

**UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
BISHOP FIELD OFFICE**

**DECISION RECORD  
for the**

**Cougar Gold Paramount Exploration Proposal  
Environmental Assessment: DOI-BLM-CAC070-2009-0017-EA**

**I. Introduction**

Cougar Gold has submitted an application to conduct exploratory mineral drilling in the Bodie Hills in Mono County, California as well as an amended Plan of Operations (POO) to the Bureau of Land Management, Bishop Field Office (BLM) describing their proposed exploratory drilling project. It has been analyzed in Environmental Assessment (EA): DOI-BLM-CAC070-2009-0017-EA.

The EA analyzed the mineral exploration proposal of eleven drill holes at eight locations within the Bodie Wilderness Study Area (WSA) (CA-010-100). As detailed in the EA the exploration has been determined to be a continuation of minerals uses occurring in the project area prior to the passage of the Federal Land Policy and Management Act of 1976 (FLPMA) and as authorized under Title 43 Code of Federal Regulations 3802 “Exploration and Mining, Wilderness Review Program” (43 CFR 3802) and BLM’s Interim Management Policy and Guidelines for Lands Under Wilderness Review (IMP). The exploration would allow the proponent to proceed at a logical pace and progression and in the same manner and degree as provided by law and regulation.

This decision is based on a thorough review of the EA to determine the best alternative for authorizing the proposed mineral exploration within the Bodie WSA and to minimize impacts to natural and cultural resource values, with no unnecessary or undue degradation of those values.

**II. Decision**

Based on the analysis conducted in DOI-BLM-CAC070-2009-0017-EA, and the Finding of No Significant Impact (FONSI) dated July 14, 2009, it is my decision to implement Alternative 1, truck mounted core drilling 24-hour operations on existing routes, with the project design features, best management practices (BMPs), monitoring, and mitigation measures detailed in the EA.

The authority for this decision is the FLPMA of 1976, Title 43 Code of Federal Regulations 3802 and BLM’s Interim Management Policy and Guidelines for Lands under Wilderness Review.

**III. Decision Rationale**

The decision to select and implement Alternative 1 is based on consideration of various factors including mitigation measures listed below. It is the least intrusive alternative on various resource, recreation and wilderness values due to the shorter project duration. I have determined that Alternative 1 is the least impacting alternative to fulfill the purpose and the need of the mining plan of operations and allow the proponent to proceed at a logical pace and progression in the same manner and degree as provided by law. It will decrease the duration and therefore the level of disturbance and displacement on sage-grouse and other fauna that use the area. Alternative 1 reduces the duration of sound and visual impacts to wilderness values and recreational users in the area. It reduces the duration of project

vehicle traffic on the Aurora Canyon and Geiger Grade roads and the dust emissions from such traffic. It eliminates the potential need for two seasons of drilling in the project area and accomplishes the purpose and need of the project in one short season reducing the number of days of project work by over 50% compared to Alternative 2. Water usage over Alternative 2 is decreased by 50%. There would be no need for on-site security personnel as for a 12-hour drilling program, eliminating impacts from on-site habitation. However, mitigation measures require that operations be suspended during the opening and closing weekends of hunting season necessitating a manned trailer be sited for 10 days in an approved location to protect drilling equipment from vandalism.

#### **IV. Alternatives Considered But Not Selected**

Two other alternatives were considered but not selected and include:

##### **Alternative 2: Truck-mounted Core Drilling 12-Hour Operations On Existing Routes**

Alternative 2 is the same method of exploration as the selected alternative, but is based on 12-hour shifts during daylight hours only, increasing the days of operation to 110 days versus 45 days under the selected alternative. This alternative was not selected because the longer period of operation would, in general, increase impacts. For example, an increased level of disturbance and displacement on sage-grouse and other fauna that use the area would occur. This alternative would also prolong impacts to wilderness values and recreational users in the area. Also, implementation of this alternative may not return adequate minerals data within one year due to weather constraints, requiring an extension of the program into the following year. Water usage for Alternative 2 would be at least a 50% increase (750 to 6,000 gallons per day) as compared to the selected alternative. Each drill site would require a 1-person security presence during hours of non-operation. A travel trailer would be located at each active drill site. The trailer would be occupied during non-operational hours and used as an office during inclement weather.

