



File Code: 2800
Date: July 12, 2019

Interested Party

Dear Interested Party,

Enclosed is the Environmental Assessment (EA) and joint Decision Notice (DN)/ Finding of No Significant Impact (FONSI) for the Crown Point Access Project submitted by New Jersey Mining Company (NJM) in 2018. The project was initially proposed in July 2018, then sent to interested parties during the scoping period in April 2019. You are receiving the EA and joint DN/FONSI because you submitted a comment during scoping the scoping period.

The decision summarizes the analysis, and documents the rationale for authorizing NJM's Plan of Operations. If you have any questions regarding the project, please contact Courtney Priddy at (208)765-7207 or at courtney.priddy@usda.gov.

Sincerely,

For DAN SCAIFE
District Ranger

Enclosed: EA, DN/FONSI



***DRAFT* Decision Notice and Finding of No Significant Impact Crown Point Access Project**

USDA Forest Service
Coeur d'Alene River Ranger District
Idaho Panhandle National Forest
Shoshone County, Idaho

Introduction

The project area (Figure 1) is located in the Coeur d'Alene River Ranger District of the Idaho Panhandle National Forests (IPNF), southwest of Murray, near King's Pass in Shoshone County, on National Forest System (NFS) lands managed by the Coeur d'Alene River Ranger District of the IPNF. The Coeur d'Alene River Ranger District, Idaho Panhandle National Forests (IPNF), prepared an Environmental Assessment (EA) in response to New Jersey Mining Company's (NJM) proposed Crown Point Access Project (Plan) which requests use of approximately two miles of NFS roads in order to conduct mineral exploration on privately-held patented mining claims over a 5-year period (Figure 2). Other mine project components (e.g., the drilling program, mine tunnel entry, and water withdrawal) are outside the scope of this analysis because they will occur on private patented lands or other non-FS lands or waterways. The proposed access would occur on Forest Road (FR) 6003, FR 605UB, and Trail 151 in Sections 1 and 2, T49N, R4E, Boise Meridian.

The project does not have any of the extraordinary circumstances that would warrant analysis in an environmental assessment (EA) or environmental impact statement (EIS), however it is being analyzed under an EA because it falls outside of the timeframe stipulations listed for a categorical exclusion (CE) under 36 CFR 220.6(e)(8). By preparing the EA, the Forest Service has fulfilled agency policy and direction to comply with the National Environmental Policy Act (NEPA) and other relevant Federal and State laws and regulations.

This draft decision notice describes my decision to authorize the access requested by New Jersey Mining Company, information about the project, and the rationale supporting my decision. This document includes my finding of no significant impact (FONSI) to the human environment, which means that no further environmental analysis is necessary in order to proceed with this project.

The Crown Point Access Project EA and supporting resource reports are incorporated by reference in this document. The EA, analysis information, public comments, maps and other materials are part of the project record and available on the project webpage (<http://www.fs.usda.gov/project/?project=55550>).

Decision and Reasons for the Decision

Based upon my review of the Crown Point Access Environmental Assessment, information contained in the planning record and input from interested parties, it is my decision to authorize the requested access. New Jersey Mining Company will mobilize heavy equipment for exploration activities, daily use by standard-size vehicles, and off-road vehicles from April 2 through September 30 for a 5-year period on a total of approximately two miles of FR 6003, FR 605UB, and Trail 151, as described in the EA.

The operational season of use was modified from the original proposal to respond to potential user conflicts if access were permitted too close to the opening of the general hunting seasons for deer and elk, which open on October 10.

Figure 1. Vicinity map of the Crown Point Access Project Area.

