or international scale.

Intensity

I have considered the intensity and severity of effects anticipated from the re-activation and reclamation of the Bishop Mill as outlined in the applicant's proposed Plan of Operations and Reclamation Plan (PoO) and analyzed in EA DOI-BLM-CAC-070-2011-043-EA. My consideration of the ten "significance" criteria identified in 40 CFR 1508.27(b) is summarized below:

1) Impacts that may be both beneficial and adverse.

The EA provides a detailed description of both beneficial and adverse effects expected from implementation of the proposed action. The magnitude of both the predicted beneficial effects and the predicted adverse effects of the proposed action are minimal and restricted to the local and regional scale. None of the direct, indirect, or cumulative effects associated with the proposed action are considered significant, either individually or cumulatively, based on the analyses provided in the EA. In addition, none of the predicted adverse effects are considered significant, even when evaluated independent of the beneficial effects that will occur from implementation of the proposed action.

2) The degree to which the proposed action affects public health or safety.

Implementation of the proposed action would not result in any predicted impacts to public health and safety. Milling operations would be conducted in conformance with applicable federal, state, and local public health and safety codes. The project area would be fenced and access to the mill would be restricted by a locked gate and monitored by an on-site guard to keep the public away from active milling operations. All trash and hazardous materials would be contained and hauled to an approved disposal facility. At the end of the operating period, the project area would be reclaimed and no hazardous materials or hazardous tailings would be left on-site. The overall clean-up of the existing mill site as outlined under the proposed PoO will benefit public health and safety.

3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

The proposed project site is not characterized by proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. Implementation of the proposed action will have no effect on any historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas in the surrounding geographic area.

- 4) *The degree to which the effects on the quality of the human environment are likely to be highly controversial.*

None of the anticipated effects identified in the EA are considered highly controversial. The effects of gravity and floatation circuit milling operations and the effects of post milling reclamation activities are well understood.

- 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 proposed action is the re-activation and reclamation of an existing gravity mill and the potential effects of the proposed milling operations and subsequent reclamation activities are well understood. There are no predicted effects on the human environment that are considered to be highly uncertain or involve unique or unknown risks.

- 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.*

Any similar action must be evaluated through an appropriate site-specific environmental review and decision making process consistent with applicable law, regulation, policy, and land use plan guidance. Implementation of the proposed action will not set a precedent for future actions that may have significant effects, nor does it represent a decision in principle about a future consideration.

- 7) *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.*

The proposed action was evaluated in the context of past, present, and reasonably foreseeable actions. No individually significant or cumulatively significant effects are identified in the EA. None of the alternatives analyzed in the EA were predicted to contribute to significant cumulative effects on the human environment at either the local, regional, state-wide, national, or international scale.

- 8) *The degree to which the action may adversely affect districts, sites, highways, structures, or 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.*

A complete cultural resources pedestrian survey of the proposed project area was completed and no districts, sites, highways, structures, or other objects currently listed in or eligible for listing in the National Register of Historic Places were identified. Implementation of the proposed action will not adversely affect any cultural properties currently listed in or eligible for listing in the National Register of Historic Places, nor will it cause loss or destruction of significant scientific, cultural, or historical resources.

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.*

No threatened or endangered species are known or likely to occur within the proposed project area based on historical records, field monitoring, and/or habitat suitability. In addition, there is no designated critical habitat for any listed species within or immediately adjacent to the proposed project area. Implementation of the proposed action will have no effect on any threatened or endangered species, nor will it result in the destruction or adverse modification of any designated critical habitat for any listed species.

10) *Whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment.*

The EA included consideration of applicable federal, state, and local laws and requirements imposed for the protection of the environment. Federal, state, local, and tribal interests were consulted and/or considered during the environmental review process and no potential violations or inconsistencies with existing laws or policies were identified or left unresolved. Implementation of the proposed action does not threaten a violation of any known federal, state, or local law or requirements imposed for the protection of the environment.

Authorized Official

___/s/ Bernadette Lovato___
Bernadette Lovato
Bishop Field Manager

Date: ___May 2, 2013_____