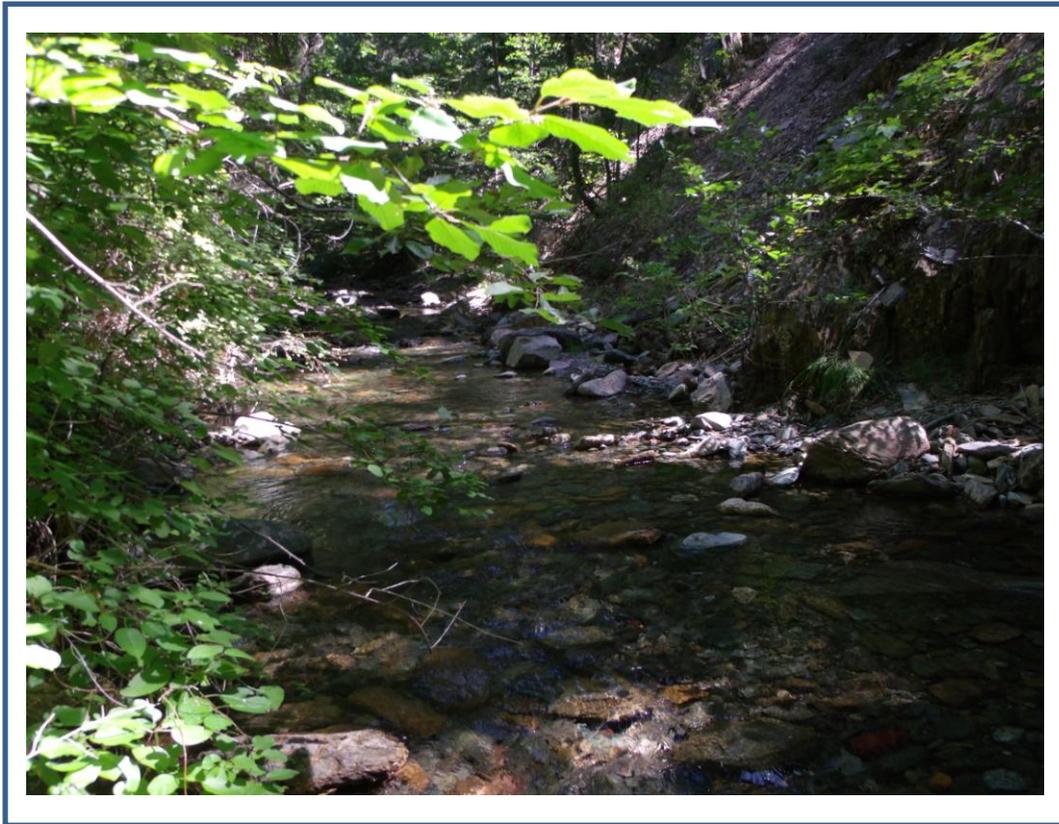




United States Department of Agriculture  
Forest Service

# Royal Rush Placer Mining Exploration Environmental Assessment

Mt. Hough Ranger District, Plumas National Forest, Plumas County, California  
July 2018



Rush Creek at the Royal Rush mining claim

Photo by Leslie Edlund



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# Contents

Contents.....	i
Introduction .....	1
Proposed Project Location .....	1
Need for the Proposal .....	3
<b>Decision Framework</b> .....	3
Land Management Direction .....	4
Public Involvement and Tribal Consultation.....	6
Proposed Action and Alternatives .....	6
Alternative A – Plan as submitted.....	6
Alternative B - Plan with Forest Service mitigations.....	8
Alternative C - No Action .....	10
Environmental Impacts of the Proposed Action and Alternatives.....	10
Proposed Action (Alternative A) .....	11
Water Quality and Soils: .....	11
Botanical Resources: .....	11
Wildlife:.....	11
Heritage Resources:.....	12
Water Quality and Soils: .....	13
Botanical Resources: .....	13
Wildlife:.....	14
Heritage Resources:.....	14
Alternative C - No Action .....	15
Finding of No Significant Impact.....	16
Context.....	16
Intensity.....	16

## List of Figures

Figure 1. Vicinity map.....	2
Figure 2. Project Map.....	7



## Introduction

The Plumas National Forest proposes to approve a Plan of Operations for exploratory mining activity which includes gold panning and sluicing at the Royal Rush Mining claim, and camping for longer than 30 days in a calendar year. The proposal was submitted by Mr. Tucker White, who has also requested to repair and maintain the access road, including installation of water crossings, road grading, and brushing. He proposes to operate for five years. The five year period will begin when the Plan of Operations is signed by the authorizing official. This Environmental Assessment is conducted in an effort to identify resource concerns and alternatives associated with implementation of this Plan. Any mitigations to address resource concerns identified through this process can be incorporated into the Forest Service response to the proposal and will be attached to the Plan of Operations.

The project area is within the Mt. Hough Ranger District, Plumas National Forest. This action is needed in response to a Plan of Operations submitted by the claim owner under the General Mining Law of 1872 and in accordance with 36 CFR 228.

The proposed action follows the operator's submitted Plan of Operations. An additional alternative looks at the Plan of Operations with mitigations developed through environmental review. A No Action alternative is also addressed, and will deny operations as proposed under the Plan of Operations.