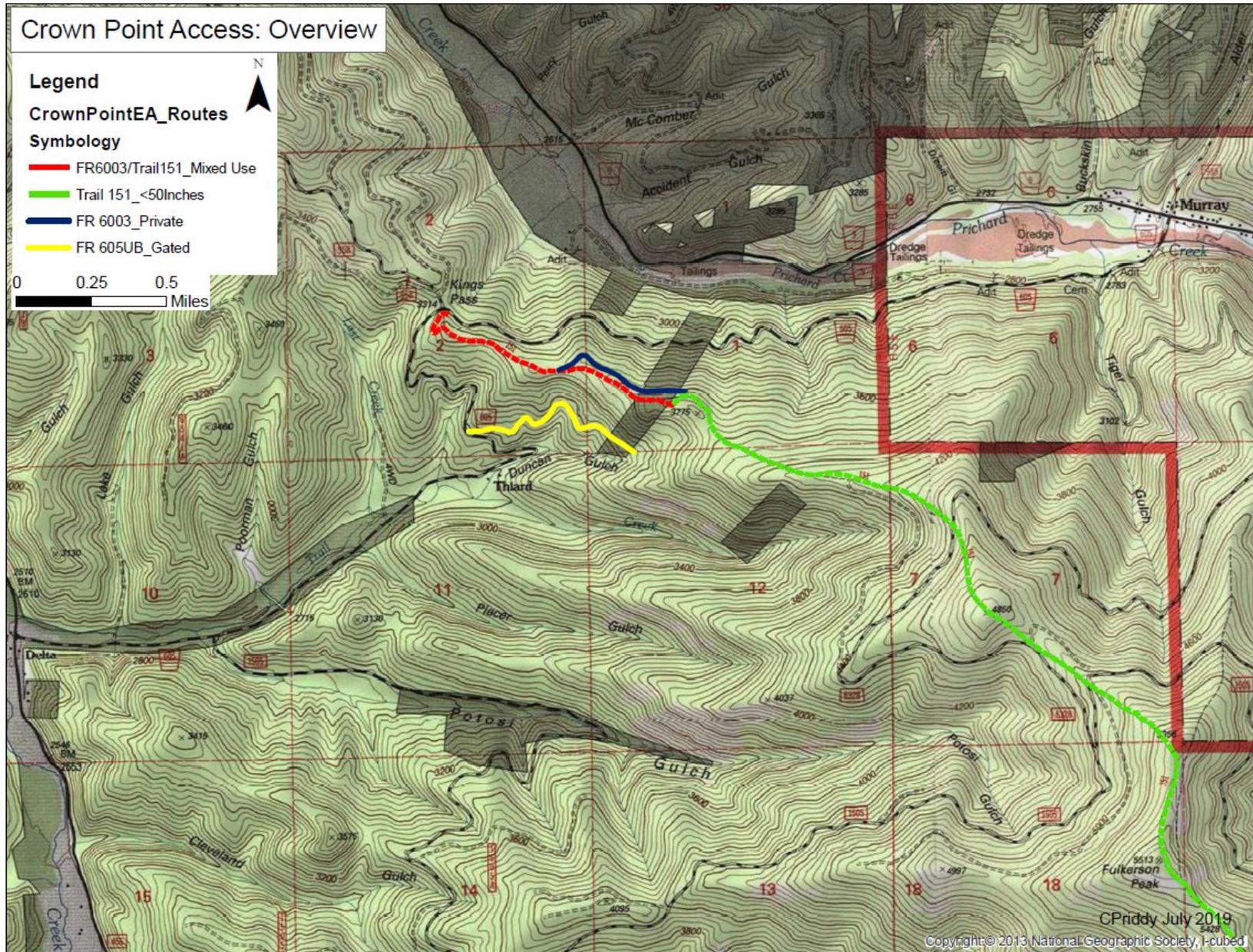


Figure 2. Detailed Route Map for Crown Point Access Project



Finding of No Significant Impact

Based on the site-specific environmental analysis documented in the Crown Point Access EA, resource reports, and supporting documents, I have determined that the activities approved in this decision will not individually nor cumulatively have a significant effect on the quality of the human environment. Therefore, an environmental impact statement (EIS) is not required. This finding is based on the context and intensity of the actions (40 CFR 1508.27) as explained below.

Context

The significance of an action must be analyzed in several contexts and varies with the setting. In the case of a site-specific action such as this project, significance usually depends on the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant (40 CFR 1508.27).

This decision and the project EA are tiered to the Forest Plan Record of Decision and incorporate by reference the Forest Plan FEIS, which analyzed and disclosed effects of potential Forest management at a larger scale. The activities planned in the Crown Point Access project are similar to others completed on the IPNF and are within the range of effects anticipated in the Forest Plan FEIS.

The project's small scale limits its effects. Less than two miles of existing forest routes are involved. The IPNF includes about 2.5 million acres of NFS lands, approximately 722,000 of which are managed by the Coeur d'Alene River Ranger District. I have reviewed the cumulative effects of past management, combined with this project and reasonably foreseeable future actions as they are analyzed in the EA, and am confident that the context of this decision is limited to the land in and adjacent to the proposed access.

