DECISION NOTICE
&
FINDING OF NO SIGNIFICANT IMPACT
FOR THE
BIG SPRINGS MINE PROJECT

USDA Forest Service
Mountain City Ranger District
Humboldt-Toiyabe National Forest
Elko County, Nevada

Introduction

Anova Metals USA LLC. (Anova) submitted a Plan of Operations for mining gold at the former Big Springs Mine site which was previously mined between 1987 and 1993. The project is located approximately 63 miles northwest of Elko in Elko County, Nevada, in T42N, R53E, sections 1, 2, and 11, MDB&M. The Plan of Operations will authorize disturbance of 68.02 acres and is anticipated to have a two year duration, at which time final reclamation and closure of the facilities will begin. Ore will be trucked off-site to a third party facility for processing.

DECISION

Based on the Big Springs Mine Project Environmental Assessment (EA), and Finding of No Significant Impact (FONSI), it is my decision to implement the Proposed Action. I have found that the Proposed Action has been designed to minimize environmental impacts through incorporation of reasonable environmental protection measures as detailed below.

Description of the Proposed Action

The Proposed Action is detailed in Anova's Plan of Operations, and will involve 68.02 acres of surface disturbance associated with open pit and underground mining. All proposed disturbance is on National Forest System Lands within the Mountain City Ranger District of the Humboldt-Toiyabe National Forest and includes the following activities and facilities:

- One open pit (601 Pit), including moraine water diversion ditch;
- Moraine water infiltration basin (MWIB) located downgradient of the 601 Pit;
- Two underground decline mines beneath the proposed 601 Pit and adjacent, existing 701 Pit, and associated infrastructure;
- Temporary storage of glacial moraine material stripped from the 601 Pit area to be used as backfill for the 601 Pit and as an evapotranspiration cover for the Waste Rock Disposal Area (WRDA);
- WRDA within the extents of the existing North and Thumb pits;
- Lined ore stockpile facility;
- Trucking of ore off site for processing at an existing third-party facility;
- Growth media, auxiliary and spoil stockpiles;
- Mobile mine operations facilities;

- Explosives magazine;
- Access and haul roads, including the use and maintenance of CR 732/FSR 473;
- Water pipelines and associated infrastructure;
- Exploration, geotechnical, metallurgical and/or hydrologic drilling on previously disturbed ground
- Storm water and sediment control structures; and
- Mine office and main water source on private land at the Doheny Ranch.

Surface disturbance includes all areas proposed for use during the Project and does not deduct existing disturbance by previous operators. The disturbance, for permitting purposes, makes sufficient allowance for minor design modifications, engineering refinements to the open pit perimeters, and haul/access road realignments that may be required as a result of actual field conditions. In addition, allowance has also been made for disturbance associated with construction and reclamation activities.

Proposed Surface Disturbance within the Project Area

Component	Proposed Surface Disturbance (acres)
601 Pit	10.8
Basins (Unlined)[1]	3.5
Basins (Lined)	0.4
Infrastructure Pad (Unlined)	2.7
Infrastructure Pad (Lined)	5.8
Foundations[2]	0.05
Stockpiles[3]	11.4
Haul Roads[4]	19.5
Truck Access Road	1.9
Ditches	2.5
WRDA	9.4
Magazine	0.07
Total	**68.02**

[1]Includes moraine water infiltrations basin
[2]Includes facilities constructed with concrete slabs (i.e., wash bay concrete vault, oil-water separator concrete slab, wash down overflow sump, and wash bay concrete perimeter wall)
[3]Includes spoil, growth media, temporary moraine and auxiliary stockpiles
[4]Includes integrated storm water ditches

Environmental Protection Measures:

Air Quality

- Fugitive dust generated from Project activities will be minimized to the extent reasonable and practicable by using best management practices (BMPs) such as the following:
    - Use of water trucks to spray water on disturbed areas on a regular basis;
    - Pre-watering of areas to be disturbed when feasible;
    - Graveling of frequently used roadways, storage areas, and staging areas in areas where dust generation is common;

  - Utilizing magnesium-chloride or other dust surfactants on roads;
  - Posting and limiting vehicle speeds to a maximum of 25 miles per hour within the Project Area;
  - Fencing or berming to prevent unauthorized access to disturbed areas;
  - Use of overhead water spray rack or water hoses to water down stockpiled ore;
  - Covered highway-rated trucks will be used to transport ore to a third party facility for processing;
  - Contactors will be informed of their responsibilities for the control of fugitive dust while they are on the Project site;

- Where required, pollution control devices will be installed by equipment manufacturers to control combustion emissions. All pollution control equipment will be installed, operated, and maintained in good working order to minimize emissions.

