



U.S. Department of the Interior  
Bureau of Land Management  
San Juan Public Lands  
Columbine and Gunnison Field Offices  
POB 439  
367 S. Pearl Street  
Bayfield, CO 81122

## STANDARD METALS ACQUISITION ENVIRONMENTAL ASSESSMENT

NEPA NUMBER: DOI-BLM-CO-S010-2010-0023EA

CASEFILE/PROJECT NUMBER: COC #74441

### LEGAL DESCRIPTION:

Silverton area, Hinsdale, Ouray, and San Juan  
Counties, Colorado.

A maximum of 40 parcels totaling approximately  
285.696 acres. See attached map and list at right.

Claim #	Name	Acreage	County
290	Annie Wood	10.310	Ouray/San Juan
807	Blacksmith	8.390	San Juan
643	British Queen	3.650	San Juan
2140B	Buckingham	4.230	San Juan
107	Burrows #2	2.300	San Juan
492	Commonwealth	10.330	San Juan
102	Dakota	5.100	San Juan
183	Davenport	5.400	San Juan
1128	Del Norte	(2.64 non-add)	San Juan
103	Deposite	2.800	San Juan
285	E Pluribus Unum	10.330	San Juan
1293	Eight Wonder	6.540	San Juan
333	Elephant	10.000	San Juan
1739	Franklin	1.570	San Juan
806	Great American	10.320	San Juan
859	Hidden Treasure	6.520	San Juan
1380	J. H. Graham	8.470	San Juan
307	John J. Crooke	9.200	Ouray/San Juan/Hinsdale
181	John Wesley	10.270	San Juan
1311	Josephine	10.320	San Juan
17579	Keystone	9.340	San Juan
16929	Lillian B	9.558	San Juan
337	Mammoth	9.810	Ouray/San Juan
1312	Marathon	9.900	San Juan
121	Mineral Point	9.900	San Juan
1126	Morning Star	9.560	San Juan
15280	Picket	7.188	San Juan
1522	Pittsburg	8.040	San Juan
289	Polar Star	9.800	Ouray/Hinsdale
17759	Polar Star Ext.	3.329	San Juan
17759	Polar Star Ext. 2	3.329	Hinsdale
7865	Polar Star Ext. 1	3.380	Hinsdale
120	Red Cloud	6.700	San Juan
17579	Rob Roy	5.640	San Juan
943	San Juan Chief	9.790	San Juan
17579	Silver Link	6.370	San Juan
18253	Sunny	5.002	San Juan
685	Thunderbolt	10.030	San Juan
6944	Union	4.300	San Juan
2350	Virginia	8.680	San Juan
BLM Total>>		285.696	

## **1. INTRODUCTION**

### **BACKGROUND/LOCATION**

This project proposal is for the Bureau of Land Management (BLM) to receive approximately forty (40) patented mining claims in the Silverton area from Standard Metals via a Consent Decree in a settlement among the United States Department of Justice, the United States Environmental Protection Agency (EPA) and Standard Metals in Case No. 98-49-H-CCCL, United States District Court for the District of Colorado. The Standard Metals Silverton properties are offered to the United States in partial settlement of EPA's action against Standard Metals for environmental damage at sites it operated in Colorado, Arizona, and Alaska. The settlement seeks to recover damages for injury to, destruction of, or loss of natural resources and surrounding riparian corridors.

The subject Standard Metals Silverton properties are located north of Silverton in Hinsdale, Ouray, and San Juan Counties, Colorado and represent patented mining claims located within or adjacent to public lands administered by the BLM. Elevations range from 11,500 to 13,120 feet ASL. Vegetation includes spruce conifer at lower elevations with open, sub-alpine tundra and native rock at the higher elevations.

Under the same Consent Decree, the adjacent Uncompahgre National Forest will be concurrently acquiring additional parcels from Standard Metals, and is conducting their own analysis and decision.

### **PURPOSE AND NEED FOR THE ACTION**

The purpose and need for the project is to accept conveyance of approximately 285 acres in Hinsdale, Ouray, and San Juan Counties, Colorado area from Standard Metals to the BLM. This conveyance will partially satisfy conditions listed in the Consent Decree.

