Decision Record

Sandman Exploration Project
Environmental Assessment
DOI-BLM-NV-WO10-2010-0005-EA

Introduction

Newmont Mining Corporation (NMC) submitted a Plan of Operations to expand their existing notice-level and state reclamation permit activities located about 14 miles west to northwest of Winnemucca, in Humboldt County, Nevada. The project would be located on lands of the National System of Public Lands (public lands) administered by the BLM, and on private lands in part or all of Township 37 North, Range 35 East (T37N, R35E), sections 11-15, 22-26, and 36; T37N, R36E, sections 7, 18-20, 22, and 27-33; T36N, R35E, sections 12, 23, and 24; and T36N, R36E, sections 4-9, 13, 17-24, 26, 27, 29, and 30, Mount Diablo Baseline and Meridian, and would disturb a total of 441.2 acres (in addition to the 58.2 acres already disturbed under their current notices and state reclamation activities). They propose to continue their exploration activities by constructing drill sites and sumps, excavating trenches for bulk sampling and installing monitoring wells. These sites would be accessed by utilizing existing roads, overland travel and constructing new roads when necessary. The project is planned to run for approximately 5 years.

Compliance/Conformance

The proposed action is in conformance with and is consistent with the *Paradise-Denio Management Framework Plan*, approved July 9, 1982. The proposed action is consistent with the plans and policies of neighboring local, county, state, tribal, and federal governments to the greatest extent possible. Under the proposed action, no federal, state, or local law, or requirement imposed for the protection of the environment will be threatened or violated.

Decision

Based on the Sandman Exploration Project Environmental Assessment (EA), DOI-BLM-NV-WO10-2010- 0005-EA and the attached Finding of No Significant Impact (FONSI) it is my decision to implement the proposed action.

Public Involvement

Preliminary EA
On August, 13, 2009, a scoping letter was posted to the BLM's website and sent to potentially interested parties by the BLM, and on March 15, 2010, a notification of availability to review the Preliminary EA was posted to the BLM's website and sent to potentially interested parties by the BLM. Several comments were received during the 30-day review period on the preliminary EA. At the conclusion of the comment period, three comment letters were received. Based on the comments received, several areas of the EA were modified or updated. A visual resources environmental protection measure regarding lighting was added to the Proposed Action in Section 2.1.12. Sections 2.1.9, 4.1.6, and 5.4.4 were also updated to reflect appropriate U.S. Department

of Transportation, Federal Motor and Carrier Administration terminology. Based on a final review of the EA by the BLM, clarifications were made to Chapter 4 - Land Use Authorizations and Access and Rangeland Management sections and to Section 5.4.1 Air Quality. Native American Consultation concluded and those sections of the document were modified accordingly. Various other minor edits were made in finalizing the EA. Additionally, in finalizing the EA, Chapter 9 – *Public Involvement* was updated.

Native American Consultation
On October 5, 2009, letters providing information relating to the Proposed Action were sent to the Winnemucca Indian Colony and the Summit Lake Paiute Tribe and on October 16, 2009, letters providing information relating to the Proposed Action were sent to the Fort McDermitt Paiute & Shoshone Tribe and the Lovelock Paiute Tribe. Additionally, follow-up phone calls were conducted to identify if the Tribes had any concerns about the Proposed Action, effects it may have on traditional cultural properties or sacred sites, or if the Tribe would like to have formal government to government consultation relating to the proposed action.

On October 15, 2009, an e-mail was received from Ron Johnny, of the Summit Lake Paiute Tribe, expressing that the Tribal Council was concerned with the Project relating to whether artifacts had been collected during the cultural resource inventories, protection of resources, pollution, and if tribal monitors would be utilized during the proposed activities. On November 12, 2009, Ron Johnny and Rachael Brown of the Summit Lake Paiute Tribe and Samuel Potter of the BLM visited the Project Area for a tour and to answer questions about the proposed Project. On December 31, 2009, a follow up call to the site tour was conducted and Mr. Johnny indicated that no further consultation would be required at this time.

Rationale

My decision is based on the attached FONSI, the proposed action, which includes the additional environmental measures (listed below) NMC committed to by adding to their Plan during the NEPA process, and the environmental analysis in the EA. Additionally, the proposed action will not result in any unnecessary or undue environmental degradation of public lands, has addressed public comments, and is consistent with federal, state and local laws, regulations and plans.

Through the NEPA process, NMC committed to the following additional environmental measures as part of their Plan.

