



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Mother Lode Field Office
5152 Hillsdale Circle
El Dorado Hills, CA 95762
www.blm.gov/ca/motherlode

2009 Abandoned Mine Lands Dozer Backfill Projects Environmental Assessment CA-180-09-44

Finding of No Significant Impact November 23, 2009

It is my determination that the proposed abandoned mine land (AML) hazards abatement projects will not result in significant impacts to the quality of the human environment. Anticipated impacts are within the range of impacts addressed by the 2008 Sierra Resource Management Plan (RMP). Because these projects do not constitute major federal actions having a significant effect on the human environment, an environmental impact statement (EIS) is not necessary and will not be prepared. This conclusion is based on my consideration of the Council of Environmental Quality's criteria for significance (40 CFR §1508.27) regarding the context and intensity of the impacts described in the EA, and on my understanding of the projects:

- 1) *Impacts can be both beneficial and adverse and a significant effect may exist regardless of the perceived balance of effects.* Potential impacts include vegetation removal and soil disturbance due to the use of mechanized earth moving equipment to backfill shafts and adits at the AML sites. However, none of these impacts would be significant at the local scale or cumulatively because of the small scale of the projects and of project design features that would reduce erosion and disturbance to trees and cultural resources to immeasurable levels.
- 2) *The degree of the impact on public health or safety.* No aspects of the projects have been identified as having the potential to significantly and adversely impact public health or safety. On the contrary, the very purpose of the projects is to abate significant physical safety hazards at abandoned mines.
- 3) *Unique characteristics of the geographic area.* There are no unique geographic characteristics associated with the project areas under the proposed action.
- 4) *The degree to which the effects on the quality of the human environment are likely to be highly controversial effects.* No anticipated effects resulting from the proposed action have been identified as highly controversial.
- 5) *The degree to which the possible effects on the human environment are likely to be highly uncertain or involve unique or unknown risks.* The analysis does not show that this action would involve any 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.* Abatement of AML physical hazards by BLM has been a common practice for decades. The proposed action will not establish a precedent for future actions.

7) *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.* The proposed action is not related to other actions and will not result in cumulatively significant impacts. No significant site specific or cumulative impacts have been identified. The projects are consistent with the actions and impacts anticipated in the 2008 Sierra RMP.

8) *The degree to which the action may adversely affect National Historic Register listed or eligible to be listed sites or may cause loss or destruction of significant scientific, cultural or historical resources.* The project areas do not include any sites listed on the National Register of Historic Places or sites known to be eligible for listing.

9) *The degree to which the action may adversely affect ESA listed species or critical habitat.* No ESA listed species (or their habitat) are known to occur in the project areas.

10) *Whether the action threatens a violation of environmental protection law or requirements.* There is no indication that the proposed projects will result in actions that will threaten such a violation.

/s/ William S. Haigh

11/23/09

William S. Haigh
Field Manager, BLM Mother Lode Field Office

Date



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1.0 Introduction and Background

During field surveys of public lands in El Dorado, Amador and Calaveras Counties, six abandoned mine land (AML) sites were found to have a total of 14 features that are significant hazards to the general public. These physical safety hazards (10 shafts, two adits and one deep pit) are candidates for hazards abatement projects using mechanized earth-moving equipment. Based on information in the Environmental Assessment (EA), the AML records, and recommendations from BLM specialists, the following constitutes my decision.

2.0 Decision

2.1 Alternatives Considered but not Selected

Under the no action alternative, the shafts, adits and deep pit would be left open and no abatement of the physical safety hazards would be provided. When adequate funding is available, it is BLM policy to abate these hazards, especially when they are located within a quarter-mile of recreation areas and populated places.

2.2 Decision and Rationale

Based on information in the EA, the AML records, and consultation with my staff, I have decided to implement the proposed projects as described in the EA. One of BLM's most important missions is to serve communities by protecting lives, resources and property and funding for these projects is available under the American Recovery and Reinvestment Act of 2009. Dozer backfilling of the shafts and pit and the excavator work at the adits will be performed by private contractors. These projects should help stimulate the local economy while providing much needed mitigation of potentially hazardous and deadly situations.