The acquisition of the parcels will result in consolidation of BLM holdings in a much-fragmented landscape with a high value for recreation, cultural resources, visuals, and wildlife habitat.

### **SCOPING /PUBLIC INVOLVEMENT AND ISSUES**

The proposed project has been listed since July 2010 on the BLM NEPA log, which is published on the public web site for viewing by interested parties. No public opposition to the project has been received by BLM. Additionally, San Juan County commissioners have been well-informed of the proposal throughout the planning process.

## Standard Metals Acquisition EA

---

### **PLAN CONFORMANCE REVIEW:**

The Proposed Action is subject to and has been reviewed for conformance with the following plan (43 CFR 1610.5, BLM 1617.3):

Name of Plan: San Juan/San Miguel Resource Management Plan

Date Approved: September, 1985

Language/ Page Number:

**Page 12, ROD, Wildlife Management.** The BLM wildlife management program places special emphasis on, but is not limited to the protection, maintenance and enhancement of habitat for state or Federally listed threatened and/or endangered species.

Page 30, of the ROD under Guidance for Area B: Emphasis on Wildlife, directs BLM to acquire land when management opportunities for wildlife are enhanced.

In addition, **Page 36, of the ROD under Guidance for Area C:** Emphasis on Recreation, directs the BLM to acquire land where management opportunities for recreation are enhanced.

**Page 14, of the ROD for Recreation** directs the BLM to develop and implement a recreation area management plan (RAMP) for the Silverton SRMA that outlines specific needs for recreation resource, visitor, and facilities management.

The proposed action has been reviewed for conformance with this plan (43 CFR 1610.5, BLM 1617.3) and has been determined to be in conformance with the plan.

Name of Plan: Alpine Triangle Recreation Area Management Plan

Date Approved: 9/30/2010

Language/ Page Number:

**Page 49, Heritage Tourism**

**Objective 1:** Protect and stabilize historical and archaeological sites that support Heritage Tourism to sustain or improve the quality and diversity of the visitor experiences.

**Management Action 5:** Development on private land can have the effect of destroying the historical buildings on that parcel. To the extent allowed by budget and staffing, consider the possibility of acquiring private parcels through purchase or exchange to help ensure the protection of high value historical buildings or sites.

**Page 57, Lands and Realty**

**Goal:** Manage land and realty actions to support recreation goals, and help sustain the integrity of public land resources to enhance the public's enjoyment of these resources.

**Management Action 1:** Work with willing landowners to reduce impacts that threaten the Project Area's recreation potential on private inholdings by means of education, conservation easements, donation, exchange, or acquisition.

**Management Action 2:** If private inholdings are acquired from willing landowners, the BLM would strive to acquire both surface and subsurface rights to avoid the creation of split estates.

## Standard Metals Acquisition EA

---

### *Page 58, Visual Resources*

*Goal:* Manage ... the majority of the Project Area as VRM Class II to protect the integrity of scenic resources. VRM Class II is defined as, "Change visible but does not attract attention." Additionally, refer to the San Juan RMP for general guidance and design guidelines for visual resource management for this area.

*Management Action 1:* Work with local municipalities, land trusts and other willing partners to acquire lands or conservation easements on lands that are key scenic assets as viewed from the Alpine Triangle.

## 2. PROPOSED ACTION AND ALTERNATIVES

### DESCRIPTION OF PROPOSED ACTION

The proposed action is the conveyance by Standard Metals, and the acquisition by the BLM, of approximately 285 acres of patented mining claims in Hinsdale, Ouray, and San Juan Counties, Colorado.

As the Silverton properties are located within and adjacent to large blocks of Bureau of Land Management (BLM) administered public land, the Silverton properties, if conveyed to the United States, would be administered by the BLM in a manner consistent with the surrounding federal land.

