

RECLAMATION

Managing Water in the West

Request for Contract to Conduct Mining Activities in the Sucker Creek Withdrawal

Finding of No Significant Impact and Environmental Assessment

**Rogue River Basin Project, Oregon
Pacific Northwest Region**



Finding of No Significant Impact

Request for Contract to Conduct Mining Activities in the Sucker Creek Withdrawal

PN-FONSI 07-01

Summary

The Bureau of Reclamation has completed an environmental assessment on a request for a contract to locate and mine minerals in area reserved for the future Sucker Creek Reservoir. The BLM, responding to the applicant's notice of intent to mine, reviewed the applicant's described operation and determined it would not cause "unnecessary or undue degradation" in accordance with Federal regulations for locatable minerals (43 CFR 3809). The BLM closed the mining claim because the applicant did not have the required mining contract from Reclamation (Public Land Order 6546), however the applicant had already constructed the access road and started the mining operation. The applicant intends to continue the mining activity after the mining contract is executed by Reclamation.

Alternatives Considered

The National Environmental Policy Act (NEPA) requires Reclamation to explore a range of reasonable alternatives and to evaluate environmental effects of these alternatives. Two alternatives were evaluated and compared in the environmental assessment: A No Action Alternative and Mining Contract Alternative.

No Action Alternative

Under the No Action Alternative the applicant would be denied mining contract. The access road would decommissioned and the site reclaimed.

Mining Contract Alternative

Under the Mining Contract Alternative, Reclamation would execute a mining contract allowing the applicant to resume his mining operation. By agreement between Reclamation and BLM, the BLM would ensure the mining operation complies with federal mining regulations and it would continue to hold the reclamation bond. At the earliest feasible time, all surface disturbance from the operation will be reclaimed.

Recommended Alternative

Reclamation proposes to implement the Mining Contract Alternative which permits the applicant to resume mining operations. The site of the applicant's mining operation is in an area previously disturbed by mining and the applicant has already constructed the road and prepared to mine this site. The environmental consequences of these activities have already occurred. The Mining Contract Alternative will have only minor and temporary adverse impacts compared with the No Action Alternative.

Environmental Commitments

Reclamation will include the following stipulations in the mining contract to protect natural resources.

- The applicant must install waterbars (as directed by the authorized officer) and erosion control fencing. These erosion control measures have not been installed on the access road.
- The road will not be used during harsh weather or excessively wet conditions.
- The applicant must wash all equipment prior to moving onto public lands to prevent the spread of noxious weeds.
- When the applicant has finished mining the claim or the mining contract expires, the applicant will reasonably return the disturbed ground to its original slope and revegetate.
- Due the close proximity of Northern Spotted Owls, no blasting shall take place from March 2 to June 30 of each year.

Consultation and Coordination

Reclamation has coordinated closely with the BLM, Medford District, since the mining claim was rescinded. The BLM evaluated the applicant's notice in 2005 and determined that the mining operation would not cause unnecessary or undue degradation. A record of determinations by BLM specialists is attached to the environmental assessment.

Finding

Reclamation's analysis shows that no long-term, significant, adverse environmental effects will occur by executing the requested mining contract compared to the No Action Alternative.

Conclusion

On the basis of a thorough review of the environmental assessment, coordination with BLM, and implementation of all environmental commitments, Reclamation

has concluded that executing the proposed mining contract will have no significant impacts on the quality of the human environment or the natural resources of the area. Therefore, an environmental impact statement will not be prepared. This FONSI has been prepared to document the environmental review and evaluation in compliance with the Council on Environmental Quality's (CEQ) regulations for implementation of the National Environmental Policy Act of 1969.

This conclusion is based on our consideration of the CEQ's criteria for significance (40 CFR §1508.27), regarding context and intensity of the impacts described in the EA and on our understanding of the project. The analysis of effects has also occurred in the context of multiple spatial and temporal scales as appropriate for different types of impacts.