Water Resources

- A moraine water diversion ditch located up gradient of the 601 Pit will be constructed to divert water around the 601 Pit and re-infiltrate the water back into the moraine aquifer below the operations. The diversion structure will be partly backfilled with coarse moraine material during reclamation so that it can continue to operate after mine closure;

- The ore stockpile facility is located on a HDPE liner with a drainage collection system to prevent releases into the surrounding environment. No ore will be processed on-site; ore will be trucked to an existing third-party facility for processing;

- Mine office and main water source for the project will be located on private land at the Doheny Ranch. Use of the existing office will decrease the need for additional disturbance at the mine site for such offices. This water source has been used previously for irrigation and will minimize the potential impact on LCT habitat;

- BMPs will be used (including those applicable to the USFS National BMPs for Water Quality Management on National Forest System Lands) to limit erosion and reduce sediment in precipitation runoff from Project facilities and disturbed areas during construction, operations, and initial stages of reclamation. BMPs will include, but are not limited to, diversion and routing of storm water using accepted engineering practices, such as diversion ditches, and the placement of erosion control devices, such as sediment traps, and rock and gravel cover. Run-off will be directed to storm water ditches and sediment control structures designed to hold at least the 24-hour 100-year flood;

- Revegetation of disturbed areas will reduce the potential for wind and water erosion. Following construction activities, areas such as cut and fill embankments and growth media stockpiles will be seeded during the appropriate season. Concurrent reclamation will be maximized to the extent practicable to accelerate

revegetation of disturbed areas. All sediment and erosion control measures will be inspected periodically, and repairs performed as needed;

- Haul roads will be constructed and maintained with surface or borrow material and will be graded and maintained to minimize ponding as necessary;
- A new monitoring well in Unit D will be constructed to replace MW-9; the location and design of the replacement well will be determined through consultation with USFS;
- No deep drilling will occur to Lower Plate geology (i.e., Hanson Creek Formation) and all drill holes will be plugged in accordance with Nevada Administrative Code (NAC) 534; and
- The Operator will provide the Forest Service with a quarterly monitoring report of groundwater elevations and water chemistry for monitor wells and surface points in and around the project area. Deviations in groundwater levels or other measurements that indicate possible impacts to the NFHR, would be shared with the USFWS and NDEP. The Forest Service, in consultation with the USFWS and NDEP, would meet with the Operator to discuss the potential impacts of mining on the NFHR and develop an action plan that could include delays in mining, an amendment to the Mine Plan, or other measures.

Waste Rock Management

- Waste bedrock generated during open pit mining will be deposited within the former North and Thumb Pits and covered with a minimum of five feet of moraine material to provide an evapotranspiration cover that will greatly reduce or eliminate surface water infiltration in the waste rock. Underground mine waste rock will be left underground and the mine openings plugged during reclamation; and
- Waste moraine material will be used as backfill for the 601 Pit to avoid formation of a pit lake and to raise the bottom of the pit to the level of the Water Canyon topography.

Solid Wastes

- Refuse will be collected in dumpsters and will be removed and disposed of in an authorized off-site landfill facility, consistent with applicable regulations; and
- Employee training will be conducted to outline appropriate disposal practices; and
- An outside contractor will supply and maintain a self-contained portable sewage collection system at the mining contractor's mobile office facility. Portable toilets may also be used at the mining area as practicable. Sewage will be collected and disposed of at an authorized off-site facility.

Scenic Values

- Impacts to the visual scenic quality of the area will be reduced by maximizing concurrent reclamation and the final reclaiming of haul roads, minor access routes no longer needed for monitoring, and the WRDA at the end of mining.