The analysis in the EA indicates that project design and application of Forest Plan standards and guidelines and best management practices will minimize negative impacts to all resources. Given the localized nature of impacts described in the EA, the Crown Point Access project will have no measurable effects at the regional or national levels.

This decision, and the environmental assessment and effects analysis on which it is based, applies only to the local area. After a thorough review of the effects analysis, I find that this project does not establish a local, regional, or national precedent, nor does it have any substantial applicability beyond the bounds of the IPNF.

Intensity

Intensity is a measure of the severity, extent or quantity of effects, and is based on information from the environmental effects section of the EA, the resource reports, and the project record. I have determined that the interdisciplinary team considered the effects of this project appropriately and thoroughly with an analysis that is responsive to concerns and issues raised by the public. They took a hard look at the environmental effects using relevant scientific information and their knowledge of site-specific conditions gained from field visits. My finding of no significant impact is based on the intensity of effects using the factors identified in 40 CFR 1508.27(b).

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

As described in the environmental effects section of the EA, the possible negative effects are relatively minor and of short duration, and are not directly, indirectly, or cumulatively significant.

These impacts are within the range of effects identified in the Forest Plan, and were discussed in sufficient detail in the EA to enable me to make my finding of no significant impact.

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

Public health and safety are considered in the design of the project. The approved activities are governed by standard public health and safety guidelines, Forest Service direction, and other applicable laws and guidelines. Features designed to protect public health and safety (such as, road signing and road maintenance activities) will be included in project implementation documents. Best management practices for the protection of water quality will also be implemented; the project will be consistent with the Clean Water Act and Idaho State Water Quality Standards.

(3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

No prime farmlands, parklands, wild and scenic rivers, wilderness, or ecologically critical areas overlap the approved access areas. No activities will occur in floodplains or wetlands in the project area.

(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. In the context of the National Environmental Policy Act (NEPA), controversy refers to a substantial dispute in the scientific community regarding the effects of an action, not social opposition or controversy of a political nature. The Crown Point Access interdisciplinary team considered scientific research to determine its applicability to the project and found no controversy related to the predicted effects. Through project design, we have addressed the known relevant biological and social issues sufficiently to avoid scientific controversy over the scope and intensity of effects.

Based on these factors, I have concluded that the effects of this project do not represent a controversial impact upon the quality of the human environment.

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

and

(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.

There were no highly uncertain, unique or unknown risks identified in the EA. The action is not likely to establish a precedent for future actions with significant effects because this action is not unusual in and of itself, nor does it lead to any further actions that are unique. Similar projects have been conducted without significant impacts in similar ecosystems in the project area, on the Coeur d'Alene River Ranger District, and across the IPNF. The effects analyses discussed in the EA are based on sound scientific research as well as previous experience authorizing road use across the Forest. There are no unique or unusual characteristics of the area which have not

previously been encountered or which constitute highly uncertain or unknown risks to the human environment.

Any future proposals for this area would be subject to NEPA requirements and will require a new NEPA decision.

(7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

None of the actions approved under the selected alternative will create significant impacts alone or when considered with other actions. There are no indications of any cumulative effects to the environment.

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

There are no American Indians and Alaska Native religious or cultural sites, archaeological sites, or historic properties or areas in the access area. Any discovery of cultural resource sites would be inventoried and protected if found to be of cultural significance, and a decision would be made to avoid, protect or mitigate effects to those sites in accordance with the National Historic Preservation Act of 1966, as amended.

(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.

The selected alternative will not adversely affect the viability of any threatened, endangered or candidate species that may occur in the area, because no threatened or endangered botanical, wildlife or fish species, or associated critical habitat occur in the project area. Biological assessments (in the project files) have been completed and concluded there would be no effect to ESA species and their habitat due to the location and design of activities, and the application of best management practices (BMPs).

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

My decision will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the environmental assessment and discussed in this decision.

Conclusion

After considering the environmental effects described in the environmental assessment and supporting records, I have determined that authorizing the requested access will not have significant effects on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared.

Findings Required by Other Laws and Regulations

The National Forest Management Act (16 USC 1604(i) as described at 36 CFR 219.15 of the 2012 Planning Rule) requires that (subject to valid existing rights) all projects and activities authorized by the Forest Service must be consistent with applicable Forest Plan components. Allowing New Jersey Mining Company the use of the specific routes is consistent with all applicable Forest Plan components (EA, page 3).