Reclamation has considered the intensity of the impacts anticipated from this action relative to each of the ten areas suggested by the CEQ. With regard to each:

- 1) Impacts can be both beneficial and adverse and a significant effect may exist regardless of the perceived balance of effects.*
- 2) The degree of the impact on public health or safety.*
- 3) Unique characteristics of the geographic area.*
- 4) The degree to which the effects on the quality of the human environment are likely to be highly controversial effects.*
- 5) The degree to which the possible effects on the human environment are likely to be highly uncertain or involve 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.*
- 7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.*
- 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.*
- 9) The degree to which the action may adversely affect ESA listed species or critical habitat*
- 10) Whether the action threatens a violation of environmental protection law or requirements.*

Recommended: _____ Date: _____
Tanya Sommer
Natural Resource Specialist

Concurred: _____ Date: _____
Karen Blakney
ESA Program Manager

Approved: _____ Date: _____
Ronald J. Eggers
Area Manager

Request for Contract to Conduct Mining Activities in the Sucker Creek Withdrawal Environmental Assessment

Summary

In May 2005, the Bureau of Land Management (BLM), Medford District authorized a notice of intent to mine submitted by Mr. Don Bean (applicant). A year later, the applicant provided BLM with a bond in the amount of \$2,834.00 for site reclamation. In December 2006, the BLM State Office rescinded the mining claim because the applicant did not have then necessary mining contract from the Bureau of Reclamation (Reclamation) to conduct mining operations on land reserved for the future Sucker Creek Reservoir. The applicant has already completed most of the construction and excavation work, and has submitted a request for a mining contract to continue the mining activities. This Environmental Assessment (EA) describes the mining project and evaluates the environmental impacts associated with the requested contract. Since the excavation work was, and will continue to be, conducted on previously disturbed land, only minimal or temporary potential impacts to air and water quality will occur. The construction of a temporary access road into the mining site will cause minimal and temporary impacts to air quality, water quality, habitat resources, and vegetation. There are no impacts to ESA-listed species or cultural resources. Reclamation and BLM have agreed that the BLM will continue to inspect the site of the mining operation, hold the bond, and insure compliance with Federal mining regulations when the applicant provides them with an executed mining contract.

Introduction

Reclamation administers 911.42 acres within the Rogue River Basin in Oregon for future development of Sucker Creek Reservoir in conjunction with the Rogue River Basin Project, Illinois Valley Division. The withdrawn lands were opened to mining under Public Land Order 6546 with the stipulation that interested miners obtain a contract for mining from Reclamation prior to entry, location, and mining activity.

On May 9, 2005, the Medford BLM authorized the applicant's notice of intent to mine and in May 2006 received a site reclamation bond. It was later determined that the mining claim was located within Reclamation's Sucker Creek Reservoir withdrawal, and the applicant had not requested or received a mining contract from Reclamation. For this reason, on December 6, 2006, the BLM State Office rescinded the mining claim. In November 2006, the applicant requested a mining contract from Reclamation to complete the operations.

This EA describes the mining project proposed within Reclamation's Sucker Creek Reservoir withdrawn lands and the potential to impact natural and cultural resources. Much of the information used to evaluate the impacts of the requested mining contract was provided by the BLM specialists who reviewed the applicant's notice. The BLM review of the notice did not include a National Environmental Policy Act document

because BLM does not consider notice-level mining operations discretionary actions requiring compliance with NEPA. However, mining in the Medford District was addressed in the BLM October 1994 Medford District Proposed Resource Management Plan/Final Environmental Impact Statement and the subsequent June 1995 Record of Decision and Resource Management Plan.

Purpose and Need

Reclamation must make a decision in response to the applicant's requested mining contract.

No Action Alternative

A decision to deny the request would be equivalent to taking no action. Under such a scenario, Reclamation would not enter into a mining contract as requested, and the applicant would not be permitted to continue mining activities on Reclamation's withdrawn lands. The applicant would be required to reclaim the land to BLM standards.