##### **Alternative 3: No Action**

Under the No Action Alternative, BLM would not approve the proposed mineral exploration program. This alternative would deny the proponent authorization to conduct minerals exploration in the WSA. Implementation of this alternative would violate FLPMA's intent to allow surface minerals uses to continue in WSAs in the same manner and degree as when FLPMA was passed in 1976. Thus, selecting the No Action Alternative would deny the proponent their legal right to explore resources associated with their mining claims.

#### **V. Other Alternatives Considered But Eliminated from Detailed Analysis**

Two alternatives were considered but eliminated from detailed analysis in the EA. They are described below.

The first alternative considered but eliminated from further analysis was the original Plan of Operations (POO) submitted by the proponent. The original proposal requested that BLM authorize drilling 31 core holes in the Paramount Mine area. Coring under this plan would have included a combination of truck-mounted drilling along existing routes and helicopter supported drilling at locations within the project area on cross country sites where vehicle access routes do not exist. It was determined that at this preliminary exploration stage, the helicopter based program may not provide sufficient additional information to justify the high cost of aerial operations. During the EA scoping process, this Proposed Action was reduced in magnitude and scope from its original submission, and renamed Alternative 1 for clarity of analysis in the EA.

The second alternative considered but eliminated from further analysis was terminating the helicopter based operations component of the proposal described above and accessing the original helicopter based drilling platform sites by vehicle. Under this alternative, transferring the helicopter based operations to vehicle based routes would have required that ground access be developed to facilitate drilling equipment passage. Route development would have included construction and/or cross country vehicle use to 19 drill sites. The remaining 8 drill sites would have been accessed by truck coring drill rigs along existing routes as identified in the selected alternative. This second alternative was eliminated because the proponent has expressed their desire to keep project impacts to very low levels and non-perceptible to the greatest extent possible.

## **VI. Mitigation**

### **Mitigation for Cultural Resources.**

- Routes with archeological sites will be armored with fill or planks to reduce or eliminate any potential impacts from vehicle traffic.

### **Mitigation for Recreation.**

- Suspend operations during the sage-grouse hunting season (Sept 12-13, 2009).
- Suspend operations during the opening and closing weekends of the X-12 archery and rifle deer seasons (Aug 15-16, Sept 05-06, Sept 19-20, Oct 11-12, 2009).

### **Mitigation for Vegetation.**

- Instruct contractors to limit foot traffic off existing access routes.
- Install temporary plastic staked fencing 25 feet around each drill site prior to drilling operations.
- All sediment control measures such as hay bales, straw wattles, or silt fences must be certified weed free and installed in consultation with BLM.

### **Mitigation for Wildlife.**

- Conduct a survey for pygmy rabbit burrows prior to the onset of any road maintenance work beyond the existing road footprint in areas of potential habitat along the access routes. If any are found, flag and develop avoidance procedures with BLM wildlife staff.
- Maintain a speed limit of 20 mph or less for project vehicles and equipment within the project area and on the access roads.
- Restrict discretionary travel to the hours between sunrise and sunset as much as practicable, except in the case of emergencies and for urgent unscheduled needs.
- Equip each drill rig with sound blankets which are estimated to reduce the sound level at the drill between 15 to 20 dB. With this mitigation the noise level next to the drill rig would be reduced to approximately 90 dB or the equivalent of power mower. At 300 feet the noise would be reduced to below 65 decibels or in the range of normal conversation (See Table 5.1, Chapter 5 of the EA).
- Equip each drill site with opaque curtains to surround the sites on three sides to reduce nighttime glare.
- Start the drilling program no earlier than August 15 to reduce potential impacts to wildlife.

## **Mitigation for Fire Control.**

- Equip secondary water trucks with 200 feet of hose and a water tender nozzle. Instruct drill crew members on their proper and safe use.