Based on the composition of the affected communities and the cultural economic factors, this action would have no adverse effects to human health and environmental effects of minority, low-income, or any other segments of the population.

The project is consistent with all relevant federal and state laws and regulations, as described in the EA, including but not limited to:

- National Forest Management Act
- Endangered Species Act
- Clean Water Act, Idaho State Water Quality Standards, Idaho Stream Channel Protection Act, Executive Order 11988 – Protection of Floodplains, and Executive Order 11990 – Protection of Wetlands
- National Historic Preservation Act
- Executive Order 12898 – Environmental Justice

Administrative Review and Implementation

This project is subject to a pre-decisional administrative review process (referred to as the “objection” process) pursuant to 36 CFR 218, Subparts A and B. Individuals or non-federal organizations who submitted timely, specific written comments during scoping or any designated opportunity for public comment in accordance with §218.5(a) have standing to file an objection prior to the deciding official making a final decision on this project. Issues raised in objections must be based on previously submitted timely, specific written comments (as defined by 36 CFR 218.2) regarding the project unless based on new information arising after the designated comment opportunities.

A notice of objection must meet objection content requirements at 36 CFR 218.8(d). Incorporation of documents by reference is permitted only as provided in §218.8(b). All objections are available for public inspection during and after the objection process.

At a minimum, the objection must include:

- The objector’s name and address, with a telephone number or email address, if available;
- A signature or other verification of authorship upon request (a scanned signature for email may be filed with the objection);
- When multiple names are listed on an objection, identification of the lead objector as defined in 36 CFR 218.2 (verification of the identity of the lead objector shall be provided upon request);
- The name of the project being objected to, the name and title of the responsible official, and the name of the national forest on which the project will be implemented;
- A description of those aspects of the project addressed by the objection, including specific issues related to the project and, if applicable, how the objector believes the environmental analysis or draft decision specifically violates law, regulation, or policy; suggested remedies that would resolve the objection; and supporting reasons for the reviewing officer to consider;
- A statement that demonstrates the connection between prior specific written comments on the particular project or activity and the content of the objection, unless the objection concerns an issue that arose after the designated opportunity for formal comment.

Incomplete responses to these requirements make review of an objection difficult and are conditions under which the reviewing officer may set aside an objection pursuant to 36 CFR 218.10.

Objections must be submitted to the reviewing officer within 45 calendar days following publication of the legal notice of the objection period in the *Coeur d'Alene Press*, which is the newspaper of record. It is the responsibility of objectors to ensure their objections are received in a timely manner (36 CFR 218.9(a)). The publication date in the newspaper of record is the exclusive means for calculating the time to file an objection. Objectors should not rely upon time requirements provided by any other source.

The following address should be used for objections:

Objection Reviewing Officer
USDA Forest Service, Northern Region
26 Fort Missoula Road
Missoula, MT 59804

Office hours are Monday through Friday, 8:00 a.m. to 4:30 p.m., excluding holidays.

Electronic objections must be submitted in an email to appeals-northern-regional-office@fs.fed.us. Please include "Crown Point Access Project Objection" in the subject line. Electronic objections must be submitted in MS Word (.doc or .docx) or rich text format (.rtf), or other format that can be read with optical character recognition software.

The telephone number for faxed objections is (406) 329-3411.

When objections are filed, approval of project activities will not occur until the pre-decisional review process is complete and a final decision notice issued. A decision will not be signed until the reviewing officer has responded in writing to all pending objections, and all concerns and instructions identified by the reviewing officer in the objection response have been addressed.

If no objections are filed within the 45-day time period, implementation of the decision may occur on, but not before, the fifth business day following the end of the objection filing period, depending upon the availability of funding.

Contact Information and Responsible Official

I am the responsible official for this decision. For further information concerning the Crown Point Access project, please contact project leader Courtney Priddy during normal business hours at the at the Forest Supervisor's Office, 3815 N Schreiber Way, Coeur d'Alene, Idaho, by telephone at (208) 765-7207 or by email (courtney.priddy@usda.gov).

Approved by:

(Draft)

DANIEL SCAIFE
District Ranger
Coeur d'Alene River Ranger District

Date

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