

FINDING OF NO SIGNIFICANT IMPACT

2015 Southwestern Oregon Mineral Withdrawal Environmental Assessment

I. Introduction

An interdisciplinary team (ID team), comprised of Forest Service and BLM specialists, has prepared an Environmental Assessment (EA) to analyze the effects of implementing a land withdrawal in aid of legislation for approximately 101,021 acres of federally owned land on the Gold Beach and Wild Rivers Ranger Districts of the Rogue River-Siskiyou National Forest and the Medford and Coos Bay Districts of the Bureau of Land Management in Curry County and Josephine County, Oregon.

This EA contains three alternatives: No Action, Proposed Action, and Alternative Action. The proposed and alternative actions would close the lands described in proposed legislation (S. 346 and H.R. 682) from settlement, sale, location, and entry under the public land laws, location and entry under the United States mining laws¹, and operation of the mineral and geothermal leasing laws. The period of withdrawal for the Proposed Action and the Alternative Action is 5 years and 20 years, respectively. Attachment A provides the legal description of lands proposed for withdrawal.

II. Conformance

The ID team developed this EA in conformance with the Federal Land Policy and Management Act and the regulations at 43 CFR part 2300 – Land Withdrawals. The proposed withdrawal is in support of the Southwestern Oregon Watershed and Salmon Protection Act of 2015, introduced in Congress on February 3, 2015 (S. 346 and H.R. 682) and is consistent with the proposed legislation for a permanent withdrawal from mineral entry and location.

III. Finding of No Significant Impact

In the EA, the effects analysis indicates that there would be no significant impact on the quality of the human environment from the implementation of either a 5-year or 20-year withdrawal (Proposed Action and Alternative Action). This finding and conclusion is based on our consideration of the Council of Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), both with regard to context and intensity of the impacts described in the EA.

Context

The withdrawal would apply only to lands in the Southwestern Oregon Watershed and Salmon Protection Areas, as specified by the Federal Register Notice of Proposed Withdrawal (June 29, 2015).

The area is known for world-class fisheries, outstanding water quality, and high recreational values associated with pristine and wild rivers. Additionally, the area has been long recognized as a hotspot of biodiversity in North America (EA pg 43) with many endemic plants and unique serpentine habitats.

Mining claims within the proposed withdrawal boundaries are dominated by claims located on nickel-laterite soils; fewer than 12 placer claims, assumed to be for gold, are located along streams (EA pg 13). Energy resources of coal, oil and gas, and geothermal have a low potential for occurrence in the areas, as do gold and associated minerals (EA pg 17).

¹ Mining laws means the Lode Law of July 26, 1866, as amended (14 Stat. 251); the Placer Law of July 9, 1870, as amended (16 Stat. 217); and the Mining Law of May 10, 1872, as amended (17 Stat. 91); as well as all laws supplementing and amending those laws, including the Building Stone Act of August 4, 1892, as amended (27 Stat. 348); the Saline Placer Act of January 31, 1901 (31 Stat. 745); the Surface Resources Act of 1955 (30 U.S.C. 611–614); and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 170 *et seq.*).

Nickel has a moderate to high potential for occurrence in the areas. However, concentrating nickel from nickel-laterite cannot be accomplished, given current technologies. No smelter capable of processing nickel-laterite resources exists in the United States; therefore, mineral ore would need to be shipped out of country for processing, or facilities capable of processing those resources would need to be constructed. Nickel-laterite resources identified and explored to date have shown low quantities of mineable resources per location and low metal grades in the deposits, and, to date, no mining of nickel-laterites resources has occurred, in spite of repeated exploration (EA pg 18).

Public comments submitted to the BLM and the Forest Service were overwhelmingly in favor of the withdrawal (>99.9%), with comments received from almost every state in the nation (EA pg 5 and A-5).

Letters requesting meetings for government to government consultation were sent to the Coquille Indian Tribe, the Elk Valley Rancheria, the Confederated Tribes of the Grande Ronde, the Confederated Tribes of the Siletz Indians of Oregon, and the Tolowa Dee-ni' Nation on August 14, 2015. The letters described the legislation under consideration and the proposed temporary mineral withdrawal, the public comment period and public meetings, and the environmental analysis process.

Meetings were held with the Tolowa Dee-ni' (September 17, 2015), the Confederated Siletz (September 18, 2015) and the Elk Valley Rancheria (September 21, 2015). During these meetings, each of the tribes expressed support for the mineral withdrawal proposal.

In addition to government-to-government consultation, letters in support of the withdrawal were submitted to the BLM State Director during the public comment period by the Confederated Tribes of the Siletz Indians and the Elk Valley Rancheria. (EA pg 7)

Intensity

Impacts that may be both beneficial and adverse (40 CFR 1508.27 (b)(1))

Any impacts, both beneficial and adverse, are not significant as this is an administrative action that would not have direct impacts on the quality of the human environment.