> NMC would contact the appropriate agency and ROW holder prior to surface disturbance or drilling in any underground ROW.
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> NMC would avoid, or mitigate impacts to, all eligible or the contributing element portions of cultural resources within the Project Area. As a rule all eligible or contributing elements of an eligible site would be avoided by a buffer zone of 100 feet. In cases of historic roads the non-contributing elements would continue to be utilized and the contributing elements would not be utilized for transportation. The contributing elements would continue to be avoided by the 100 feet buffer zone during all other activities. If eligible or the contributing elements to an eligible site could not be avoided the site would be mitigated through a data

recovery plan approved by the BLM in consultation with the SHPO. The BLM would provide a review of the work plan for each phase prior to NMC initiating activities under that phase to ensure the protection of all contributing elements of or eligible cultural resources. Any cultural resource discovered by NMC, or any person working on their behalf, during the course of activities on federal land would be immediately reported to the authorized officer by telephone, with written confirmation. The permit holder would suspend all operations in the immediate area of such discovery and protect it until an evaluation of the discovery can be made by the authorized officer. This evaluation will determine the significance of the discovery and what mitigation measures are necessary to allow activities to proceed. NMC would be responsible for the cost of evaluation and mitigation. Operations would resume only upon written authorization to proceed from the authorized officer.

NMC would provide a fact sheet and field orientation to heavy equipment operators and drilling crews. The fact sheet would include information on fossils that could be found during surface disturbing activities in the Project area and the procedure to follow if fossils were found.

NMC would have a geologist on site during surface disturbing activities in the following buffered areas where the Lake Lahontan highstand (elevation 4,360) is mapped in the Project Area: T37N, R36E sections or portions of sections 19, 20, 22, 27, 28, 29, 32, 33, T36N, R36E sections or portions of sections 26, 19, 20, 29, and 30, and a portion of T37N, R35E, section 15.

All construction activities within 600 feet of the openings of underground workings known to be habitat to sensitive bat species would be avoided during the winter hibernaculum (the months of October through March).

If construction activities occur closer than 600 feet of the openings of underground workings, outside of the hibernation period (between the months of April and September), NMC would consult with the BLM and a qualified expert in the field of bat conservation and biology to develop appropriate mitigation.

NMC would utilize directional lighting with shields for Project activities at night in order to minimize visual impacts in the Project Area.

Based on the President's National Energy Policy and Executive Order 13212, the proposed action will not generate any adverse energy impacts or limit energy production and distribution. Therefore, no "Statement of Adverse Energy Impact" is required.

Authority

The authority for this decision is contained in the Mining Law of May 10, 1872, as amended (17 Stat. 91), the Surface Resources Act of 1955 (30 United States Code (U.S.C.) 611-614), the Federal Land Policy Management Act (FLPMA) of 1976 (43 U.S.C. 1701 et seq.), and the Code of Federal Regulations (CFR) at 43 CFR 3809.

Appeal Provision

If you do not agree and are adversely affected by this decision, you may request that the Nevada BLM State Director review this decision in accordance with 43 CFR §3809.804 *et seq*. If you request a State Director review, the request must be received in the Nevada BLM State Office, at one of the following addresses, no later than 30 calendar days after you receive this decision:

By mail:	or	By delivery:
Bureau of Land Management		Bureau of Land Management
Nevada State Office		Nevada State Office
Minerals Adjudication Branch		Minerals Adjudication Branch
P.O. Box 12000,		1340 Financial Blvd
Reno, Nevada 89520-0006		Reno, Nevada, 89502

A copy of the request must also be sent to this office. The request for State Director Review must be in accordance with the requirements of 43 CFR §3809.805. This decision will remain in full force and effect while the State Director review is pending, unless a stay (suspension) is granted by the State Director under 43 CFR §3809.808(a). If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If the Nevada State Director does not make a decision on whether to accept your request for review within 21 calendar days of receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the Nevada BLM State Office to determine when the BLM received the request for State Director Review. You have 30 days from the end of the 21-day period in which to file your Notice of Appeal (see procedures below).

If you wish to bypass a State Director review, this decision may be appealed directly to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4. Your notice of appeal must be filed in this office at 5100 East Winnemucca Blvd, Winnemucca, NV 89445 within 30 days from receipt of this decision. As the appellant, you have the burden of showing that the decision appealed from is in error. Enclosed is BLM Form 1842-1 that contains information on taking appeals to the IBLA.

If you wish to file a petition (request) pursuant to regulation 43 CFR 4.21 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 appropriate Office of the Solicitor (see 43 CFR 4.413 or Form 1842-1 enclosed) 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

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal 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 immediate and irreparable harm if the stay is not granted, and

4) Whether the public interest favors granting the stay.

Mandy L Dutorest
for Michael Truden
Field Manager
Humboldt River Field Office

4/30/10
Date

Attachments:
EA (DOI-BLM-NV-WO10-2010- 0005-EA)
Finding of No Significant Impact (FONSI)
Form 1842-1 (September 2005)