### DESCRIPTION OF OTHER ALTERNATIVES ANALYZED IN DETAIL

#### **No Action Alternative.**

Under this alternative, title to Standard Metals Silverton properties would not be acquired. The property would remain in the private sector and would be available for disposal through private sale. The BLM would miss the opportunity to acquire lands in the Silverton area which might enhance resource values. Private sale could result in future development or mining activities. Under the terms of the Consent Decree, the BLM may request all or portions (or presumably none) of the Standard Metals properties, based on review of risks and benefits of each parcel. If Standard Metals does not comply with the requested property transfer, it must pay stipulated non-compliance penalties.

### ALTERNATIVES CONSIDERED BUT NOT ANALYZED IN DETAIL

Of the total potential list of parcels that BLM could acquire, the finalization of the acceptance list will be the result of a screening process which will compare resource values that each of the properties may contain and how those values contribute to the BLM's overall management for public lands in the area. In addition, any Standard Metals properties which are determined to contain undesirable materials (hazmat) or other undesirable encumbrances will be eliminated from consideration. Also, prior to the acquisition of any of the Silverton properties, Standard Metals must provide evidence of title and a commitment to insure the properties. In those cases where Standard Metals fails to provide title evidence and ability to insure, those properties will be dropped from further consideration.

## 3. AFFECTED ENVIRONMENT / ENVIRONMENTAL CONSEQUENCES

There are no designated Wild and Scenic Rivers, Areas of Critical Environmental Concern, Wilderness, Wilderness Study Areas, floodplains, prime farmlands, or parklands in the project

area; therefore, there will no impacts to these resources from any of the alternatives, and these resources are not discussed further.

Executive Order 12898 requires that all federal actions consider the potential of disproportionate effects on minority and low-income populations in the local area of the proposed action. The populations of the affected counties are neither greater than 50% minority nor greater than 50% low-income (*US Census Bureau, 2010*); and therefore, there will be no disproportionate impacts on subject populations.

This section only describes the impacts of the Proposed Action because the impacts of the No Action would be that the acquisition would not occur; the parcels would remain in private ownership, with the potential for private development and its accompanying impacts to resources.

### **RECREATION**

#### Affected Environment:

The Silverton area is highly used for recreation. Most of the Standard Metals claims are along the Alpine Loop Scenic Byway on the route between Silverton and Ouray, in the Mineral Point vicinity. The Scenic Byway is extremely popular for ATV and 4-wheel drive touring, registering higher and higher visitation each year. The surrounding BLM lands receive high numbers of recreational users in both summer and winter (*BLM 2010*).

Perhaps the highest value of the claims for recreationists is that they are part of a spectacular viewshed visible from many 4-wheel drive roads in the area.

#### Environmental Consequences of the Proposed Action:

Recreationists would benefit by the reduction in private land, and thus the reduction in potential trespass issues. Public ownership could slightly increase public visitor usage to the claims, although their current private status does not discourage visitation because none of the claims are posted.

More importantly, acquisition by the BLM would prevent future development of the parcels and would preserve the visual scenic integrity of the claims.

#### Cumulative Impacts:

Activities that have affected recreation within the Silverton landscape include past and on-going sheep grazing, past mining, and increasing recreational use. These activities can cause loss of vegetation, visual impacts, and noise while in operation, and lasting visual impacts for years afterwards. Past mining can also be considered to have created a recreational destination for those who enjoy visiting the historic structures and using the roads originally creating for that purpose.

Silverton Mountain Ski Area has been operating since 1999, and has created new recreational opportunities for extreme alpine skiing. There are also heli-skiing operations occurring in the Silverton landscape.

The BLM recently updated the Alpine Triangle Recreation Area Management Plan, which sets management direction for the Silverton area. The updated plan made minor

## Standard Metals Acquisition EA

---

adjustments to management emphasis in certain areas, and updated guidance to include current uses and level of use.

The BLM also recently completed grazing analysis for the domestic sheep allotments in the project area. Sheep grazing is a part of the cultural landscape, but can also create conflicts with recreation due to noise, odor, and guard dog encounters. The grazing analysis provided some measures to reduce conflicts with recreational uses.