Noxious Weeds

- A noxious weed monitoring and control plan will be implemented during construction and will continue throughout operations. The plan will contain a risk assessment, management strategies, provisions for annual monitoring and treatment evaluation, and provisions for treatment. The results from annual monitoring will be the basis for updating the plan and developing annual treatment programs; and
- A wash bay will be used to clean the undercarriage of heavy equipment prior to use on the site if the equipment has been used in off road construction projects since the last cleaning. This procedure will aid in the prevention of noxious weeds. Contractors will be required to clean their heavy equipment prior to arrival at the site.

Wildlife

- New ground disturbing activities will be avoided during the migratory bird nesting and brood-rearing season from May 1st to July 15th, if possible. If seasonal avoidance is not practical, a nest survey will be conducted during the avian breeding season by a qualified biologist within migratory bird breeding habitat. If nests are located or if other evidence of nesting (i.e., mated pairs, territorial defense, carrying of nesting material, transporting food) is observed, the USFS specialist will determine appropriate mitigation measures, such as protective buffer zones. If the survey is done by a contractor, a copy of the survey will be provided and any nesting activity reported to the USFS prior to any surface disturbance. The start and end dates of the seasonal restriction may be altered due to site-specific information such as elevation and winter weather patterns, which will affect breeding chronology and the presence of the species;
- The Operator will initiate nest protection measures for all raptors and maintain compliance as required by the Bald and Golden Eagle Protection Act (16 United States Code [U.S.C.] 668-668c). No disturbance will occur within 200 meters of active raptor nests from March 1st to August 31st;
- If occupied greater sage-grouse leks are identified in proximity to the County Road, the Operator will commit to transportation of ore only between the hours of 9:00 a.m. and 6:00 p.m. (nine hours) during the breeding period of March 1 to May 15.
- A maximum 25 miles per hour speed limit in the Project Area will minimize wildlife mortality related to vehicle collisions; and
- Mine operators will be trained to monitor the mining areas for the presence of larger wildlife such as mule deer and elk. The operator will establish wildlife protection policies that will prohibit the feeding or harassment of wildlife.

Cultural Resources

- Identified historic properties or unevaluated sites (historic or pre-historic) will be avoided or mitigated by all Project activities; and
- If previously undiscovered cultural resources are exposed within the Project Area the operator will cease operations in the vicinity, leave such discoveries intact and

notify the District Ranger. The operator will not proceed until notified, in writing, by the District Ranger that compliance with the provisions for mitigating unforeseen impacts, as required by 36 CFR 228.4(e) Subpart A, have been satisfied.

Hazardous Substances

- Hydrocarbon products, including lubricants, oils, antifreeze, and used oil will be transported, stored, and used in accordance with federal, state, and local regulations. Diesel fuel and hydrocarbon products will be stored in primary containment (tanks, tote bins, and barrels) within secondary containment to prevent releases to the environment. Used oil and used containers will be disposed of or recycled according to federal, state, and local regulations;
- Hydrocarbons will be managed consistent with the Spill Prevention, Control, and Countermeasure (SPCC) Plan; and
- Employees will be trained in the proper transportation, use, and disposal of hazardous materials and wastes.

Public Involvement

The USFS initiated scoping through a combination Scoping Letter and Notice of Proposed Action (SNOPA), which was distributed to a mailing list of interested parties on August 26, 2014. The USFS distributed the SNOPA to all parties on the mailing list (35), to provide an opportunity for public participation and to meet the NEPA requirements for public scoping and a comment period. A Legal Notice was published in the newspaper of record (Elko Daily Free Press) on August 29, 2014 with a 30 day comment period ending September 28, 2014. Three comment responses were received during the 30-day comment period from Nevada Department of Wildlife, State Lands and State Land Use Planning Agency and the Nevada Division of Environmental Protection. Comments were provided to the USFS via postal mail delivery and electronic mail. All comments were considered in determining the scope of analysis associated with the Project and formulation of any considered alternatives. Comments and responses are included in the Administrative Record.