The responsible official will decide whether to approve the proposal as submitted, approve with recommended mitigations, or deny operations as proposed. The Forest Service cannot deny a locatable mineral Plan of Operations where the proposed activities are reasonably incident to mining and will comply with other Federal laws.

We prepared this Environmental Assessment (EA) to determine whether implementation of exploratory mining activities may significantly affect the quality of the human environment and thereby require the preparation of an environmental impact statement. By preparing this EA, we are fulfilling agency policy and direction to comply with the National Environmental Policy Act (NEPA). For more details of the proposed action, see the Proposed Action and Alternatives section of this document.

## Proposed Project Location

The project area is located along Rush Creek, north of the town of Twain, near the historic Providence Hill mine. The legal location is T25N, Range 8 East, Section 2, MDBM.

Figure 1. Vicinity map



## Need for the Proposal

An individual seeks to discover the mineral potential of his claim which is located on National Forest System lands. He has submitted a Plan of Operations to obtain authorization for the surface disturbance associated with the exploration methods he will use to extract the locatable minerals. (Locatable minerals are minerals of value such as gold, silver, copper and gemstones.) The Plan of Operations is needed to authorize: use of a Bobcat T190 skidsteer, 24 foot travel trailer, 6 foot non-motorized sluice, and gold pans. The Plan will also authorize travel on non-system access roads, repair and maintenance of these non-system roads, and camping on site while mining.

This Environmental Assessment is needed because this Plan of Operations has been submitted requesting authorization for exploration of a locatable minerals claim. According to Code of Federal Regulations 36 CFR 228; Subpart A, the Forest must provide a timely response to a proposed Plan of Operations. In order to provide a response and provide reasonable changes, modifications and/or mitigations to the submitted proposal, we evaluate the proposal through an Environmental Assessment.

According to the 1988 Plumas National Forest Land and Resource Management Plan, as amended, the Forest Service must encourage mineral exploration and development that reasonably protects surface resources and provides for land reclamation. The purpose of this specific analysis is to determine if the proposed Plan of Operations can be approved as submitted, can be approved with accompanying design features and mitigations required to protect surface resources, or if the Plan cannot be approved at all because it is contrary to law or regulation.

## Decision Framework

The deciding official for this proposal is the Mt. Hough District Ranger of the Plumas National Forest (PNF). This Environmental Assessment (EA) serves to disclose the environmental consequences of the proposed Royal Rush Placer Plan of Operations as submitted, the Plan with recommended mitigations, and a no action alternative which will deny operation as proposed. The deciding official will decide which of these alternatives to approve. The Forest Service cannot deny a locatable mineral Plan of Operations where the proposed activities are reasonably incident to mining and will comply with other Federal laws.

Although the approval of a Plan of Operations is not a discretionary action, the deciding official is legally bound to provide for resource protection, without unreasonably inhibiting or restricting the activities of miners and/or prospectors. The ensuing Decision Notice (DN) linked to this EA does NOT directly result in the approval of the claimant's Plan of Operations. Rather, the Decision Notice fulfills legal requirements and provides rationale for establishing reasonable mitigations or "Conditions of Approval", such as fire prevention measures, hazmat spill requirements, reclamation requirements, posting of a bond, and compliance with other Federal, State and Local regulations. The Royal Rush Placer plan will be authorized subsequently when signed by the deciding official, contingent upon the claimant's willingness to comply with the requirements of the Agency's decision.

## Land Management Direction

The Mining Law of 1872, as amended, governs the prospecting for and appropriation of metallic and nonmetallic minerals on federally owned lands. Under the Forest Service Organic Administrative Act of June 4, 1897, 30 Stat. 35, as amended, the law specifically did not reserve the Forests from the mining laws:

“Nor shall anything herein prohibit any person from entering upon such Forest Reservations for all proper and lawful purposes, including that of prospecting, locating, and developing the mineral resources thereof.”

Since the mineral estate in National Forest System lands is not “reserved” within the meaning of the 1897 Organic Act, the Secretary of the Interior maintains jurisdiction, acting through the Bureau of Land Management, to provide for the management of mineral resources. The mining laws are comprised of two parts: (1) the statutes themselves, which are general in nature; and (2) the decisions of the courts and of the Department of the Interior, which interpret and apply the statutes to specific cases (FSM, Title 2800 – Minerals and Geology, subsection 2819).

The Multiple Use Mining Act of 1955 authorized multiple uses of surface resources on mining claims, resulting in the Locatable Minerals Surface Management Regulations (36 CFR 228 Subpart A). Although regulations do not constitute a permit to explore or mine, as that is already a statutory right, they do provide that such activities be conducted to protect non-mineral values of National Forest System lands against unnecessary or unreasonable damage (36 CFR 228, Subpart A – Locatable Minerals).

As directed under 36 CFR 228.8, Requirements for Environmental Protection:

“All Plans of Operation shall contain appropriate Terms and Conditions for the protection of the environment, including but not limited to stipulations covering air quality, water quality, solid wastes, scenic values, fishery habitat, roads and surface reclamation and rehabilitation.”