Under the on-going Land Management Plan revision process, proposals may be made that would change suitability determinations for the types of recreation or other activities in the landscape.

### **WATER QUALITY, WETLANDS, & FENS**

#### Affected Environment:

The offered parcels contain approximately 17 acres of high elevation wetlands and fens. Fens are described as peat-forming wetlands connected to the groundwater system, with mineral-rich alkaline chemistry. Fens take hundreds to thousands of years to form, and are extremely important for ground water recharge and filtration.

The subject lands were mining claims and as a result have had some level of mining exploration/operation. Some of the sites have been mined extensively and have fairly large spoil pile of waste rock and mill/mine tailings.

The BLM conducted thorough field inspections of each of these claims, prepared BLM Pre-Acquisition Liability Surveys (PALS) reports for each claim, and Phase I Environmental Site Assessments on three groups of claims that the PALS reports indicated a need for greater investigation. Water quality tests were conducted as well. The conclusion of the investigations was a recommendation that all of the claims should be acquired by the BLM.

#### Environmental Consequences of the Proposed Action:

Acquisition of the parcels by the BLM will protect those fens and wetland on the parcels from future development. Water quality will benefit. Acquisition of the parcels by the BLM would allow easier treatment and clean up of mining waste, if necessary in the future, including draining water or tailings affecting water quality.

#### Cumulative Impacts:

The largest impact to water quality in this analysis area is past mining, milling, and road building. Other activities that can negatively impact watersheds and water quality include: private land development (mining, summer homes, ski area, etc.), new road construction, road and trail use, road maintenance, and stock use.

Past and ongoing mine reclamation projects undertaken by members of the Animas River Stakeholders Group have had a beneficial impact to water quality in the upper Animas River Basin.

**THREATENED, ENDANGERED, AND SENSITIVE SPECIES**

Affected Environment:

The area where the offered parcels are located is generally considered to provide habitat for species of concern including the federally threatened Canada lynx, the endangered Uncompahgre fritillary butterfly, and the BLM sensitive wolverine, boreal toad, northern goshawk. Because the BLM would be acquiring the parcels and protecting them as required under federal policies, formal surveys, reports, and consultation are not required.

Canada lynx may use the offered parcels in passing, but because they are all above timberline (except for about 12 acres in spruce-fir forest), lynx are not likely to hunt or den there. The project area is part of the Silverton Lynx Analysis Unit.

Uncompahgre fritillary butterflies live in snow willow at elevations above 12,500 feet, and generally NE facing slopes. The offered parcels contain some habitat meeting these criteria, although no known populations of the butterfly exist on the parcels.

Wolverine use high alpine environments and would likely use the offered parcels if there were a population of the species in the area. There are no known wolverine populations in the state of Colorado at this time, but natural or intentional reintroductions are a possibility in the near future.

Boreal toads are found in marshes, bogs, shallow ponds, and springs. There are ponds located on several of the claims that would be considered potential habitat, although it would be somewhat marginal because of its high elevation.

Northern goshawks use all types of forested areas, and could utilize the small inclusions of forested acres.

There are no threatened, endangered, or BLM sensitive plant species of that have potential habitat in the project area, primarily because of the elevations over 11,500 feet (*Redders 2010*).

Environmental Consequences of the Proposed Action:

The acquisition of the parcels would beneficially affect all the species discussed above by protecting the lands from future private development.

It is the intent of the BLM to manage the subject lands, if acquired, in accordance with the natural resource management prescriptions established for public lands within BLM's existing San Juan/San Miguel Resource Management Plan in a manner that will not degrade its existing suitability for any of these species.

Cumulative Impacts:

Immediate and localized threats to alpine species and their habitats include mining, water development, and motorized and non-motorized recreation. While alpine ecosystems are hardy and resilient to natural environmental factors, they are particularly vulnerable to human related disturbances and may require decades to recover.

## Standard Metals Acquisition EA

---

One of the largest impacts on the environment in this landscape has been past mining activities and other activities associated with mining, such as road building. One hundred years of surface and subsurface mining operations have likely contributed to substantial cumulative effects to habitat for sensitive species. Some of the impacts of past mining activities have been reduced or mitigated through natural re-vegetation of formerly impacted areas, and human disturbance is being managed through limitation on motorized use in the Alpine Triangle.