Public Health and Safety (40 CFR 1508.27(b)(2))

No aspect of the proposed action would have an effect on public health and safety.

Unique characteristics of the geographic area (40 CFR 1508.27(b)(3))

The unique and high ecological resource character of these lands include: the South Kalmiopsis and Packsaddle Inventoried Roadless areas; tributaries of the National Wild and Scenic Illinois, Rogue, North Fork Smith and Smith Rivers; two eligible Wild and Scenic Rivers (Rough and Ready and Baldface Creeks); three botanical areas (Red Flat, Rough and Ready Flat, and Oregon Mountain), three Areas of Critical Environmental Concern (Hunter Creek Bog, North Fork Hunter Creek, and Rough and Ready), and two Research Natural Areas (Lemmingsworth Gulch and Woodcock Bog). Withdrawal would protect the natural resource values of these unique areas.

Degree to which effects are likely to be highly controversial (40 CFR 1508.27(b)(4))

The effects on the quality of the human environment of the proposed activity are not highly controversial. During two comment periods, the agencies received over 45,000 comments (EA pg 5 and A-5), of which all but 27 were in support of withdrawal. Most of the supporters favored the 20-year withdrawal period (Alternative Action).

Degree to which effects are highly uncertain or involve unique or unknown risks (40 CFR 1508.27(b)(5))

The possible effects of the proposed action on the quality of the human environment are not highly uncertain because the proposed action is administrative in nature and would not have direct effects on

environmental resources. Although nickel-laterite resources have been known from the area and explored since the early 1940's, no mines have been developed (EA pg 18).

Consideration of whether the action may establish a precedent for future actions with significant impacts (40 CFR 1508.27(b)(6))

The proposed project does not establish a precedent for future actions or represent a decision in principle about future actions with potentially significant effects.

Consideration of whether the action is related to other actions with cumulatively significant impacts (40 CFR 1508.27(b)(7))

There are no cumulatively significant impacts identified by the EA.

Scientific, cultural, or historical resources, including those listed in or eligible for listing in the National Register of Historic Places (40 CFR 1508.27(b)(8))

Neither of the action alternatives would affect structures or objects listed in or potentially eligible for listing in the National Register of Historic Places. Nor would the action alternatives cause a loss or destruction of significant scientific, cultural, or historical resources (EA pg 73 and A-3).

Threatened or endangered species and their critical habitat (40 CFR 1508.27(b)(9))

The action alternatives are administrative in nature and would have no direct effects on threatened or endangered species or their critical habitat. The ancillary effect of withdrawal is the protection of the unique landscape that provides habitat for threatened or endangered species, including wildlife (northern spotted owl, marbled murrelet), plants (McDonald's rockcress, Cook's lomatium), and fish (coho salmon, Pacific eucalon, North American green sturgeon) and associated designated critical habitat.

Any effects that threaten a violation of Federal, State, or local laws or requirements imposed for the protection of the environment (40 CFR 1508.27(b)(10))

None of the alternatives would violate Federal, State, or local laws imposed for the protection of the environment. These include the Endangered Species Act, the Magnuson-Stevens Fishery Conservation and Management Act, the National Historic Preservation Act, the Clean Air Act, and the Clean Water Act.

Analysis has also concluded that implementation of either of the action alternatives will not change the likelihood of and need for listing of any Special Status Species under the Endangered Species Act, as identified in the Regional Forester's Sensitive Species List, BLM Manual 6840 and BLM OR/WA 6840 policy.

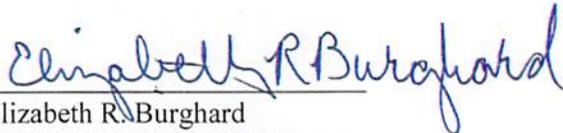
Conclusion

Based on the information contained in the EA and all other information available, we have determined that either a 5-year or a 20-year withdrawal from operation of the mining laws would have no significant impact on the human environment within the meaning of section 102(2)(c) of the National Environmental Policy Act of 1969, and that an Environmental Impact Statement is not required. Therefore, it is our recommendation to the Regional Forester and BLM State Director to forward a completed land-withdrawal application for the purposes of withdrawing the lands in the Southwestern Oregon Watershed and Salmon Protection Areas from settlement, sale, location, and entry under the public land laws, location and entry under the United States mining laws, and operation of the mineral and geothermal leasing laws for a period of twenty (20) years, according to the Alternative Action, in support of proposed legislation to permanently withdraw such lands.