Public and Agency Comments

Three comment letters were received and were considered in determining the scope of analysis associated with the Project and formulation of any considered alternatives. The following environmental concerns were identified based on public and agency comments provided during scoping for the Project:

Geology and Minerals
Potential impacts were analyzed in the EA (Section 3.1) for geology and minerals, slope stability and geologic hazards.

Special Status Aquatic Species
Potential impacts were analyzed in the EA (Section 3.2) for Lahontan cutthroat trout and Columbia spotted frog.

Special Status Wildlife Species
Potential impacts were analyzed in the EA (Section 3.3) for greater sage-grouse, Northern Goshawk, Townsend's (Western) Big-Eared Bat, Mule Deer and Migratory Birds (USFS Region 4 sensitive species, management indicator species, raptors, and migratory birds);

Water Resources
Potential impacts were analyzed in the EA (Section 3.4) for surface water quantity, surface water and groundwater quality;

Wildlife Resources
Potential impacts were analyzed in the EA (Section 3.5) for general wildlife resources.

Native American Consultation

Notification about the Proposed Action and the SNOPA was mailed to the Battle Mountain Band, Shoshone-Paiute Tribes of Duck Valley, Te-Moak Tribe of Western Shoshone, Elko Band Council, Wells Band Council, and the South Fork Band on August 26, 2014. In addition, the USFS discussed the Project with the Shoshone-Paiute Tribes of Duck Valley at the monthly Wings and Roots meeting beginning on August 26, 2014.

Decision Rationale

My decision is based on the EA and FONSI. I have reviewed the analysis conducted in the EA for this Project, relevant Humboldt Forest National Land and Resource Management Plan direction and have considered comments received during the "Scoping and Notice of Proposed Action and Opportunity to Comment." From my review, I have found that the Proposed Action has been designed to minimize environmental impacts through the incorporation of reasonable environmental protection measures and through additional reclamation of previously unreclaimed or minimally reclaimed mine disturbance as detailed in Section 2.1.23 of the EA.

My reasons for selecting the Proposed Action include the following:

1. The statutory right of Anova to explore and develop mineral resources on federally administered lands is recognized in the General Mining Law of 1872 and is consistent with the Humboldt National Forest Land and Resource Management Plan of 1986 (IV-50).
2. The Proposed Action with environmental protection measures meets the requirements of 36 CFR Subpart A, Part 228.8 that all the mineral exploration, development, and operations activities be conducted in a manner that minimizes adverse environmental impacts on National Forest surface resources.
3. The Proposed Action meets the purpose and need and is not expected to cause significant environmental impacts or result in unnecessary or unreasonably irreparable damage to surface resources. The affected lands will be reclaimed to achieve a stable and vegetated post-exploration topography that will allow for the continued multiple use of the land upon conclusion of the Proposed Action.

Findings Required by Other Laws and Regulations

My decision is consistent with all applicable laws, Executive Orders, regulations, and policies as summarized below.

Humboldt National Forest Land and Resource Management Plan 1986 – This decision is consistent with the Humboldt Forest National Land and Resource Management Plan as required by the National Forest Management Act and 36 CFR 228 Subpart A. The Proposed Action was designed to be in conformance with Humboldt Forest National Land and Resource Management Plan standards and incorporates the appropriate Humboldt Forest National Land and Resource Management Plan guidelines for reclamation to mitigate resource impacts generated by mining operations and contributes to the desired future condition of the Forest by providing proper and reasonable reclamation of surface disturbances.

Endangered Species Act of 1973 – Biological Assessment and Evaluations (BA/BEs) for wildlife, fisheries/aquatics and sensitive plants were completed for the Project. The BA/BEs found that no federally listed threatened or endangered plant or wildlife species or their habitats would likely be adversely affected by this action.

Lahontan cutthroat trout are present near the project area in the North Fork of the Humboldt River. Lahontan cutthroat trout were listed as "Endangered" on October 13, 1970 under the Endangered Species Protection Act of 1969 and subsequently reclassified as "Threatened" on July 16, 1975, under the Endangered Species Act of 1973 as amended.