### **CULTURAL RESOURCES**

#### Affected Environment:

The offered parcels have not been formally surveyed for cultural or historic sites; however, there has been archeological study conducted in the area that surveyed some of the parcels and other locations in between (*WCAC 2000*). Of the offered parcels that were surveyed, several sites were determined to be eligible for listing on the Federal Register of Historic Palaces, and recommended for protection. Subsequently, in 2011, the San Juan Mining District was accepted for listing on the Register. Because the BLM would be acquiring historic sites and protecting them as required under federal policies; formal surveys, reports, and consultations are not required.

#### Environmental Consequences of the Proposed Action:

There will be net beneficial impacts to cultural resources from the proposed acquisition. With the addition of the claims proposed for acquisition, larger blocks of public land will be created and important historic landscape values identified as critical to the communities of Silverton will be better preserved and interpreted to the public. In addition, legal public access to historic sites on public land, previously not guaranteed because of the impediment of interspersed private lands (i.e. patented mining claims), will be disencumbered. As such, this acquisition, if successfully concluded will benefit the public by increasing the historic landscape/resource base and enhancing scientific, educational, interpretive and recreational uses.

#### Cumulative Impacts:

The project area contains a high site density, and a concentration of thematic sites, and could be considered a cultural landscape. However, cumulative impacts to cultural resources in the area would typically be isolated incidences of vandalism or illegal artifact collection, rather than landscape level impacts. The main impact to the integrity of the historic resources in the area is natural degradation, due to weather and the passage of time.

### **CUMULATIVE IMPACTS SUMMARY:**

Cumulative impacts are defined by the Council on Environmental Quality (CEQ), under 40 CFR 1508.7, as "the impact which results from incremental impacts of the action, decision, or project when added to other past, present, and reasonably foreseeable future actions, regardless of what agency or person under takes such other actions.

The town of Silverton was built around the mining industry after gold was discovered in the surrounding mountains in 1860. Mining reached its peak between 1900 and 1912, and the town population peaked accordingly. There are still a few mines and mills in operation. Mining left a legacy of altered visual landscapes with roads, trails, adits, historic buildings,

## Standard Metals Acquisition EA

---

and tailings piles endemic throughout. Mining also contributed to the heavy metal pollution of the watersheds. Watershed reclamation and mine safety programs have made great strides to correct past negative impacts.

A recent and rapidly accelerating phenomenon is the development of private land holdings which began as mining claims. Many landowners are now building homes and cabins on these parcels, which require access roads and utilities (water, power, etc) across BLM lands, and have visual and wildlife habitat fragmentation impacts.

In more recent years tourism has become the mainstay of the local economy. A large variety of tourist industries occur in the project area. Off-highway, ATV, and 4-wheel drive use is the dominant summer usage in the area. Additionally, there are hiking trails, wilderness access, snowmobile use, and backcountry and downhill skiing. Many people visit the area to view the historic structures and fantastic scenery. These human activities result in impacts to visuals, noise, air quality, soils, and vegetation. Tourism is expected to continue to increase.

### **Cumulative Impacts Conclusion**

The project area, within the Silverton area and the upper Animas River basin, is a landscape with exceptional resources and a landscape that has been immensely impacted by man. The cumulative impacts to the landscape are significant, but the land acquisition being considered is very minor in comparison to the scale of impacts in the landscape, and would be a beneficial impact that will help to prevent further negative impacts and help to ameliorate past cumulative impacts (*USFS 2009*).