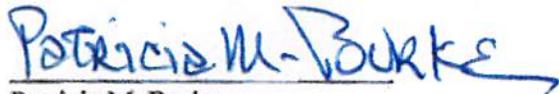
Robert G. MacWhorter
Rogue River-Siskiyou National Forest Supervisor

8/12/16
Date



Elizabeth R. Burghard
BLM Medford District Manager

8/15/16
Date



Patricia M. Burke
BLM Coos Bay District Manager

8/15/16
Date

Attachment A – Legal Description of lands in the Southwestern Oregon Watershed and Salmon Protection Areas

Public Domain Lands

Willamette Meridian

T. 36 S., R. 14 W.,
Sec. 24, E1/2SE1/4;
Sec. 25, SE1/4SE1/4.
T. 37 S., R. 14 W.,
Sec. 1, lots 1 to 4, inclusive, S1/2N1/2,
N1/2SW1/4, SE1/4SW1/4, and SE1/4;
Sec. 2, lots 1 and 2, S1/2NE1/4, and E1/2SE1/4;
Sec. 11, E1/2;
Sec. 12, E1/2, E1/2NW1/4, NE1/4SW1/4, and
S1/2SW1/4;
Sec. 13, N1/2N1/2 and SE1/4;
Sec. 14, NE1/4NE1/4 and SE1/4NW1/4;
Sec. 23, SE1/4NE1/4;
Sec. 24, NE1/4NE1/4, S1/2NE1/4, NW1/4NW1/4,
S1/2NW1/4, and S1/2.
T. 40 S., R. 8 W.,
Sec. 18, SW1/4NE1/4NE1/4, W1/2NE1/4,
SE1/4NE1/4, W1/2, and W1/2SE1/4;
Sec. 19, NW1/4NE1/4;
Sec. 20, NW1/4NW1/4.
T. 41 S., R. 9 W.,
Sec. 3, lots 2, 3, and 4, and S1/2NW1/4;
Sec. 9.

Revested Oregon California Railroad Grant Lands (O&C)

Willamette Meridian

T. 39 S., R. 8 W.,
Sec. 31, un-numbered lots in the
W1/2NW1/4 and W1/2SW1/4, E1/2NW1/4,
and NE1/4SW1/4.
T. 40 S., R. 8 W.,
Sec. 7, lots 1 and 2, E1/2SW1/4, SW1/4SW1/4,
and SW1/4SE1/4;
Sec. 17, W1/2NE1/4, SE1/4NE1/4, W1/2, and
NW1/4SE1/4.

The areas described aggregate approximately 5,216.18 acres, more or less, in Curry and Josephine Counties.

Siskiyou National Forest

Willamette Meridian

T. 36 S., R. 13 W.,
Sec. 19, lots 2 to 6, 12, 13, 15, and 16,
inclusive;

Sec. 20, SW1/4NE1/4, NW1/4, and SW1/4SE1/4;
Sec. 21, E1/2 and SE1/4SW1/4;
Sec. 29, NW1/4;
Sec. 30 and 31;
Protraction Blocks 43 to 46, inclusive.
T. 37 S., R. 13 W.,
Secs. 8, 9, 10, 16, 17, 20, 21, 28, and 29;
Protraction Blocks 39 thru 51, inclusive.
T. 38 S., R. 13 W.,
Sec. 5, SW1/4;
Sec. 6, lots 1 to 7, inclusive, S1/2NE1/4,
SE1/4NW1/4, E1/2SW1/4, and SE1/4;
Sec. 7, lots 1, 2, 3, and 5, NE1/4, E1/2NW1/4,
NE1/4SW1/4, NE1/4SW1/4SW1/4,
NE1/4SE1/4SW1/4, and SE1/4SE1/4SW1/4.
Sec. 8, N1/2.
T. 39 S., R. 9 W.,
Sec 19;
Sec. 20, SW1/4NE1/4, NW1/4, SW1/4, and
W1/2SE1/4;
Sec. 29 to 32, inclusive;
Sec. 35, NE1/4NE1/4, S1/2NE1/4, SW1/4, and
SE1/4.
T. 39 S., R. 10 W.,
Protraction Block 46.
T. 40 S., R. 9 W.,
Sec. 1, unnumbered lots in the N1/2NE1/4
and N1/2NW1/4, SW1/4NE1/4, S1/2NW1/4,
SW1/4, and W1/2SE1/4;
Sec. 2, lots 1 to 7, inclusive, SW1/4NE1/4,
S1/2NW1/4, SW1/4, and W1/2SE1/4;
Sec. 3, lots 1 and 2, S1/2NE1/4, S1/2NW1/4,
and S1/2;
Sec. 4, S1/2NE1/4, S1/2NW1/4, and S1/2;
Sec. 5, lots 2, 3, and 4, S1/2NE1/4, S1/2NW1/4,
and S1/2;
Secs. 6 to 11, inclusive;
Sec. 13, NE1/4, S1/2NE1/4NW1/4, S1/2NW1/4,
and S1/2;
Sec. 14, NE1/4, N1/2NW1/4, N1/2SW1/4NW1/4,
SE1/4SW1/4NW1/4, SE1/4NW1/4,
N1/2NE1/4SW1/4, SW1/4NW1/4SW1/4,
SW1/4SW1/4, N1/2SE1/4, and SE1/4SE1/4;
Secs. 15 to 22, inclusive;
Sec. 23, W1/2NE1/4NW1/4, W1/2NW1/4,
NW1/4SE1/4NW1/4, and W1/2SW1/4;
Secs. 27 to 33, inclusive;
Sec. 34, lots 1 to 8, inclusive, N1/2NE1/4,
SW1/4NE1/4, and NW1/4SE1/4.
T. 40 S., R. 10 W.,
Sec. 2, lot 1, SW1/4NE1/4, SE1/4SW1/4,