The following are excerpts from the BA and BEs prepared as part of the NEPA analysis:

Lahontan cutthroat trout (LCT)

> For threatened or endangered species, per the biological assessment, "Project activities May Affect, Not Likely to Adversely Affect LCT or their habitat."

Columbia spotted frog

> For Regional Forester Sensitive Species, per the biological assessment, "No impact is anticipated from Project activities on Columbia spotted frog habitat."

Greater sage-grouse, northern goshawk and Townsend's big-eared bat

> For sensitive wildlife species, per the biological evaluation, the proposed action "may impact but would not cause a trend toward federal listing for greater sage-grouse, northern goshawk and Townsend's big-eared bat."

Sensitive plant species

> For sensitive plant species, per the biological evaluation, the proposed action will have no impact on sensitive plant species because pre-field analysis indicated that there was no potential habitat within the Project area.

Migratory Bird Treaty Act (MBTA) of 1918 and the Bald and Golden Eagle Protection Act (BGEPA) of 1940 – The Proposed Action will not remove migratory bird habitat or change the current population trends for migratory birds but could lead to some avoidance of the area during operations. The likelihood of a "take" would be minimized

by surveying prior to any surface disturbance associated with mining activities during the avian breeding season and buffering nests from disturbance, with the buffer size depending upon the species (May 1 through July 15). In addition, beneficial effects to migratory bird habitat may occur from reclamation efforts within the Project Area during and after the Project's mining activities. Therefore, the Proposed Action will contribute to a stable trend or potentially contribute to an upward trend due to reclamation efforts. The Proposed Action complies with the U.S. Fish and Wildlife Service's (USFWS) Service Manual Chapter 700 Part 724 related to the applicability of the MBTA to federal agencies and requirements for permits for "take". In addition, the action complies with Executive Order 13186 (January 17, 2001) because the analysis meets agency obligations as defined under the Memorandum of Understanding (MOU) between the USFS and USFWS (December 8, 2008).

National Historic Preservation Act of 1966 – A new Class III cultural resources survey was not performed for the Project Area as essentially all proposed activities are located in previously disturbed areas and all of the areas were satisfactorily surveyed in the past. Intensive Class III cultural resource surveys were previously completed across the Project Area in 1986 and in 2005. There are a total of nine cultural resource sites and two isolate finds within the Big Springs Mine Project Area. All of these resources, with the exception of one, have previously been determined not eligible for listing on the NRHP. The one eligible site was determined eligible under Criterion D. This site is just within the Project Area boundary, but is more than 100 meters from any proposed disturbance. The Nevada State Historic Preservation Office (SHPO) was consulted regarding the proposed new disturbance within the general Project Area as per 36 CFR Part 800 in December of 2014 with a finding of no adverse effect to historic properties given that all eligible or unevaluated sites will be avoided by proposed activities. The operator will avoid all eligible or unevaluated cultural sites within the Project Area through project design. If previously undiscovered cultural resources (historic or prehistoric objects, artifacts, or sites) are exposed as a result of operations, those operations will not proceed until notification is received from the Authorized Officer that provisions for mitigating unforeseen impacts have been implemented as required and complied with by 36 CFR Section 228.4(e) and 36 CFR Part 800. As a result of this environmental protection measure and design feature, there will be no impacts to cultural resources.

Executive Order 11988: Floodplain Management - This decision is consistent with the direction of this order to avoid the adverse impacts associated with the occupancy and modification of floodplains. The Proposed Action is not located on, nor will it impact, any designated floodplain or wetland. According to the Flood Insurance Rate Map Panel 32007C2175E, the Project Area is within Flood Zone D, which is an area where flood hazards are undetermined but possible. In addition, the Project will implement Best Management Practices (BMPs) to reduce stormwater run-off and sediment loading which will reduce potential impacts to streams and drainages within the Project Area.

Executive Order 11990: Protection of Wetlands - This decision is consistent with the direction of this order to avoid the adverse impacts associated with the destruction or modification of wetlands. The Proposed Action is not located on, nor will it impact, any designated floodplain or delineated wetland.

Executive Order 12898: Environmental Justice – The Proposed Action will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations.