## **4. PREPARERS:**

<u>Name</u>	<u>Title</u>	<u>Area of Responsibility</u>
Lynn Wodell	Realty Specialist	Land Actions
Cam Hooley	Environmental Coordinator	NEPA
Chris Schultz	Wildlife Biologist	T, E, and Sensitive Species
Lynn Robison	Archeologist	Cultural Resources
Kay Zillich	AML Coordinator	Mining Reclamation
Lisa Richardson	AML Technician	Field Inspections

## **5. REFERENCES:**

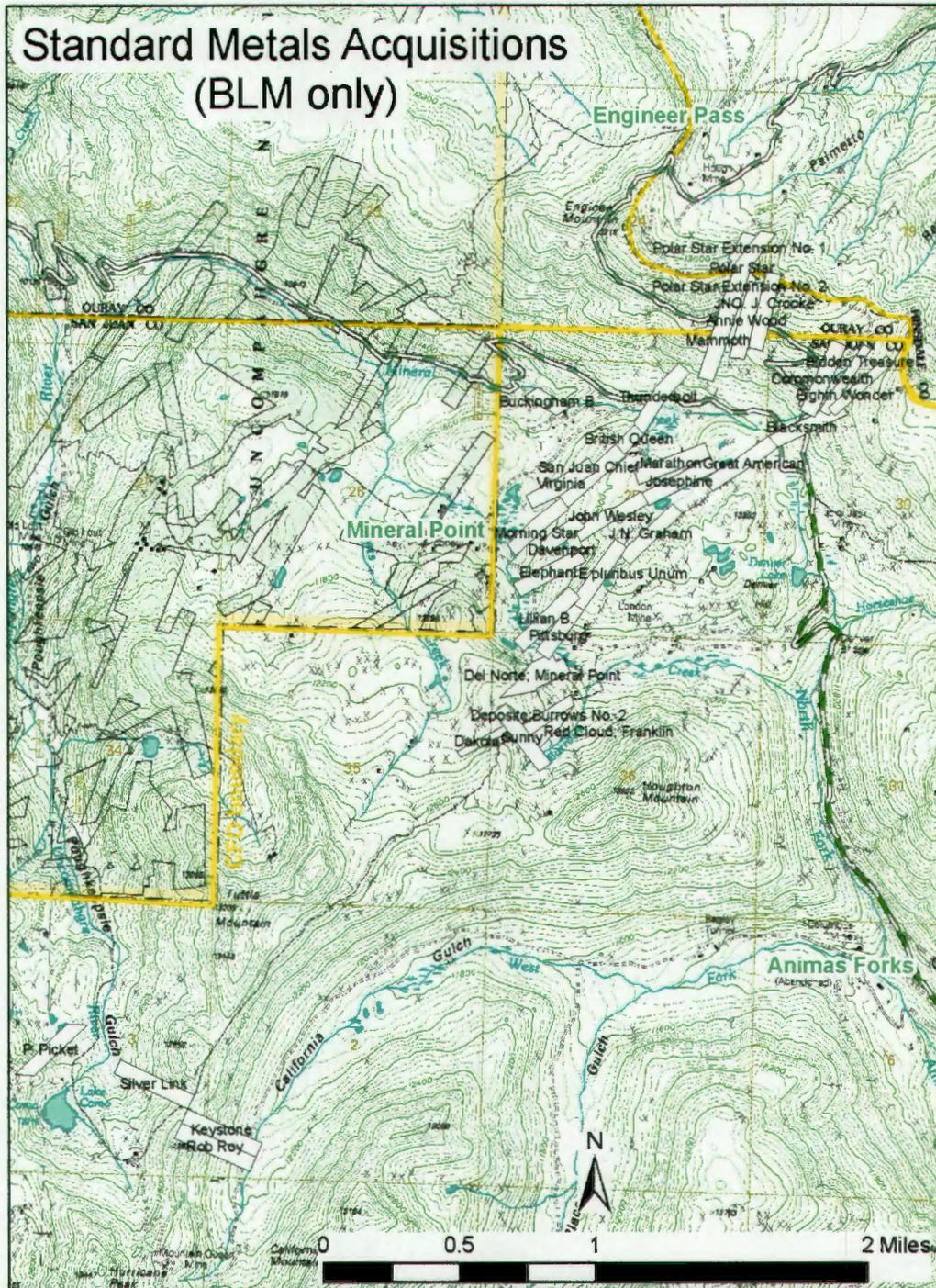
BLM, 2010. Alpine Triangle Final Recreation Area Management Plan. Columbine and Gunnison Field Offices. August 2010. 93 pp.