In the subsequent Mining and Minerals Policy Act of 1970, Congress declared that it is the continuing policy of the Federal Government, in the national interest, to foster and encourage private enterprise in the development of economically sound and stable industries, and in the orderly and economic development of domestic mineral resources to help assure satisfaction of industrial, security, and environmental needs. In the case *United States v. Weiss*, 642 F.2d 296, 299 (1981), the Ninth Circuit declared there is nothing in the 36 Code of Federal Regulations which authorizes the Forest Service to prohibit the claimant’s right to the possession and enjoyment of their claims, or to encroach impermissibly upon those rights, by circumscribing their use in a manner that amounts to a prohibition.

The National Forest Management Act (NFMA) of 1976 (which amended The Forest and Rangeland Renewable Resources Planning Act of 1974) requires the maintenance and protection of the productivity of the land and, where appropriate, the improvement of the quality of soil and water resources. The Act specifies that substantial and permanent impairment of productivity must be avoided.

The Plumas National Forest Land and Resource Management Plan (PNF LRMP) (USDA 1988), as amended by the Sierra Nevada Forest Plan Amendment (SNFPA) Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) (USDA 2004a, 2004b) establishes standards and guidelines for protection and maintenance of Forest soils, watersheds, water quality, and water supply. These standards and guidelines are applied as Best Management Practices (BMPs), Streamside Management Zones (SMZs) (per guidelines in Appendix M of the PNF LRMP) and Riparian Conservation Areas (RCAs). The 2004 SNFPA ROD (Appendix A; section D) outlines the Standards and Guidelines for project design and implementation to ensure that Riparian Conservation objectives are met within RCAs, based on the nature of the waterway or feature.

The 1988 PNF LRMP (pages 4-46 through 4-47) provides for encouraging mineral and materials development that reasonably protects surface resources, and provides for land reclamation. Further requirements for inspections, monitoring, reclamation, and guidelines for road use and vegetation management are outlined in the 2004 SNFPA FEIS ROD (pages 58-59).

The Clean Water Act (CWA) of 1948 (as amended in 1972 and 1987) establishes, as Federal policy, the control of both point and non-point source pollution and assigns to the states the primary responsibility of governing water quality. All Plans of Operation are subject to CWA standards.

Non-point source pollution on the Plumas National Forest is managed through the water quality management program contained in “Water Quality Management for Forest System Lands in California” (USDA Forest Service September 2000). This document describes Forest Service practices and procedures for protection of water quality and contains the 1981 Management Agency Agreement (MAA) between the California State Water Resources Control Board (CSWRCB) and the USDA, Forest Service. The State Board has designated the Forest Service as the management agency for all activities on National Forest lands and the MAA constitutes the basis of regional waivers for non-point source pollution. All Plans of Operation are reviewed by the CSWRCB for compliance with the Clean Water Act. Communications from the State Water Board are part of the project record located at the Mt. Hough Ranger District.

The Forest Service water quality protection program relies on implementation of prescribed best management practices (BMPs). Best Management Practices are procedures, techniques, and mitigation measures that are incorporated in project actions and have been determined by the state to be the most effective, practicable means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals. All mining operations authorized under a Plan of Operations are required to comply with Best Management Practices. Random evaluations are conducted on operations each year to evaluate the operation for sediment transport and deposition, signs of erosion, and improper refuse or waste disposal.

The Surface Mining and Reclamation Act of 1975 (SMARA) was enacted by the California Legislature to address the need for a continuing supply of mineral resources, and to prevent or minimize the negative impacts of surface mining to public health, property and the environment. The Act's requirements apply to anyone engaged in surface mining operations in California (including those on federally managed lands) which disturb more than one acre or remove more than 1,000 cubic yards of material.

## **Public Involvement and Tribal Consultation**

The proposal was listed in the Schedule of Proposed Actions from August 2017, to the present time. In addition, as part of the public involvement process, the Forest Service notified local tribes.

The Forest Service consulted the following individuals, Federal, State, tribal, and local agencies during the development of this EA: Maidu Summit Consortium, Susanville Indian Rancheria, Greenville Indian Rancheria, Concow Maidu Tribe, Mechoopda Indian Tribe, Tyme Maidu Tribe of Berry Creek Rancheria, Estom Yumeka Tribe of Enterprise and the Central Valley Regional Water Quality Control Board.

## **Proposed Action and Alternatives**

The proposed action and following alternatives were considered:

### **Alternative A – Plan as submitted**

#### **Proposed Action**

The proposed action represents the Plan of Operations for the Royal Rush Placer Project, as submitted by Mr. Tucker White. The proposed operation includes excavation of material from Rush Creek using hand tools, and processing of material through a non-motorized sluice box and gold pans.