E1/2SE1/4, and SW1/4SE1/4;
Sec. 3, SW1/4SW1/4;
Sec. 4, SE1/4SE1/4;
Sec. 8, SE1/4;
Sec. 9, NE1/4, S1/2NW1/4, and S1/2;
Sec. 10;
Sec. 11, NE1/4, E1/2NW1/4, S1/2NW1/4NW1/4,
S1/2NW1/4, SW1/4, and SE1/4;
Secs. 14, 15, and 16;
Sec. 17, E1/2NE1/4, SW1/4NE1/4, E1/2SW1/4,
SW1/4SW1/4, and SE1/4;
Sec. 19, S1/2NE1/4NE1/4, S1/2NE1/4,
E1/2SW1/4, and SE1/4;
Secs. 20 to 23, and 26 to 30, inclusive;
Protraction Blocks 37 to 47, inclusive.
T. 40 S., R. 11 W.,
Sec. 4, lots 3 and 4, and SW1/4NW1/4;
Secs. 5 and 8;
Sec. 9, SW1/4NW1/4, W1/2SW1/4, SE1/4SW1/4,
and SW1/4SE1/4;
Sec. 16;
Sec. 17, E1/2NE1/4, NE1/4SE1/4, SE1/4SW1/4,
and S1/2SE1/4;
Sec. 20, E1/2, E1/2NW1/4, and SW1/4;
Sec. 21;
Sec. 27, W1/2;
Sec. 28;
Sec. 29, NE1/4, NE1/4NW1/4, N1/2SE1/4, and
SE1/4SE1/4;
Protraction Blocks 39, 40, 41, and 43.
T. 41 S., R. 9 W.,
Secs. 4 to 8, inclusive, and 17 and 18.
T. 41 S., R. 10 W.,
Secs. 1 to 18, inclusive.
T. 41 S., R. 11 W.,
Sec. 1;
Sec. 2, E1/2NE1/4, SW1/4NE1/4,
W1/2SW1/4NW1/4, W1/2NW1/4SW1/4, and
SE1/4;
Secs. 3 and 4;
Sec. 5, NE1/4, E1/2SW1/4, E1/2SW1/4SW1/4,
and SE1/4;
Sec. 8, E1/2, E1/2NW1/4, E1/2NW1/4NW1/4,
E1/2SW1/4NW1/4, E1/2NE1/4SW1/4, and
E1/2SE1/4SW1/4;
Secs. 9 to 15, inclusive;
Sec. 17, lots 1 to 4, inclusive, NE1/4, and
N1/2S1/2;
Sec. 18, lots 9, 10, 11, NE1/4SW1/4, and
N1/2SE1/4.

The areas described aggregate 95,805.53 acres of National Forest System lands in Josephine and Curry Counties.

The following described non-Federal lands are within the exterior boundaries of the Southwestern Oregon Watershed and Salmon Protection Areas. If title to these non-Federal lands is subsequently acquired by the United States, the application requests that such lands become subject to the terms and conditions of the withdrawal.

Willamette Meridian

T. 37 S., R. 14 W.,

Sec. 1, SW1/4SW1/4;

Sec. 12, W1/2NW1/4 and NW1/4SW1/4;

Sec. 13, S1/2N1/2;

Sec. 24, NW1/4NE1/4 and NE1/4NW1/4.

T. 39 S., R. 9 W.,

Sec. 36.

T. 41 S., R. 11 W.,

Sec. 16.

The areas described aggregate 1,680.00 acres in Josephine and Curry Counties.