Redders, Jeff. 2009. Silverton Range Landscape Biological Evaluation for Plants. SJNF, Columbine Ranger District. 9 pp. unpublished.

## Standard Metals Acquisition EA

---

WCAC, 2000. An Inventory of Selected Historic Mining-Related Properties on the Bureau of Land Management's Denver Hill Study unit, San Juan County, Colorado. Woods Canyon Archeological Consultants. Project # 2000-4. 21 pp.



**FINDING OF NO SIGNIFICANT IMPACT**  
**Standard Metals Acquisition**  
**DOI-BLM-CO-S010-2010-0023EA**  
**COC#74441**

The Environmental Assessment (EA) and analysis of the environmental effects of the proposed action have been reviewed. The approved design criteria/mitigation measures result in a Finding of No Significant Impact on the human environment. Therefore, an environmental impact statement is not necessary to further analyze the environmental effects of the proposed action. Context and Intensity of effects have been examined to reach the finding of non-significance.

This FONSI is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the context and the intensity of impacts described in the EA.

Context

The significance of the action was considered in several contexts such as the nation as whole, regionally, and locally. Both short and long term effects were considered. The project is a site-specific action involving approximately 285.696 acres of BLM land that does not *by itself* have international, national, regional or state-wide importance; the greater landscape of which the parcels are a part, is considered important at a regional and state-wide scale.

Intensity

The following discussion is organized around the Ten Significance Criteria described in 40 CFR 1508.27 and incorporated into the BLM's Critical Elements of the Human Environment list (H-1790-1), and supplemental Instruction Memorandum, Acts, regulations and Executive Orders. The following have been considered in evaluating intensity for this proposal:

1. **Impacts may be both beneficial and adverse.** The proposed action would impact resources as described in the EA. Most impacts are considered beneficial due to the increase protection of the resources; however the possibility of increased public usage could be considered a minor negative impact. None of the environmental effects discussed in the EA are considered significant.
2. **Public health or safety.** Federal management of the parcel's adits and mining artifacts will provide more opportunity for clean-up and safety measures to be implemented than if they remain in private ownership.
3. **Unique characteristics of the geographic area.** There are no prime or unique farmlands, wild and scenic rivers, Areas of Critical Environmental Concern, wilderness or wilderness study areas, riparian areas, or floodplains affected by the proposal. Wetlands and fens will benefit by the proposal.
4. **Highly controversial effects.** There is no scientific controversy over the nature of the impacts.

**Standard Metals Acquisition FONSI**

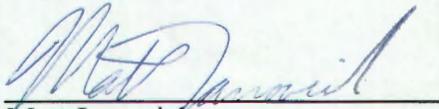
---

5. **Highly uncertain effects or unique or unknown risks.** The project is not a uniquely new or unusual type of action with unknown effects. The project is not a uniquely new or unusual type of action with unknown effects. Federal ownership and the management of the land under the existing Resource Management Plan are well-known.
6. **Precedent for future actions with significant impacts.** The action does not set precedence for future actions: possible future actions will require their own analyses and authorizations.
7. **Relationship to other actions with cumulatively significant issues.** . The actions considered in the proposal were considered by BLM within the context of past, present, and reasonably foreseeable future actions. The proposal is not significant in relation to the scope of cumulative impacts.
8. **Scientific, cultural, or historic resources.** The proposal will benefit scientific, cultural and historic properties by providing protection from development.
9. **Threatened or endangered species and their critical habitat.** Threatened and endangered species that may use the area will benefit by providing protection of the parcels from development. There is no designated critical habitat for any species in the project area.
10. **Federal, State, tribal, and local laws or requirements imposed for the protection of the environment.** The project does not violate any know federal, state, tribal, or local law or environmental policy. These agencies were given the opportunity to participate and comment in the analysis process.