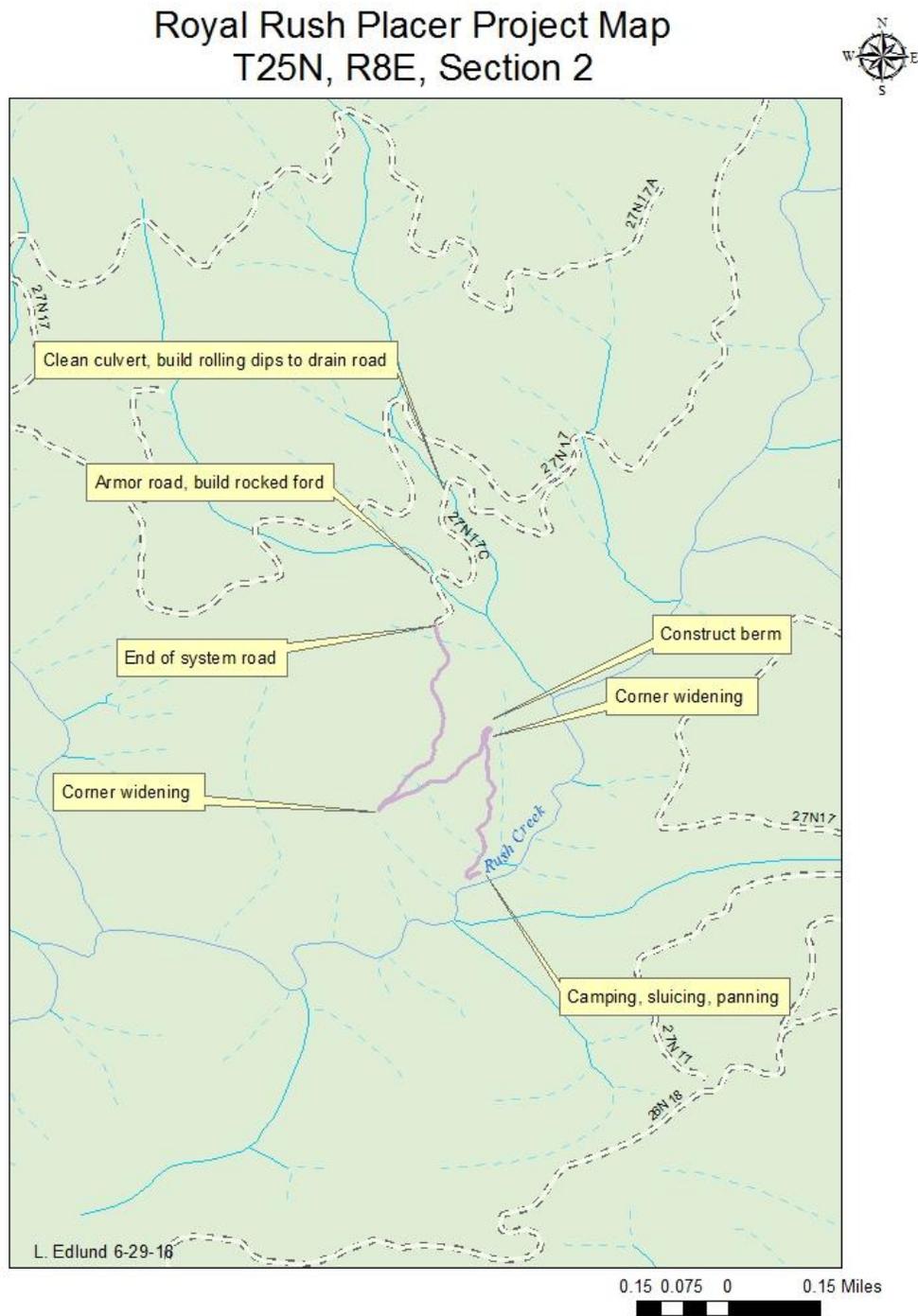
Access to the claim is along National Forest System Road 27N17C, and then along a non-system road to the creek. This road is partially washed out in several places and Mr. White has requested to repair and maintain this road using heavy equipment. The road would also be brushed to provide easier access for vehicles. He is also requesting to camp at the claim while mining for several months, in excess of the Forest Order (30 days per calendar year).

Hazardous materials used in the operation include substances needed for equipment operation. These include diesel, oil, hydraulic fluid, grease, antifreeze, and propane.

Each winter all equipment and personal belongings will be removed from the site.

The timeframe for the proposed operation is five years from the date of plan approval. Seasonal operations will occur between May and November depending upon weather conditions. All operations under this plan will be concluded within five years from date of approval.

Figure 2. Project Map



## Alternative B - Plan with Forest Service mitigations

Alternative B is the proposed Plan of Operations with mitigations provided by Forest Service resource specialists and other agency consultants. Alternative B seeks to identify resource concerns related to hydrological, biological, and historical processes and address them through modifications to the original Plan. Alternative B outlines additional parameters for mining as well as reclamation activities.

### MITIGATIONS

#### **Soil and Hydrological Resources:**

Incorporation of the following operational guidelines will help minimize the risk of soil erosion and degraded water quality resulting from the proposed mining activities:

- The first wet drainage crossing will be stabilized by cleaning of the existing culvert, and the addition of a rocked low water crossing in case of culvert failure.
- The 2<sup>nd</sup> wet drainage crossing will also have a rocked low water crossing and be armored with rock on the low side of the road.
- A berm will be installed at the intersection of the access road and the road to the Providence Mine. This section of road to the Providence Mine is flooded, and blocking this road will prevent resource damage from vehicles driving on the flooded roadway.
- The non-system road to the Royal Rush claim (the last .85 miles down to the creek) will be closed after operations are complete. Closure will consist of installing water bars along the road at 75 foot intervals and blocking the non-system portion of the road with a berm.
- All equipment and fuel containers will be regularly inspected for leaks. Drip pans or absorbent pads will be used during all on-site fueling operations. Fuel will be stored in impervious containers, and a spill plan will be required.
- Conditions of Approval for the Plan of Operations will outline specific Best Management Practices that are applicable to implementation of the project as specified in the Pacific Southwest Region Water Quality Management Handbook (USDA 2011).