## **VII. Monitoring**

BLM will monitor the project at least weekly to document conformance with the Plan of Operations and required Mitigation Measures. Additionally, monitors will assess any changes in resource values including, but not limited to the following:

Seeps and spring impacts;  
Air quality (dust levels);  
Road impacts;  
Sediment control measures; and  
Wildlife

Monitoring will include taking photos, logging observations in field notebooks and reporting results to BLM management. Wildlife observations will be recorded for all species noted in the area. The road will be monitored for road conditions such as increased rill and gully erosion. The proponent will install erosion control structures and materials as well as fill road ruts as directed by the BLM. These treatments will be monitored for effectiveness.

- Monitor sage-grouse movements and use in the project area before, during and after project implementation to provide further information on effects.
- Monitor to ensure degradation of the road surface does not affect cultural sites, where road travels near or through sites.

All employees working on the Cougar Gold project will have an employee orientation so each person understands the project protection measures and the special concerns of the area. These include the following:

- a. No smoking on or around the drilling rig or anywhere in the project area.
- b. Keep all food contained and inside the vehicles. This is for the worker safety as there may be bears in the area. Do not feed the bears.
- c. Keep work site clean of trash and keep existing work area to a minimum area within the road area as much as possible.
- d. Keep traffic trips along the Paramount Mine Road to those specified in the Plan of Operations and EA.
- e. Speed limit within the project area will not exceed 20 mph at all times.
- f. All vehicles will be equipped with a shovel, fire extinguishers and bucket for fire suppression.
- g. All employees are to stay within the project area boundary.
- h. No firearms are allowed in the project area by any employee/contractor.

## **VIII. Consultation and Coordination with USFWS/Threatened and Endangered Species**

There are no Federal or State listed threatened or endangered wildlife or botanical species known or likely to occur within or near the project area, or along the access route, based on historical records,

field monitoring, project specific surveys, and habitat suitability. There is no potential habitat for Lahontan cutthroat trout (Federal Threatened) in the upper perennial reach of the tributary to Rough Creek (Paramount Creek) that crosses the north edge of the project area. There is potential Lahontan cutthroat trout habitat about 2.5 miles downstream from the project area with about 1.4 miles of intervening intermittently dry streambed.

The proposed project will have no effect on any listed species or designated critical habitat, therefore no consultation with the USFWS was required; however the USFWS was contacted and did comment on the EA.

### ***Special Status Plant Species***

BLM Special Status Plant Species are those species that have been listed by the California Native Plant Society as List 1B species, which includes plants that are rare, threatened, or endangered in California and elsewhere. All of the plants constituting List 1B meet the definition of Sec. 1901, Chapter 10 (Native Plant Protection Act), or Secs. 2062 and 2067 (California Endangered Species Act) of the California Department of Fish and Game Code, and are eligible for state listing. The Bishop RMP (BLM 1993, p. 17) stipulates yearlong protection of sensitive (Special Status) plants and their associated habitats.

Eight Special Status plant species were reported by the California Natural Heritage Database (CNDDDB 2009) and the Nevada Natural Heritage Plant (NHP) database as having potential habitat and plant species occurrences in the vicinity of the project area. Bodie Hills rock cress (*Boecheera bodiensis*) was the only Special Status plant species found during the project surveys. This species is confined to rocky, steep slopes and mountain summits and ridgelines. It is sparsely distributed in the Bodie Hills in sagebrush scrub, subalpine forest, and pinyon-juniper habitats, and extends into the Granite Mountain Wilderness. Small, isolated populations of Bodie Hills rock cress were found on rocky outcrops throughout the upland areas in the project area. The population and suitable habitat of Bodie Hills rock cress extended beyond the boundaries of the field survey and project area in all directions. Plants were found on all aspects, at elevations ranging from 8,200 to 9,000 feet, and primarily in granitic rock outcrops, rocky open areas, rocky reclaimed roads, and un-reclaimed, previously-mined areas. Plants were flowering and fruiting during the time surveys were performed.