The Mining Act of May 10, 1872, as amended - The right of Anova to explore and mine mineral resources on federally administered lands is recognized in the General Mining Law of 1872. This decision allows reasonable access for exploration and mining of mineral resources as provided for under this Act.

36 CFR 228 Subpart A-Locatable Minerals – This decision is consistent with USFS regulations for the administration of locatable minerals and surface resource protection as specified in 36 CFR 228 Subpart A.

Forest Service Manual (FSM) 2600 (Including 2670) Wildlife, Fish, and Sensitive Plant Habitat Management - This decision is consistent with Forest Service Manual policy for wildlife and fisheries habitat management. A BA and BEs were prepared for fisheries/aquatics, sensitive plants, and wildlife for the Proposed Action and included analysis of the potential sensitive species that may occur within the Project Area from the Intermountain Region (R4) Sensitive Species List as well as management indicator species.

Clean Water Act, as amended - This decision is consistent with the Clean Water Act as it provides for the protection of Waters of the United States, floodplains and wetlands. In addition, appropriate BMPs will be implemented which will reduce impacts to water quality within the Project Area.

FSM 2900 – Invasive Species Management and H-T FSM Supplement to Chapter 2080 – Noxious Weeds Management - This decision is in compliance with the FSM direction for the prevention, control and monitoring of noxious and invasive weeds as defined in the Forest Service Manual.

FSM 7710 Transportation Analysis – The Proposed Action is consistent with Forest Service Manual direction for management of the USFS transportation system.

Finding of No Significant Impact

The FONSI incorporates by reference the Project EA and Administrative Record, including specialist's reports, biological assessments and evaluations, comments received during the public scoping process, and responses to those comments. As the responsible official, I am responsible for evaluating the effects of the Project relative to the definition of significance established by the Council on Environmental Quality (CEQ) regulations (40 CFR 1508.13). I have reviewed and considered the EA and documentation included in the Administrative Record, and I have determined the Proposed Action, with the project design specifications including environmental protection measures, monitoring, and stipulations identified in the EA, will not have a significant effect on the quality of the human environment. As a result, no Environmental Impact Statement (EIS) will be prepared. My rationale for this finding is as follows, organized by sub-section of the CEQ definition of significance in 40 CFR 1508.27:

Context

For the Proposed Action and Alternative, the context of the environmental effects is based on the environmental analysis in this EA. The extent of disturbance on NFS land is minor and short-term (i.e., life of the Project), with reclamation occurring at completion of operations.

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 Administrative 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 or other government agencies. 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 EA considered both potential beneficial and adverse impacts of the Proposed Action.

- Additional reclamation of previously un-reclaimed or minimally reclaimed mine disturbance that already exist on the landscape.
- Visual improvements at the WRDA due to backfilling of the North and Thumb pits and revegetation of the cover growth-medium.

The EA thoroughly analyzed potential significant adverse effects that may result from the Project. The potential impacts and potential cumulative effects are described in Chapter 3 of the EA. The potential impacts are minimized in part by the incorporated environmental protection measures and BMPs of the Proposed Action. None of the environmental impacts disclosed and described in the EA are considered significant.

Water Resources

- The well on private land near the Doheny Ranch is the main water source for dust control which will minimize the potential impact on water quantity of the LCT habitat.
- Surface water quality is protected by diversion ditches and storm water channels leading to sediment structures.
- The 601 pit is partly backfilled and WRDA is capped with five feet or more of growth-medium to create a store and release cover through evapotranspiration. The final thickness of moraine cover will be determined through further testing and coordination with the NDEP.

- The ore will be temporally stored on HDPE liner and water collection system.
- Numerous BMP's will be used to control sediment movement and minimize water quality impacts.
- Concurrent and final reclamation will promote long-term stabilization and water quality improvement.

LCT and Fisheries Habitat

- Water Resource protection measures, monitoring, and final reclamation are all designed to protect these habitats.

Wildlife and their Habitat

- Greater Sage-Grouse protection measures include no new surface disturbing activities between March 1 and June 30, anti-perch devices where appropriate, seasonal surveys, ore haulage timing restrictions if leks are occupied, adherence to speed limits, final revegetation, and other measures.
- Standard migratory bird protection measures.
- Seasonal T&E and sensitive species nest surveys and avoidances.