#### **Archeological Resources:**

- No movement of rocks or disturbance of tailing piles will occur without prior consultation with the District Archaeologist. An on-site discussion will be required between the district archaeologist and the mine operator in order to determine which tailing piles may be moved and which rocks can be used, if any, for proposed road work. Rock may need to be brought in from off site in order to complete road work without disturbing archaeological sites.
- If any evidence of articles of cultural significance are found while the mining operation is in progress, all activities will cease until the area can be assessed and mitigations can be implemented.
- No excavation into the hillside would be authorized during corner widening.

**Botanical Resources:**

- Areas of proposed road work, camping, and mining will be surveyed prior to plan implementation to determine if rare plant species will be adversely affected by project activities. If rare plants are found, mitigations to protect the plants will be implemented.
- Activities will be conducted to prevent and control the induction, establishment, and spread of aquatic and terrestrial invasive species. All vehicles and equipment will be washed prior to entering the project area and will arrive free of all plant material. Any vehicle or equipment that leaves the mining claim must be washed prior to leaving the project area. No equipment will be staged in areas of noxious weeds.
- Invasive species that become established during the life of the project will be eradicated as part of the site reclamation.
- If needed, a seeding plan utilizing local, native seeds and weed free mulch will be incorporated into the Conditions of Approval for the plan.

**Wildlife Resources:**

- If any water is pumped from Rush Creek, the intake hose would be screened with 2 mm screen to prevent incidental mortality of Foothill yellow-legged frogs (FYLF) when drafting water.
- Caution will be used at all times when in suitable frog habitat, but particularly when drafting water from or operating within Rush Creek, so that no frogs or tadpoles are crushed or stepped on. If any Foothill Yellow-legged frogs or tadpoles are located, they would be reported to the biologist.
- To manage fuels in the project area, all slash created during mining operations or roadside brushing shall be piled in piles no greater than 12 feet in diameter and no less than 4 feet tall.
- Best Management Practices shall be followed during work on the access road. Although Sierra Nevada Yellow-legged frogs have not been detected within the project area, mitigation measures would be followed to ensure that downstream watercourses that may contain Sierra Nevada yellow-legged frogs (SNYLF) are not impacted.
- Road repairs will be kept to the minimum necessary, and follow Forest Service road maintenance policy and direction, in order to minimize the risk of road-related effects to the hydrology of aquatic habitats associated with mining.
- Design criteria that maintain or improve the hydrology of aquatic habitats will be included in the Plan of Operations.

**Minerals Administration Evaluation of Proposed Operation:**

- Regular inspections of the site will be implemented to ensure that mining activities fall within the scope of the Plan of Operations and Conditions of Approval and to ensure that reclamation is being performed in a timely manner.

- A bond which covers the potential costs of resource damage or equipment removal will be in place prior to the start of operations.
- A fire prevention plan will be included in the Conditions of Approval outlining the operator's responsibilities to prevent fires, and procedures if a fire should occur.
- A reclamation plan which outlines restoration of the camping and mining area, as well as access roads will be included in the Conditions of Approval. Non-system roads will be closed. A plan to seed and mulch disturbed areas may be included based on close out inspections. All equipment will be removed from the site. Reclamation will be inspected by Plumas National Forest staff.

#### **Compliance with State and Local Agency Regulations**

- This operation falls under the thresholds specified by the Surface Mining and Reclamation Act of 1975 (SMARA).
- A determination that Waste Discharge Requirements are not required has been received from the Central Valley Regional Water Quality Control Board.

## **Alternative C - No Action**

The No-Action Alternative represents no change from the current condition. This alternative acts as a baseline to describe the existing environmental and social setting, by which the predicted effects of the Proposed Action may be compared.

Under the No-Action alternative, current management plans will continue to guide management of the project area. Without an approved plan, the mining claimant could conduct activities allowed under 36 CFR 228.4; limited to using vehicles on approved NFS roads, searching for and occasionally removing small mineral samples, prospecting and sampling while not causing any significant surface resource disturbance, marking and monumenting the claim, and conducting subsurface operations which will not cause surface resource disturbance.

Under this alternative, no use of the non-system road would be allowed, and camping would be limited to 30 days in a calendar year. No road work would be completed.

## **Environmental Impacts of the Proposed Action and Alternatives**

This section summarizes the potential impacts of the proposed action and alternatives for each impacted resource.