### **Impacts Considered**

Approximately 286 individual plants were documented within the project area, but no plants were found in any of the proposed drill site locations or the area of potential effect (APE) for the project, therefore no impacts are anticipated for the Bodie Hills rock cress.

### ***Sensitive Wildlife Species***

#### **Greater Sage-grouse**

Greater Sage-grouse are a BLM designated sensitive wildlife species. The subgroup of Greater Sage-grouse occupying Mono County, California and adjacent portions of Nevada, at the southwest edge of the species' range, was found by Oyler-McCance et al. (2005) to be "sufficiently genetically distinct that it warrants management as a separate unit" and is currently undergoing a status review by the U.S. Fish and Wildlife Service to determine if it warrants federal protection under the Endangered Species Act (Federal Register 2008-04-29). The project area provides excellent overall habitat quality for sage-grouse in that it includes a mix of plant communities and landforms meeting a full range of sage-grouse needs. These include: sagebrush, essential as the main source of year-round food and cover;

areas of tall, dense shrubs suitable for nesting; meadows and riparian vegetation providing abundant insects and herbaceous forage, valuable as summer foraging habitat and especially important to breeding hens and their broods; night roost sites in low sagebrush and barrens on slopes and hilltops; abundant open water; and intervening cover among the mosaic of shrub communities. The portions of key sage-grouse habitat within the Bodie Hills that occur in the project area include the following: approximately 1.7 percent of the available low sagebrush and less than 1 percent of the available barren (0.8%); wet meadow (0.7%); montane sagebrush (0.5%); riparian (0.05%); and mixed mountain shrub (0.002%) (BLM 2008).

The westernmost proposed drill sites (3 sites, 6 holes), in the south half of the project area, are located in low sagebrush on slopes above meadows in a part of the project area known to support roosting and late-brooding/summering sage-grouse. Bishop BLM biologists have observed more than 60 sage-grouse at one time using the meadows and surrounding habitat in the project area for foraging and roosting. The proposed drill sites (5 sites, 5 holes) located in the eastern portion of the project area are associated within montane sagebrush habitats that are more widely distributed throughout the project area and the surrounding area.

### **Impacts Considered**

Impacts to Greater sage-grouse would occur primarily from noise and lighting associated with drilling operations. No measureable or long term habitat loss would occur from project implementation.

Project noise<sup>1</sup>, lighting and human activity associated with the project are likely to disturb and/or displace sage-grouse from the area. However, no long-term negative effects are anticipated as a result of the temporary disturbance and/or displacement of sage-grouse that is predicted to occur during project implementation.

Some sage-grouse would likely abandon use of the project area for the duration of the project (45 days). However, casual observations of sage-grouse use near Bodie State Historic Park indicate that sage-grouse do not completely abandon key late-brood/summer habitat as the result human activity and disturbance. Sage-grouse remaining in the project area would likely avoid the immediate vicinity of the drill sites and would experience some disturbance that could result in physiological stress, reduced foraging success, and exposure to higher predation rates due to increased movements to avoid project activities. The combination of noise and lighting associated with 24 hour drilling would also likely make sage-grouse remaining in the area more susceptible to predation. The combination of noise and lighting associated with drilling operations could result in a temporary decline in sage-grouse abundance in the APE and surrounding vicinity.

Disturbance and displacement impacts would be greatest in the vicinity of the westernmost drill sites (3 sites, 6 holes) due to proximity of known night roosts and wet meadows that provide important late-brood/summer habitat. Since these drilling locations occur in proximity to known night roost habitat, disturbance effects would be 24 hours a day. Suitable night roost habitat is not known to be limiting in the Bodie Hills and is readily available outside the project area. Displaced sage-grouse would likely find suitable night roost habitat elsewhere. Displacement and disturbance impacts associated with late-brood/summer meadow habitat would be more pronounced due to the limited availability of similar habitats in the Bodie Hills. These impacts would be exacerbated during a dry year and during the hottest/driest part of the year (mid July - early September), when perennial water sources and associated wet meadow habitats are most limited. Postponing the onset of drilling operations until

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<sup>1</sup> 112 dBA at drill sites, <55 dBA at 258 meters [846 feet] from any drill site, as compared to the baseline average of 34 dBA and maximum of 72 dBA as measured at 2 locations within the project area (HDR Engineering, 2009)

August 15 would reduce disturbance and displacement impacts to sage-grouse hens with broods that could occur from project implementation.

