

**FINDING OF NO SIGNIFICANT IMPACT
AND
DECISION RECORD
Timberline Resources Drilling Project
NEPA CA065-EA-2007-76**

Based on the analysis of potential environmental impacts contained in the environmental assessment CA-650-2007-76, and considering the significance criteria in 40 CFR 1508.27, I have determined that the action will not have a significant effect on the human environment. An environmental impact statement is therefore not required.

Decision:

It is my decision to approve plan of operations CACA-48889, submitted by Timberline Resources Corporation, subject to reasonable stipulations and mitigating measures. This proposed action is described and analyzed in environmental assessment EA CA650-2007-76.

Summary of the Selected Alternative:

Timberline Resources Corporation of Coeur d'Alene, Idaho has submitted a proposal to construct a temporary access route and complete seven drillholes on a set of unpatented lode mining claims located on Conglomerate Mesa, in the Inyo Mountains of Inyo County, California. These claims are the MESA 3, MESA 13, MESA 25, MESA 26, CMP 1, CMP 2, CMP 4, CMP 5, CMP 6, CMP 7, CM 2, CM 4, CM 6, CM 8, CM 10, CM 12, FAT 148, FAT 150, FAT 172, FAT 174 and FAT 176 lode mining claims.

The proposed temporary access route will be approximately 3.4 miles long and (up to) 12 feet wide. This project is and subject to the performance standards found in regulations 43 CFR 3809.420, and subject to a financial guarantee sufficient to ensure reclamation. A very similar project having the same access route was analyzed and approved in association with environmental assessment CA-065-97-25 (included and incorporated by reference in the present EA). The company involved in that previous operation was BHP Minerals. The present proposed action takes place entirely on lands already disturbed, as shown on the image attached to this FONSI. No previously undisturbed lands will be affected by this action. This proposal is submitted in compliance with the Surface Management regulations found in Title 43, Subpart 3809 of the Code of Federal Regulations. The BLM's decision whether to approve, or not approve, this plan of operations is a federal action subject to the disclosure requirements of the National Environmental Policy Management Act.

This decision is contingent on meeting all stipulations and monitoring requirements listed below.

- The operator will comply with the measures of the Timberline Resources drilling proposal received February 20, 2007, described in the proposed action for NEPA CA065-EA-2007-76.

- The operator will comply with the performance, safety and reclamation standards found in Title 43, Subpart 3809.420 of the Code of Federal Regulations (attached).
- The proposed operation follows the route of a road constructed by BHP Minerals in 1997 and properly reclaimed. The operator is advised to follow similar construction, reclamation and plugging standards so as to avoid unnecessary or undue degradation.
- The operation will avoid impact to heritage resources by: 1) using existing reclaimed road bed for all access and transit of vehicles; 2) keeping any drillsite within 50 feet of the centerline of the present route, and; 3) Drilling no further north than the proposed drill location known as 'G'.
- The operator is advised to avoid concentrations of the Inyo Rock Daisy (*Perityle inyoensis*) and Mojave Fishhook Cactus (*Sclerocactus polyancisterus*) that were mapped and avoided by the 1997 route construction.

Rationale for the Decision:

The proposed action is in conformance with The California Desert Conservation Area Plan (1980) as amended and The Northern and Eastern Mojave Desert Management Plan approved December 19, 2002. The Bureau of Land Management has an obligation to provide ingress and egress to operators properly operating under the Mining Law of 1872, subject to measures needed to prevent unnecessary or undue degradation of public lands and resources (43 USC 1732b). The area involved is open to mining-related activities under the prevailing land use plans, and the proposed action does not add to the acreage of previously-disturbed lands.

 Hector Villalobos
 Field Manager
 Ridgecrest Field Office

 Date

Appeal Rights

Within 30 days of receipt of this decision, you (the public) have the right of appeal to the Board of Land Appeals, Office of the Secretary, in accordance with regulations at Title 43 Code of Federal Regulations 4.400. If an appeal is taken, you must follow the procedures outlined in Form 1842-1, Information on Taking Appeals to the Board of Land Appeals. Within 30 days after you appeal, you are required to provide a Statement of Reasons to the Board of Land Appeals listed in Item 3 on the form. In addition, please provide our office with a copy of your Statement of Reasons. The appellant has the burden of showing that the decision appealed from is in error.