## Proposed Action (Alternative A)

### **Water Quality and Soils:**

Water quality effects were analyzed for the extent of the Middle Rush Creek watershed which encompasses the Royal Rush Placer claim. The soil analysis area is confined to the proposed mining area (< 1 acre). The analysis assumes a project life of 5 years. Hand excavation of material from the streambed and use of a sluice will directly impact a very small area of streambed (a few square feet at a time) and cause some degradation of water quality and an increase in turbidity. Due to the use of hand tools by 3 people or less, this degradation should be short lived, both temporally and spatially. Use of the access roads would lead to some erosion of soil and organic material likely leading to increased potential for erosion and subsequent sediment delivery to the stream network in the event of an intense rainstorm. Soil buffering capacity and moisture retention would also be impacted by the proposed actions. Erosion control measures would be addressed using Best Management Practices (BMPs) and standards and guidelines related to mining operations and improvements to roads to ensure that water quality is adequately protected.

The operator will be required to comply with specific BMPs relevant to the project. These BMPs will be outlined in the Conditions of Approval for his Plan of Operations, and are on file in the hydrology and soils report at the Mt. Hough Ranger District office.

### **Botanical Resources:**

Five surveys have been conducted in the surrounding area of the project since 2000. Several rare plant species have been documented. Of these species, the sensitive species *Cypripedium fasciculatum* and *Penstemon personnatus* have a low risk of being impacted due to the limited work being proposed in upland areas and the amount of previous disturbance in these upland areas. *Boechea constancei* would not be impacted because there are no documented serpentine soils in the project area. The watch list species *Carex scabriuscula* and *Claytonis palustris* have a moderate risk of being impacted because of the proposed activities in wetlands, seeps, and riparian areas associated with road work and mining activity. Both of these species have been documented about 1 mile upstream.

### **Wildlife:**

The following listed and proposed species may be affected by the proposed action: Sierra Nevada Yellow-legged Frog (*Rana sierrae*). Although there is Suitable Habitat, no frogs are known. The action addressed does NOT fall within Critical Habitat for Sierra Nevada Yellow-legged Frog (SNYLF).

This document incorporates by reference, the Consultation Initiation Package and Biological Assessment for Sierra Nevada yellow-legged frogs (Dillingham Feb 2018) and the Biological Opinion prepared by the US Fish and Wildlife Service (08ESMF00-2018-F-1608, dated April 19, 2018). These documents are on file in the Mt. Hough District office.

Surveys were completed for the Sierra Nevada Yellow-legged Frog at the Royal Rush mining claim between October 2017 and May 2018. No Sierra Nevada yellow-legged frogs were found.

The Royal Rush Placer Mine project may affect and is not likely to adversely affect the Sierra Nevada yellow-legged frog. Alternative A does not address mitigations to protect the frog. There is potential to indirectly affect their habitat by moving sediment from the stream bed into the water column.

Forest Carnivore habitat exists in the project area. Surveys have been completed in adjacent areas as part of past timber sale and fuels reduction projects and no species of concern were detected. A gray wolf, OR-7, has traveled within the vicinity of Rush Creek, but now has a home range in Oregon. This project would not remove any suitable habitat and would not affect prey species. The impacts within the claim would not affect the suitability of this area for gray wolf. This project would not affect wolf, carnivores or prey species. No impacts to forest carnivore habitat are anticipated from this project under any of the three alternatives.

#### Northern Goshawk and California Spotted owl

Late-successional habitat for these species occurs in the project area. This project would not remove any habitat components and would not change the suitability for these species. No nests are known within ¼ mile of the project activities, so no limited operating restrictions are recommended to prevent disturbance. This project would not affect late-successional wildlife habitat or species that depend on this habitat type.

#### Bats

Habitat for bat species occurs in the project area. This project would not impact any cave or adit resources and would not remove large diameter snags important for roosting or maternal sites. No maternal or roosting sites are known within ¼ mile of the project activities, so no limited operating restrictions are recommended to prevent disturbance. This project would not affect bat species in the project area.

#### Western Pond Turtle, Foothill Yellow-legged frog (FYLF) and Hardhead Minnow

Potential suitable habitat for these species is adjacent to the mining claim in Rush Creek and tributaries for FYLF. Surveys for frogs and turtles were conducted in October 2017 through May 2018 and none were found. Rush Creek is marginal to non-suitable habitat for all three species; it is too small a stream system for western pond turtle and hardhead minnow, and is at the upper elevation limit for Foothill yellow-legged frog. Nevertheless, there is a small chance Foothill yellow-legged frogs may be present and Alternative A would not address this.

### **Heritage Resources:**

The operation is located within FS Site #05115200211 – Providence Hill Mine. There are pristine mine tailings along the access route and adjacent to the camp site. Additional features are scattered throughout the area.

## Alternative B

### **Water Quality and Soils:**

Although soil and organic material will still be displaced by equipment traffic and mining activities, under Alternative B, erosion control measures will be implemented as outlined in Best Management Practices related to mining and road work. These include the road improvements, and culvert clearing. Erosion control measures will be addressed utilizing Best Management Practices and standards and guidelines related to mining operations and road work to ensure that water quality is adequately protected during and after implementation.

The watershed that encompasses the Royal Rush mining claim has a sensitivity rating of “moderate” as determined in the HFQLG FEIS (USDA 1999). This rating is based on erosion potential, steepness of slope, amount of alluvial channels, risk of erosion from rain-on-snow and/or thunderstorms, and the ability to re-vegetate. An analysis of the watershed condition and sensitivity included looking at other ground disturbing activities in the area. This watershed has been previously impacted by both flooding and extensive mining. Although the Royal Rush mining project will likely increase the erosion potential slightly in the area, much of the ground has been previously disturbed and there is a low risk of any significant impacts from new activities, especially if Best Management Practices are implemented.