**Determination**

This Finding of No Significant Impact is based on the information contained in the EA and my consideration of criteria for significance (40 CFR 1508.27). It is my determination that: 1) the implementation of the proposed action will not have significant environmental impacts; and 2) the Proposed Action does not constitute a major federal action having significant effect on the human environment. Therefore, an Environmental Impact Statement is not necessary.

Approved:



Matt Janowiak

Columbine District Ranger/Field Office Manager

9/21/11  
Date

**DECISION RECORD**  
**Standard Metals Acquisition**  
**DOI-BLM-CO-S010-2010-0023EA**  
**COC#74441**

**INTRODUCTION:**

The BLM will acquire approximately forty (40) patented mining claims in the Silverton area from Standard Metals Corporation.

The claims are within the BLM's *Alpine Triangle Special Recreation Management Area*, several miles north of Silverton, in Hinsdale, Ouray, and San Juan Counties, Colorado. Combined, the total acreage of the claims is approximately 285.696 acres. A listing of the individual claims and a map are found in the accompanying EA.

**DECISION:**

It is my decision to accept conveyance to the BLM of the 285 acres as described in the accompanying EA.

**RATIONALE:**

The acquisition of the parcels will result in consolidation of BLM holdings in a much-fragmented landscape with a high value for recreation, cultural resources, visuals, and wildlife habitat. Beneficial impacts are further described in the EA.

**PUBLIC INVOLVEMENT:**

The project was listed in the BLM NEPA register, published on the web site since July 2010. Additionally, San Juan County commissioners have been well-informed of the proposal throughout the planning process.

**COMPLIANCE WITH LAWS, REGULATION, AND POLICY:**

This decision is in compliance with implantation of the San Juan/San Miguel Resource Management Plan (1985).

This decision is in compliance with other major laws to minimize environmental impacts to public lands, including: Endangered Species Act of 1973 (P.L. 94-325); Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. 703-712); Federal Water Pollution Control Act of 1948 (Clean Water Act), as amended (33 U.S.C. Chap. 26); Clean Air Act of 1963, as amended (P.L. 88-206); Federal Noxious Weed Act of 1974, as amended (P.L. 93-629, 7 U.S.C. 2801 *et seq*); National Historic Preservation Act of 1966, as amended (P.L. 89-665); Archaeological and Historic Preservation Act of 1974 (P.L. 86-253); Archaeological Resources Protection Act of 1979, as amended (P.L. 96-95); and Native American Graves Protection and Repatriation Act of 1990 (P.L. 101-601).

**APPEAL OPPORTUNITIES:**

This decision shall take effect immediately upon the date it is signed by the Authorized Officer and shall remain in effect while any appeal is pending unless the Interior Board of Land Appeals

## Standard Metals Acquisition DR

---

issues a stay. Any appeal of this decision must follow the procedures set forth in 43 CFR Part 4. Within 30 days of the decision, a notice of appeal must be filed in the office of the Authorized Officer writing, with the Field Office Manager, Columbine Public Lands Office, 367 S. Pearl Street, P. O. Box 439, Bayfield, CO 81122.

If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300 Arlington, VA 22203 within 30 days after the notice of appeal is filed with the Authorized Officer.

If you wish to file a petition for stay pursuant to 43 CFR Part 4.21(b), the petition for stay should accompany your notice of appeal and shall show sufficient justification based on the following standards:

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 irreparable harm to the appellant or resources if the stay is not granted, and
4. Whether the public interest favors granting the stay.

If a petition for stay is submitted with the notice of appeal, a copy of the notice of appeal and petition for stay must be served on each party named in the decision from which the appeal is taken, and with the IBLA at the same at the same time it is filed with the Authorized Officer. Appeal and stay procedures are outlined on BLM form CO-050-1840-191.

### **Implementation Date**

This decision is immediately implementable.

Communications received in response to this notice, including personal identifying information, will be considered part of the public record for this proposed action and will be available for public inspection.

### **SIGNATURE OF AUTHORIZED OFFICIAL:**



---

MATT JANOWIAK  
Columbine District Ranger/Field Office Manager

9/21/11  
Date