Disturbance and displacement impacts in the vicinity of the easternmost drill sites (5 sites, 5 holes) would be less pronounced due to their association with montane sagebrush habitats that are more widely available within the project area and throughout the surrounding vicinity. Since these drilling locations do not correspond with known night roost habitat, disturbance effects would primarily impact daytime foraging and loafing activities and occur during daylight hours only.

Alteration or destruction of sage-grouse habitat in terms of landforms and vegetation would be minimal due to confinement of project activities to existing county roads and existing routes within the APE. The maximum extent of the APE includes about 4.7 acres of montane sagebrush, 1.6 acres of low sagebrush, and .20 acres of aspen and meadow habitats. Drilling activities would be confined to existing routes within montane sagebrush and low sagebrush habitats and no impacts to aspen or wet meadow habitat are expected. No vegetation clearing would occur as the result of project activities and habitat alteration impacts would be limited to some localized crushing, stem breakage, and compaction of above ground vegetation as the result of foot traffic in the immediate vicinity of the drill holes and along access routes. Habitat alteration impacts would be short-term and recovery is anticipated within a 2-5 year time span given the elevation and annual precipitation levels, as well as observed recovery of vegetation from similar impacts in the project area.

Since no measurable habitat loss would occur, population-wide effects are expected to be minor and sage-grouse would likely reoccupy and use the project area upon project completion. The overall effects would be minor and short term because of the temporary nature of the project. The implementation of mitigation measures designed specifically to reduce both noise and lighting impacts associated with 24 hour per day drilling operations would minimize displacement and disturbance impacts to sage-grouse.

### **Other Sensitive Wildlife Species**

The EA also considered potential impacts to 4 other BLM designated sensitive wildlife species that could occur in the project area: pygmy rabbit; long-eared myotis, northern sagebrush lizard, and Golden Eagle. No measureable impacts to any of these species are expected to occur from project implementation.

## **IX. Public Involvement**

All public comments were reviewed and addressed in the EA (Chapter 1, Section F). BLM revised the EA to clarify alternatives, affected environment, environmental impacts, and mitigation measures.

In the revised EA, supplemental evaluations were provided for nesting migratory birds and raptors, bats, American pika, amphibians, and pygmy rabbit. A wetlands evaluation and analyses of spring discharge data collected during 2007 and 2009 was completed. There was intense public interest in this project as evidenced by the amount of public feedback provided during scoping and in response to the EA.

When BLM received the proponent's Plan of Operations, BLM drafted and published a Notice of Proposed Action (NOPA) on February 11, 2009, which summarized the proponent's original project description presented in their Plan. News releases were sent to local media asking for public comment. The NOPA was sent to interested publics including federal and state legislators; federal, state, and local governments; Native American Tribes; special interest groups; individuals and others.

The NOPA contained the Need for the Proposed Action, Plan Conformance, the Proposed Action, an EA schedule, and project area maps. The NOPA was also posted on the BLM internet site for public review at <http://www.blm.gov/ca/bishop>. The NOPA provided a 30-day comment period on the proposed action. Written comments on the proposal arrived to BLM up to March 16, 2009.

A public meeting was held in Bridgeport, California on February 25, 2009 to solicit input from interested parties in the area. Approximately 150 people came to voice their concerns and/or support of the project. During the initial 30 day public scoping period the various issues of concern were identified. BLM's responses are found in the EA at Chapter 1, Section F.