Geology and Minerals

- The mine design will avoid potential impacts to pit wall stability.

2) *The degree to which the Proposed Action affects the public health or safety.*

Adherence to plan of operations mine design, operating procedures, environmental protection measures, the Spill Prevention, Control and Countermeasures Plan, Monitoring Plan, and identified BMPs will ensure that there are no, or only negligible impacts to public health and safety associated with the Proposed Action.

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.*

Designated wetlands, wilderness, Wild and Scenic Rivers, or park lands are not present within the Project Area. The Project Area is characterized by high topographic relief with elevations ranging from 7,100 to 8,000 feet above mean sea level (approximately 1000 feet of elevation change from one end of the Project Area to the other). As a result of the high elevation differences, steep slopes and past mining disturbances, the Project Area is unsuitable for prime farmland.

The Proposed Action will avoid impacts to all eligible or unevaluated cultural resources identified in the cultural resources study.

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

   The Project Area is very remote and implementation of the Project will pose little risk to populated areas. Surface water quality issues developed from past mining will not be repeated due to mine design features, environmental protection measures and BMP's. Results of scoping and comments on the Proposed Action did not indicate that the effects to the quality of the human environment were likely to be highly controversial.

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

   Exploration and mining in northeastern Nevada is a common occurrence, and is not uncommon on NFS land. The direct and indirect effects of these actions on NFS land, as well as cumulative effects of other past, present, and reasonably foreseeable future actions are identified in the EA in Chapter 3. There are no known effects of the Proposed Action identified in the EA that are considered 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 future consideration.*

   The Proposed Action will not establish a precedent for future actions with significant effects or represent a decision about future consideration. Future proposed mining projects would be subject to a site specific analysis, and approval would based on that analysis.

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

   Chapter 3 of the EA analyzes the cumulative impacts of the Proposed Action in relation to past, present, and reasonably foreseeable future actions within the cumulative effects study areas (CESAs) for geology and mineral resources, special status aquatic species, special status wildlife species, water resources, and wildlife resources The cumulative impact analysis determined that cumulative impacts to these resources will be minor and there are no significant cumulative impacts from the Proposed Action and related actions within the CESAs.

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

   With environmental protection measures in place to avoid impacts to cultural resources, the action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the NRHP or cause loss or destruction of significant scientific, cultural, or historical resources.

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 (ESA), as amended, of 1973.*

   Federally listed species, Federal Candidate species, Regional Forester sensitive species, and Management Indicator Species are discussed in Chapter 3 of the EA. One Federally listed species occurs near the Project Area. Through preparation of a Biological Assessment and consultation with the U.S. Fish and Wildlife Service, it was determined that the Project may affect, but is not likely to adversely affect LCT or their habitat, and therefore will not result in a trend toward federal listing or affect the viability of any other species which may occur in the area.

10) *Whether the action threatens a violation of federal, state, or local laws or requirement imposed for the protection of the environment.*

   Applicable laws and regulations were considered in the EA. The Project will not violate Federal, State, or local laws or requirements for the protection of the environment.

Administrative Review and Objection Rights

The Draft decision was subject to the objection process pursuant to 36 CFR Part 218.16(b)(1). The legal notice for the objection period was published in the Elko Daily Free Press on November 22, 2014, and the 45 day objection period ran from November 23, 2016 to January 6, 2017. No objections were received during this period.

Implementation Date

Implementation is contingent upon the operator's posting of a bond, receiving an approved plan of operations from the USFS, and securing any other applicable state, local and federal permits and authorizations.

Contact

For additional information, please contact John Baldwin, District Ranger, jbaldwin01@fs.fed.us, 775-778-6109 or Doug Powell, Geologist, johndpowell@fs.fed.us, 775-289-5125 at the Mountain City Ranger District, 2035 Last Chance Road, Elko, NV 89801.

John R. Baldwin
District Ranger
Mountain City/Ruby Mountains/Jarbidge Ranger District
U.S. Forest Service
Humboldt-Toiyabe National Forest

1/27/2017
Date

USDA NONDISCRIMINATION STATEMENT

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