The project work is subject to the list of measures in section 2.3 developed to mitigate potential environmental impacts. These projects are not expected to cause significant adverse impacts to the environment or to public land resources.

2.3 Mitigating Measures

1. To prevent the introduction of invasive/nonnative plant species (weeds), any earth moving equipment to be used on a project will be cleaned before entering each project area. Scotch broom occurs at the Sunset and Corn Meal sites. No surface disturbance within 15 feet of scotch broom is allowed during operations. Scotch broom that cannot be avoided will be cut and tossed into the shafts prior to backfilling or placed into plastic bags and taken to a landfill.
2. At the Ophir Placer site, there is an area of older mining activity (worked ground, tailings, etc.) located northeast of the adit portal with inserted metal tank. No heavy equipment will be allowed to operate in this area.
3. BLM sensitive species, *Horkelia parryi*, occurs just east of the Hardscrabble shafts. No dozer use of the dirt road east of the eastern shaft will be allowed.
4. Because swallows have been observed at the two western-most Hardscrabble shafts, dozer backfilling of these shafts will not be allowed during the nesting period from April 1 to July 31.
5. To minimize disturbance to bats at the Ophir Placer site, the use of an excavator to remove the hazardous rock overhang at the large adit portal will not be scheduled during maternity and winter hibernation periods. Excavator operations at this site will be conducted only during the months of February, March, September and October.
6. Surface disturbance inside the drip lines of trees having a diameter of six or more inches will be avoided as site conditions allow. If a tree of this size is immediately adjacent to a mine portal, disturbance to the root system during the backfilling operations will be kept to a minimum.
7. To minimize the risk of wildfires, all earth-moving equipment used on these projects will be equipped with spark arresters. Other vehicles driven to the sites will not be parked where vegetation may come in contact with exhaust systems and catalytic converters. Should BLM issue a Fire Restrictions Notice during times of extreme fire danger, dozer and excavator operations will not be allowed between 11:00 am and 5:00 pm.
8. Areas cleared of vegetation will be water-barred as needed to control post-project erosion. The project area will be periodically monitored to ensure rehabilitation of impacted sites.

3.0 Consultation and Coordination

No other federal, state or local agencies were consulted. Because no threatened or endangered animal or plant species (or their habitats) were found at the project sites, consultation with the U.S. Fish and Wildlife Service is not necessary. When the abatement of physical safety hazards is involved, Native Americans are not usually consulted. According to our statewide Protocol Agreement, because these projects would not affect significant cultural properties, no consultation with the State Historic Preservation Officer is required.

Adjacent land owners were contacted as needed to arrange for access to the project sites by BLM personnel. Local residents helped BLM staff locate several open shafts and adits located on BLM administered public lands.

4.0 Public Involvement

The EA was available for a formal 15-day public comment period from November 6 to 21 of 2009 as posted on the BLM Mother Lode Field Office's internet website. No comments were received.

5.0 Plan Consistency

Based on information in the EA, the AML records, and input from BLM specialists, I conclude that this decision is consistent with the 2008 Sierra Resource Management Plan (RMP) for the public lands and resources administered by the BLM Mother Lode Field Office. This decision complies with the Endangered Species Act; section 106 of the National Historic Preservation Act; Executive Order 12898 regarding Environmental Justice; Executive Order 13212 regarding potential adverse impacts to energy development, production, supply and/or distribution; and with all other environmental laws and regulations.

6.0 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. Notices of appeal must be filed in this office within 30 days after publication of this decision. If a notice of appeal does not include a statement of reasons, such statement must be filed with this office and the Board within 30 days after the notice of appeal is filed. The notice of appeal and any statement of reasons, written arguments, or briefs must also be served upon the Regional Solicitor, Pacific Southwest Region, U.S. Department of Interior, 2800 Cottage Way, E-1712, Sacramento, CA 95825.

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

/s/ William S. Haigh

11/23/09

William S. Haigh
Field Manager, BLM Mother Lode Field Office

Date