On May 1, 2009 the EA was released for a 30 day public review and comment period. The EA was sent to interested publics including federal and state legislators; federal, state, and local governments; Native American Tribes; special interest groups; individuals and others. The EA was also posted on the BLM internet site for public review at <http://www.blm.gov/ca/bishop>. Written comments on the EA arrived to BLM up to June 5, 2009.

Public comments received and BLM's responses are found in the EA in Chapter 1, Section F. All comments were evaluated and taken into consideration by BLM. The EA and project mitigation measures were refined based on public input.

The following agencies, legislators and special interest groups were notified during public scoping:

AAPL

Antelope Valley Indian Community

Assembly, 25th District

Assembly, 34th District

Benton Paiute Reservation

Big Pine Indian Reservation

Bishop Indian Tribal Council

BLM - Division of Nat'l Resources

BLM, Ridgecrest Field Office

Bodie State Park

Bridgeport Indian Colony

CA Regional Water Quality Control Board,  
Lahontan

Calif. Dept. of Parks & Rec

California Wilderness Coalition

Center for Biological Diversity

Congressman Howard P. "Buck" McKeon

CA Dept. of Fish and Game

Desert Survivors

Earth Justice

Eastern Sierra Audubon Society

Fort Independence Band of Paiute Indians

Great Basin Unified Air Pollution Control  
District

High Desert Multiple Use Coalition

Inyo County Board of Supervisors

Inyo County Planning Dept.

Inyo/Mono Ag. Commission

LA Dept of Water & Power  
Lone Pine Paiute-Shoshone Reservation  
Mono County Board of Supervisors  
Mono County Planning Dept.  
Mono Lake Indian Community  
NRDC  
Reds Meadow Pack Station  
Senate, District SD-01  
Senator Barbara Boxer  
Senator Diane Feinstein  
Sierra Club  
Sierra Club, SF Committee  
The Wilderness Society  
Timbisha Shoshone Tribe  
Tulare County Supervisor  
Washoe Paiute of the Antelope Valley  
Washoe Tribe of Nevada and California

## **X. Plan Consistency**

Based on information in the EA, the project record, and recommendations from BLM specialists, I conclude that this decision is consistent with the Bishop RMP of 1993; the Endangered Species Act; the Native American Religious Freedom Act; other cultural resource management laws and regulations; Executive Order 12898 regarding Environmental Justice; and Executive Order 13212 regarding potential adverse impacts to energy development, production, supply and/or distribution. The Proposed Action has been designed in conformance with all BLM standards and incorporates appropriate guidelines for specific required and desired conditions relevant to project activities.

## **XI. Administrative Remedies**

Administrative remedies may be available to those who believe they will be adversely affected by this decision. Appeals may be made to the Office of Hearings and Appeals, Office of the Secretary, U.S. Department of Interior, Board of Land Appeals (Board) in strict compliance with the regulations in 43 CFR Part 4, Subpart E. Notices of appeal must be filed in the Bishop Field Office of the Bureau of Land Management, 351 Pacu Lane, Suite 100, Bishop, California 93514 within 30 days after publication of this decision. The appellant has the burden of showing that the decision appealed from is in error. Do not send the appeal directly to the Board. A copy of the notice of appeal and of any statement of reasons, written arguments, or briefs must be served upon any adverse parties, and in addition to the Regional Solicitor, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, California, 95825-1890, within fifteen (15) days of the filing of any specific document.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 Subpart B (58 FR 4939, January 19, 1993) for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the Regional Solicitor, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, California, 95825-1890 at

the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

- (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.

For further information on appeal opportunities and procedures, see the 43 CFR parts and subparts listed above, or contact the individual listed below.

**XII. Contact Person**

For additional information concerning this decision, contact Cheryl Seath or Joe Pollini, Bishop Field Office, 351 Pacu Lane, Suite 100, Bishop, CA 93514. Telephone number is (760) 872-5000.

The effective date of this decision (and the date initiating the appeal period) will be the date this notice of decision is signed and posted on BLM's internet website.

/s/ F. Kirk Halford  
F. Kirk Halford  
Acting Bishop Field Manager

July 15, 2009  
Date