Preferred Alternative

Reclamation's preferred alternative is to grant a mining contract. Reclamation is negotiating an agreement with the BLM such that BLM will provide oversight of the operation and ensure compliance with the applicable mining regulations as it was doing prior to canceling the notice. The agreement with BLM is prerequisite to granting the contract.

Project Location and Description

Mr. Bean's mining activities are within the NW ¼ of the NE ¼ of Section 1, T.40S., R.7W., Willamette Meridian, Josephine County, Oregon, within the 911.42 acres of Reclamation withdrawn lands known as the Sucker Creek Reservoir withdrawal.

The mining activities consist of mineral exploration and construction of a road on Hamburger #2 and Red Cloud mining claims. The surface width of the road construction was limited to 15 feet except in areas where turnouts were created. All equipment was washed prior to moving onto public lands to prevent the spread of noxious weeds. The road was constructed following an existing skid road heading east that branches off the Akers Patented Land access road next to Johnson Gulch. The skid road ends on or near the property line of Akers land and Hamburger #2. The constructed road stays on a mostly level grade through Hamburger #2 and ends on the Red Cloud claim. The road heads east and passes in front of an old mine tunnel on Hamburger #2 which is about 200 feet from the end of the existing skid road. Staying relatively level, the road runs uphill of a few large fir trees and around the ridge toward Red Cloud. From the ridge, the road enters a brushy area, which extends onto the Red Cloud claim. On the eastern slope of the brushy ridge, the road continues on the uphill side of a couple of young fir trees. The road crosses level ground on the hillside until it comes to an old caved-in mining tunnel.

The road passes in front of the tunnel, turning right along the hillside and dead ends about 200 feet away. Starting at the tunnel, there is an existing road and old mining excavations covering the hillside. This is where the mining explorations have occurred, and where future excavations under the proposed contract will occur. Mainly brush and hardwood were disturbed. Slash was hand piled and covered, and will be disposed of with written permission from the BLM authorized officer.

Mr. Bean's mining explorations may disturb up to 2 acres of ground, which is already heavily disturbed from previous mining activity. Some small mining exploration and excavation may occur anywhere along the access road. It is likely that most of the work will be done on the Red Cloud claim where the major disturbance already exists.

The excavated material will be removed and transported via dump truck to a location on Akers' property. The material will be processed with a small mill/crusher and the remaining spoil will be spread along the road on the Akers property.

Environmental Commitments

According to 43 CFR 3809, "Anyone intending to develop mineral resources on the public lands must prevent unnecessary or undue degradation of the land and reclaim disturbed areas." The following describes the measures required by the BLM when they authorized the mining claim. Reclamation will include these measures in the proposed mining contract.

- The applicant must install waterbars (spaced according to BLM standards) and erosion control fencing or straw bales, as directed by the authorized officer. These erosion control measures have not been installed on the access road.
- The road would not be used when soils are saturated or if there is standing water on the road.
- The applicant must wash all equipment prior to moving onto public lands to prevent the spread of noxious weeds.
- When the applicant has finished mining the claim or the mining contract expires, the applicant will reasonably return the disturbed ground to its original slope and revegetate.
- Due to the close proximity of Northern Spotted Owls, no blasting shall take place from March 2 to June 30 of each year.

Affected Environment and Environmental Consequences

Air quality

There will likely be some minor fugitive dust emissions from the excavation activities, but due to the short-term nature of the mining activities and limited equipment usage, this is unlikely to cause an adverse impact to air quality.

If the no action alternative is selected, then the road will be decommissioned, also causing some dust for a short duration.

Water Quality

Due to the construction of an access road, there is the potential to affect water quality from sediment runoff. The intermittent stream in the vicinity of the mining activities has not held flowing water for several years. The road location is on a dry ridge with no drainage issues, therefore the BLM authorized that erosion mitigation measures (waterbars, silt fence) will only be employed if the applicant leaves the road intact over the winter season. These measures have not been completed, however, they would be required as a condition in the mining contract. With erosion control measures, no significant impact to water quality is likely to occur.