Reclamation requirements that will be outlined under this Plan of Operations have the potential to improve long term soil stability by removing the non-system road and limiting further access to the creek side zone.

This project was also reviewed by the California Regional Water Quality Control Board for compliance with the Clean Water Act and it has been determined that mining activities do not appear to pose a threat to water quality, providing that mitigations outlined in a Plan of Operations are adhered to.

### **Botanical Resources:**

Mitigations to avoid rare plant species will be incorporated into the Conditions of Approval. Plant locations will be identified and avoided.

Due to the potential for invasive species to colonize on disturbed sites such as the road work areas and campsite, mitigations to reduce the likelihood of invasive weeds would be incorporated into the Forest Service response to the Plan of Operations. These include washing equipment prior to bringing it to the site and washing it prior to leaving. The Plan would address any invasive species that become established during the life of the project, requiring eradication during reclamation.

Reclamation plans may include planting of native species to stabilize erosion prone sites and use of weed free mulch to increase organic matter in the soil.

## **Wildlife:**

The Royal Rush Placer Mine project may affect and is not likely to adversely affect the Sierra Nevada yellow-legged frog. There is potential to indirectly affect their habitat by moving sediment from the stream bed into the water column. Project design features would reduce the potential to directly affect the SNYLF through Best Management Practices (BMPs). These design features would exclude equipment from streams and support reducing existing sediment loads from historic road problems. This would mediate some potential effects to Sierra Nevada yellow-legged frogs.

Additionally, the intake pipe to the high banker would be screened with 2 mm screen to prevent incidental mortality of Foothill yellow-legged frogs when drafting water.

Caution would be used at all times when in suitable habitat, but particularly when drafting water from or operating within Rush Creek, so that no frogs or tadpoles are crushed or stepped on. If any FYLF tadpoles or frogs are located, they would be reported to the biologist.

To manage fuels in the project area, all slash created during mining operations or roadside brushing would be piled in piles no greater than 12 feet in diameter and no less than 4 feet tall. Piles would be burned by Forest Service staff in winter months.

Best Management Practices would be followed during work on the access road. Although Sierra Nevada Yellow-legged frogs have not been detected within the project area, mitigation measures would ensure that downstream watercourses that may contain SNYLF are not impacted.

The Royal Rush Placer Mine project would not affect any designated critical habitat for Sierra Nevada yellow-legged frog. The Biological Opinion prepared by the United States Fish and Wildlife Service (08ESMF00-2018-F-1608, dated April 19, 2018) concurred with the Forest Service determination. All mitigations from the Biological Assessment were included with the biological opinion and are required as part of this project.

Based on this analysis of potential effects the proposed Royal Rush Placer Mining Project would not directly or indirectly affect any Threatened, Endangered, Proposed, Candidate and Sensitive species under Alternative B.

## **Heritage Resources:**

There are pristine mine tailings along the access route and adjacent to the camp site. Additional features are scattered throughout the area. These areas would be avoided during all road construction and mining activities. Collaboration with the mine operator would ensure compliance. No effects are expected if sensitive areas are avoided.

## Alternative C - No Action

The No Action alternative will result in no direct or indirect effects to botanical, cultural, or wildlife resources, water and air quality or forest vegetation. There will be no cumulative effects of the No Action alternative.

### **All Resources:**

Effects from past mining activities include soil disturbance, soil compaction, extensive tailing piles, and continued use of the access road for vehicle travel. Under the No Action alternative, no changes are expected to the site unless the Forest Service closes the non-system portion of the road to remediate erosion concerns.

The Plumas Land and Resource Management Plan goals of encouraging mineral and materials development will not be achieved under this alternative.

The previous section summarizes the potential impacts of the proposed action and alternatives for each impacted resource. Resources that were not impacted and therefore not further analyzed include: timber, silviculture, fuels, engineering, and recreation.

DRAFT

## Finding of No Significant Impact

As the responsible official, I am responsible for evaluating the effects of the project relative to the definition of significance established by the CEQ Regulations (40 CFR 1508.13). I have reviewed and considered the EA and documentation included in the project record, and I have determined that the Royal Rush Mining project proposed action and alternatives will not have a significant effect on the quality of the human environment. As a result, no environmental impact statement will be prepared. My rationale for this finding is as follows, organized by sub-section of the CEQ definition of significance referenced above.

### Context

For the proposed action and alternatives the context of the environmental effects is based on the environmental analysis in this EA. The area under this analysis comprises less than 1 acre of land. Surface disturbance will include removal of less than 1000 cubic yards of material over the life of the project, including disturbance from road work using heavy equipment on access roads for road maintenance.

### Intensity

Intensity is a measure of the severity, extent, or quantity of effects, and is based on information from the effects analysis of this EA and the references in the project record. The effects of this project have been appropriately and thoroughly considered with an analysis that is responsive to concerns and issues raised by the public. The agency has taken a hard look at the environmental effects using relevant scientific information and knowledge of site-specific conditions gained from field visits. My finding of no significant impact is based on the context of the project and intensity of effects using the ten factors identified in 40 CFR 1508.27(b).

1. Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.

The Forest Service proposes to benefit the development of mineral resources by authorizing this plan for 5 years. Temporary adverse effects during implementation may include soil and water disturbance and continued use of a non-system road. These temporary adverse effects will be mitigated to reduce disturbance to minimal levels.

- Water Quality – The Plan of Operations is required to be submitted to the Regional Water Quality Control Board for review prior to project implementation. Mitigating measures to protect water quality are incorporated from that agency as well as utilization of Forest Service Best Management Practices for mining projects and road work. These mitigations are outlined in the EA on page 8.
- Soils – To minimize the increase of detrimental compaction, no heavy equipment use will be authorized when soils are wet. Applicable BMPs will be followed during the implementation of all activities in the Royal Rush Placer project to ensure appropriate erosion and sedimentation protection in disturbed areas and to protect long term soil productivity.

- Access – Improvements on the non-system road will allow more vehicular traffic into the area, but will improve stream flow in areas where washouts have occurred. Reclamation will include closing the non-system road and adding water bars to limit erosion. A bond will be put into place to ensure completion of reclamation work. Final site condition is expected to be improved upon completion of reclamation.

2. The degree to which the proposed action affects public health or safety.

There will be no significant effect to human health or safety for the following reasons:

Spill precautions will be outlined in the Plan of Operations to address the use of fuel at the site during road repairs.

Inspections of the operation will be done regularly to identify and correct any safety issues or potential issues.

3. Unique characteristics of the geographic area such as the proximity to historical or cultural resources, parklands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

There will be no significant effects to unique characteristics of the area. The area is within a historic mining region, so the use is compatible with the history. Reclamation after operations will restore the site to an equal or better condition. The project area does not contain park lands or prime farmlands. The project area is not located in or adjacent to eligible wild and scenic river corridors. Streamside zones will be protected using Best Management Practices.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.

The effects on the quality of the human environment are not likely to be highly controversial. Mining has been occurring in this area for more than 100 years. Short-term uses are expected to result in changes to the human environment during actual mining. Long-term effects should not appreciably change the human environment, after mining and road work operations have concluded. Mining on the Royal Rush claim encompasses less than one acre of land. This project will only have a minor impact within the larger landscape context. In addition, the mitigations incorporated into the design of the project are designed to protect natural resources and ecological systems and to restore the land condition when operations cease.

Note: The term “controversial” in this context refers to cases where substantial scientific dispute exists as to the size, nature, or effects of a major Federal action on some human environmental factor, rather than to public opposition of a proposed action or alternative.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

Based on past experience and historic data of past projects, the effects of implementing this project are not expected to be uncertain and are anticipated to be similar to past activities that

take place on a regular basis, such as mining or logging. Each natural resource has been analyzed in detail, and careful consideration has been taken to mitigate any potential for uncertainty or risk factors in implementing this project. Implementation of Alternative A, B, or C will cause no highly uncertain, unique, or unknown risks other than the effects already stated (pgs. 10-15 of the EA).

6. The degree to which the action may establish precedent for future actions with significant effects or represents a decision in principle about a future consideration.

The actions or treatments proposed in the Royal Rush Placer mining project may have an influence or set a precedent for projects conducted in the future. If exploration leads to the discovery of a significant mineral deposit, future projects may be proposed in order to follow the mineral deposit and recover more. If this is the case, a new proposal will need to be submitted by the claimant. This new proposal will be analyzed on an individual, site specific basis to determine the effects based on relevant scientific information at that time.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

Other ground disturbing activities were evaluated in relation to the surrounding watershed and the effects of all actions combined, including the mining proposal, were found to be negligible. Activities that were assessed in the Royal Rush Placer project area include vegetation and defensible fuels management projects, the Plumas National Forest travel management rule, and the effects of the Storrie and Rich fires and associated restoration projects. This mining project is not expected to add significantly to impacts from the vegetation management projects or to fire impacts or reforestation efforts in the surrounding area. Within the EA, these cumulative effects were analyzed for all resources, and none are substantial.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

There is one historic mine in the surrounding area of the project. Associated archaeological features are within the area of potential effect for Alternatives A and B, but these features can be avoided during implementation. Therefore, this action will have no significant adverse effects on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places.

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973 because no threatened or endangered species have been identified within the Royal Rush Placer project area. Habitat has been identified for both Foothill yellow-legged frogs and Sierra Nevada yellow-legged frogs, but if mitigations are implemented, there will be no effect on this

habitat. If, during the implementation of this project evidence of an endangered or threatened species is determined, a qualified biologist will be called immediately to make a species determination in relation to project implementation.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations pertaining to the project were considered in the EA (See EA pg. 4-5 regarding Land Management Direction). This action is consistent with the Plumas Land and Resource Management Plan as amended by the 2004 SNFPA final supplemental EIS Record of Decision.

After considering the effects of the actions analyzed, in terms of context and intensity, I have determined that these actions will not have a significant effect on the quality of the human environment. Therefore, an environmental impact statement will not be prepared.

**Contact**

For additional information regarding this project, please contact Leslie Edlund at the Mt. Hough Ranger District office at (530) 283-0555.

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