Title 43, Subpart 3809.420 of the Code of Federal Regulations

Sec. 3809.420 What performance standards apply to my notice or plan of operations?

The following performance standards apply to your notice or plan of operations:

(a) General performance standards--(1) Technology and practices. You must use equipment, devices, and practices that will meet the performance standards of this subpart.

(2) Sequence of operations. You must avoid unnecessary impacts and facilitate reclamation by following a reasonable and customary mineral exploration, development, mining and reclamation sequence.

(3) Land-use plans. Consistent with the mining laws, your operations and post-mining land use must comply with the applicable BLM land-use plans and activity plans, and with coastal zone management plans under 16 U.S.C. 1451, as appropriate.

(4) Mitigation. You must take mitigation measures specified by BLM to protect public lands.

(5) Concurrent reclamation. You must initiate and complete reclamation at the earliest economically and technically feasible time on those portions of the disturbed area that you will not disturb further.

(6) Compliance with other laws. You must conduct all operations in a manner that complies with all pertinent Federal and state laws.

(b) Specific standards--(1) Access routes. Access routes shall be planned for only the minimum width needed for operations and shall follow natural contours, where practicable to minimize cut and fill. When the construction of access routes involves slopes that require cuts on the inside edge in excess of 3 feet, the operator may be required to consult with the authorized officer concerning the most appropriate location of the access route prior to commencing operations. An operator is entitled to access to his operations consistent with provisions of the mining laws. Where a notice or a plan of operations is required, it shall specify the location of access routes for operations and other conditions necessary to prevent unnecessary or undue degradation. The authorized officer may require the operator to use existing roads to minimize the number of access routes, and, if practicable, to construct access roads within a designated transportation or utility corridor. When commercial hauling is involved and the use of an existing road is required, the authorized officer may require the operator to make appropriate arrangements for use and maintenance.

(2) Mining wastes. All tailings, dumps, deleterious materials or substances, and other waste produced by the operations shall be disposed of so as to prevent unnecessary or undue degradation and in accordance with applicable Federal and state Laws.

(3) Reclamation. (i) At the earliest feasible time, the operator shall reclaim the area disturbed, except to the extent necessary to preserve evidence of mineralization, by taking reasonable measures to prevent or control on-site and off-site damage of the Federal lands.

(ii) Reclamation shall include, but shall not be limited to:

(A) Saving of topsoil for final application after reshaping of disturbed areas have been completed;

(B) Measures to control erosion, landslides, and water runoff;

(C) Measures to isolate, remove, or control toxic materials;

(D) Reshaping the area disturbed, application of the topsoil, and revegetation of disturbed areas, where reasonably practicable; and

(E) Rehabilitation of fisheries and wildlife habitat.

(iii) When reclamation of the disturbed area has been completed, except to the extent necessary to preserve evidence of mineralization, the authorized officer shall be notified so that an inspection of the area can be made.

(4) Air quality. All operators shall comply with applicable Federal and state air quality standards, including the Clean Air Act (42 U.S.C. 1857 et seq.).

(5) Water quality. All operators shall comply with applicable Federal and state water quality standards, including the Federal Water Pollution Control Act, as amended (30 U.S.C. 1151 et seq.).

(6) Solid wastes. All operators shall comply with applicable Federal and state standards for the disposal and treatment of solid wastes, including regulations issued pursuant to the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.). All garbage, refuse or waste shall either be removed from the affected lands or disposed of or treated to minimize, so far as is practicable, its impact on the lands.

(7) Fisheries, wildlife and plant habitat. The operator shall take such action as may be needed to prevent adverse impacts to threatened or endangered species, and their habitat which may be affected by operations.

(8) Cultural and paleontological resources. (i) Operators shall not knowingly disturb, alter, injure, or destroy any scientifically important paleontological remains or any historical or archaeological site, structure, building or object on Federal lands.