If the no action alternative is selected the road would be decommissioned and revegetated to prevent any future erosion and sedimentation associated with road runoff.

Habitat Resources

The construction of the access road will have a minor and temporary impact on forest habitat at the location of the access road and limit the quality of forest habitat in the vicinity of the construction activities. Due to the limited area of the construction efforts and the temporary timeframe of the construction activities, this is not considered to be a significant effect.

If the no action alternative is selected there could be some disturbance due to work associated with decommissioning the road. Otherwise, there would be no further impacts from mining activities under this request.

Cultural Resources

The BLM assessed the potential of this mining claim to affect any cultural resources, and found that the construction and excavation, as proposed, would not cause any “unnecessary or undue degradation” to cultural resources. A survey conducted in March 2005 found no new cultural sites. Therefore, there will be no impact to cultural resources and no further consultation is required under Section 106 of the National Historic Preservation Act.

Threatened, Endangered, and Sensitive Species

The BLM assessed the potential of this mining claim to affect any ESA-listed species, and found that the construction and excavation, as proposed, would not cause any “unnecessary or undue degradation” to any ESA-listed species or their habitat. If the mining contract is granted, the increase in disturbance to vegetation would be minimal because the road construction and site preparation have already occurred.

The fish species of concern in this area would be the Southern Oregon/Northern California Coast Coho (*Oncorhynchus kisutch*), which is federally listed as threatened. Coho are present in Sucker Creek, immediately downstream of Johnson Gulch Creek, which is adjacent to the road construction. Due to the close proximity of the roadwork to

Johnson Gulch and the potential for sediment to be routed to Coho habitat in Sucker Creek, measures will be taken to minimize these impacts. The measures listed by the applicant to prevent unnecessary degradation, including installation of waterbars and silt fencing, will be implemented if the road is left intact over the winter season. The road is located outside of the inner slope of Johnson Gulch.

The road route is not located within suitable nesting, roosting, or foraging habitat for the Northern Spotted Owl. Some of the road construction occurred in dispersal habitat. However, “unnecessary or undue degradation” of this habitat would not occur as a result of this project. This area would still function as dispersal habitat for the Northern Spotted Owl. There is a known Spotted Owl nest in Section 1, southwest of the proposed action; it would not be impacted by mining activities.

Only federally listed plants were assessed for potential effects. The road location is not within the range of Gentner's fritillary (*Fritillaria gentneri*) and therefore will have no effect on this species. The location is within the range of Cook's lomatium (*Lomatium cookii*), but no habitat exists for the species along the route or anywhere in the vicinity of the project. The closest sites for this species are in the French Flat ACEC and along Hwy 46, both in the West Fork Illinois Watershed at a distance of over 8 miles to the west of the project.

Habitat does exist for the BLM Sensitive species clustered lady's slipper (*Cypripedium fasciculatum*) and the BLM Tracking species mountain lady-slipper orchid (*Cypripedium montanum*). Several populations of both species occur within one mile of the project. Because of the known population numbers and size of the range for these species, any incidental damage should not lead to the listing of either of these species.

If the no action alternative is selected, there would be no effect to ESA-listed threatened or endangered species because the only action that would occur as a result of such a decision would be decommissioning the road and revegetating the disturbed road area.

Cumulative Effects

Cumulative effects are the environmental effects of past, present, and reasonably foreseeable future actions. The cumulative impacts of mining in the BLM Medford District were addressed in the October 1994 Medford District Proposed Resource Management Plan/Final Environmental Impact Statement. In 1983, Reclamation executed a mining contract which is the only prior mining contract executed for the Sucker Creek withdrawn lands. The 1983 mining contract included in it the same 40 acre parcel of land (NW ¼ of the NE ¼, T 40S R 7W Section 1, Willamette Meridian). The location of this mining claim is a disturbed area, having been excavated in previous years. Since the access road and the excavation site will be restored and revegetated after use the degree of incremental environmental impact resulting from this mining activity will not result in further or increased cumulative degradation of the affected area.

List of Preparers

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