(ii) Operators shall immediately bring to the attention of the authorized officer any cultural and/or paleontological resources that might be altered or destroyed on Federal lands by his/her operations, and shall leave such discovery intact until told to proceed by the authorized officer. The authorized officer shall evaluate the discoveries brought to his/her attention, take action to protect or remove the resource, and allow operations to proceed within 10 working days after notification to the authorized officer of such discovery.

(iii) The Federal Government shall have the responsibility and bear the cost of investigations and salvage of cultural and paleontology

values discovered after a plan of operations has been approved, or where a plan is not involved.

(9) Protection of survey monuments. To the extent practicable, all operators shall protect all survey monuments, witness corners, reference monuments, bearing trees and line trees against unnecessary or undue destruction, obliteration or damage. If, in the course of operations, any monuments, corners, or accessories are destroyed, obliterated, or damaged by such operations, the operator shall immediately report the matter to the authorized officer. The authorized officer shall prescribe, in writing, the requirements for the restoration or reestablishment of monuments, corners, bearing and line trees.

(10) Fire. The operator shall comply with all applicable Federal and state fire laws and regulations, and shall take all reasonable measures to prevent and suppress fires in the area of operations.

(11) Acid-forming, toxic, or other deleterious materials. You must incorporate identification, handling, and placement of potentially acid-forming, toxic or other deleterious materials into your operations, facility design, reclamation, and environmental monitoring programs to minimize the formation and impacts of acidic, alkaline, metal-bearing, or other deleterious leachate, including the following:

(i) You must handle, place, or treat potentially acid-forming, toxic, or other deleterious materials in a manner that minimizes the likelihood of acid formation and toxic and other deleterious leachate generation (source control);

(ii) If you cannot prevent the formation of acid, toxic, or other deleterious drainage, you must minimize uncontrolled migration of leachate; and

(iii) You must capture and treat acid drainage, or other undesirable effluent, to the applicable standard if source controls and migration controls do not prove effective. You are responsible for any costs associated with water treatment or facility maintenance after project closure. Long-term, or post-mining, effluent capture and treatment are not acceptable substitutes for source and migration control, and you may rely on them only after all reasonable source and migration control methods have been employed.

(12) Leaching operations and impoundments. (i) You must design, construct, and operate all leach pads, tailings impoundments, ponds, and solution-holding facilities according to standard engineering practices to achieve and maintain stability and facilitate reclamation.

(ii) You must construct a low-permeability liner or containment system that will minimize the release of leaching solutions to the environment. You must monitor to detect potential releases of contaminants from heaps, process ponds, tailings impoundments, and other structures and remediate environmental impacts if leakage occurs.

(iii) You must design, construct, and operate cyanide or other

leaching facilities and impoundments to contain precipitation from the local 100-year, 24-hour storm event in addition to the maximum process solution inventory. Your design must also include allowances for snowmelt events and draindown from heaps during power outages in the design.

(iv) You must construct a secondary containment system around vats, tanks, or recovery circuits adequate to prevent the release of toxic solutions to the environment in the event of primary containment failure.

(v) You must exclude access by the public, wildlife, or livestock to solution containment and transfer structures that contain lethal levels of cyanide or other solutions.

(vi) During closure and at final reclamation, you must detoxify leaching solutions and heaps and manage tailings or other process waste to minimize impacts to the environment from contact with toxic materials or leachate. Acceptable practices to detoxify solutions and materials include natural degradation, rinsing, chemical treatment, or equally successful alternative methods. Upon completion of reclamation, all materials and discharges must meet applicable standards.

(vii) In cases of temporary or seasonal closure, you must provide adequate maintenance, monitoring, security, and financial guarantee, and BLM may require you to detoxify process solutions.

(13) Maintenance and public safety. During all operations, the operator shall maintain his or her structures, equipment, and other facilities in a safe and orderly manner. Hazardous sites or conditions resulting from operations shall be marked by signs, fenced, or otherwise identified to alert the public in accordance with applicable Federal and state laws and regulations.