

**DRAFT DECISION NOTICE & FINDING OF NO SIGNIFICANT IMPACT
GOAT MOUNTAIN HARDROCK MINERAL PROSPECTING PERMITS
USDA FOREST SERVICE, GIFFORD PINCHOT NATIONAL FOREST
COWLITZ VALLEY RANGER DISTRICT
SKAMANIA COUNTY, WA**

INTRODUCTION

This Decision Notice and Finding of No Significant Impact documents my consent to the USDI-Bureau of Land Management (hereinafter referred to as BLM) for issuing two Federal Hardrock Mineral Prospecting Permits, and specifies certain required conditions¹ for use and protection of the National Forest System lands involved (Attachment 1). The permit areas encompass approximately 900 acres on the Gifford Pinchot National Forest in the west-central portion of Washington State included in prospecting permit applications serialized by BLM as numbers WAOR-066628 and WAOR-066973. The lands involved are further described in Table 2.1-1 in the Modified Environmental Assessment DOI-BLM-ORWA-0000-2016-0001-EA. I have selected Alternative 4: Drill Site Riparian Reserve Avoidance. This alternative was newly designed and analyzed in the modified EA as a result of litigation of the original decision. Alternative 4 provides Forest Service consent with specified conditions to best address the balance between resource use and resource protection, with an emphasis on the protection of riparian reserves.

The BLM prepared an environmental assessment (EA) in response to two prospecting permit applications submitted by Ascot USA, Inc. The Forest Service participated as a cooperating agency in developing the EA in 2012 and modified EA in 2015. The permit areas are within portions of sections 7, 8, 9, 16, 17, 18, and 19 of Township 10 North, Range 6 East, Willamette Meridian, Skamania County, Washington (Attachment 2). The lands are located on and adjacent to the south-facing slope of Goat Mountain, approximately 12 miles northeast of Mount St. Helens. The area receives recreational users, horseback riding, campers, and hunting. These lands are adjacent to and extend northeast from the boundary, of Mount St. Helens National Volcanic Monument.

The Secretary of Interior is responsible for managing the federal mineral estate and the authority to grant prospecting permits lies with the BLM. The National Forest System lands involved were acquired under the authority of the Weeks Act of 1911 for the purposes of regulating the flow of navigable streams or for the production of timber². The Mineral Resources on Weeks Law Lands, 1917 established that the Secretary of Agriculture could authorize the prospecting, development, and utilization of mineral resources of the lands acquired under the Weeks Act of 1911. These functions were transferred to the Secretary of Interior in the Reorganization Plan No. 3 of 1946³. Where hardrock mineral prospecting involves acquired National Forest System

¹ Consent decision with certain "Specified Conditions" (stipulations) listed in Attachment 1.

² P.L. 61-435, as amended

³ 43CFR3501.1(b)

lands, the applicable regulatory framework sets out that the BLM can only issue prospecting permits with the consent of the surface managing agency. Consent is contingent upon a determination that the activities will not interfere with the primary purposes for which the lands were acquired. Both agencies have worked cooperatively to evaluate the permit applications.

This decision is based on the Goat Mountain Hardrock Prospecting Permit Applications EA that was modified on November 30, 2012; December 17, 2015; and August 7, 2017 (modified EA). A decision on the original EA in 2012 was vacated in a civil action before the U.S. District Court of Oregon (Court) in August 2014. The Court's Opinion and Order dated July 3, 2014, identified several deficiencies of the analysis in the 2012 EA. To comply with the Court's direction, the agencies used the 2012 EA to prepare a modified EA that addresses each of the concerns, including the creation of alternative 4.

BACKGROUND

A number of laws guide the overall Forest Service mission to “sustain the health, diversity, and productivity of the Nation’s forests and grasslands to meet the needs of present and future generations.” These laws include the Multiple-Use-Sustained-Yield Act (1960), which requires National Forest System lands to be administered considering the values of various resources in management decisions and provides that nothing in the Act affects the use or administration of mineral resources on National Forest System lands; the National Forest Management Act (1976), which requires the Forest Service to keep a detailed inventory of lands and resources, and to consider the physical sciences in interdisciplinary planning for use of National Forest System resources; and the Mining and Minerals Policy Act (1970), stating that it is the continuing policy of the Federal government to encourage development of economically sound and stable domestic mining and minerals industries and the orderly development of domestic mineral resources. Consistent with these and other statutes, Forest Service Manual 2802 establishes an agency objective to “ensure that exploration, development, and production of mineral and energy resources are conducted in an environmentally sound manner and that these activities are integrated with the planning and management of other National Forest resources.”

The Gifford Pinchot National Forest Land and Resource Management Plan (“Forest Plan,” 1990) as amended by the “Northwest Forest Plan” (NWFP 1994) provides long-term policy for management of Forest Service and BLM administered lands within the range of the northern spotted owl. The Forest Plan prescribes natural resource management activities and implementation regulations for the Gifford Pinchot National Forest and embodies provisions of the National Forest Management Act, the statutes mentioned above, and others. The Forest Plan designated the lands associated with the permit applications as general forest, with an emphasis on timber production. The Northwest Forest Plan amendment allocated most of these lands as matrix lands, which are managed for multiple uses, including timber harvest. Areas along the Green River and other streams, water bodies, wetlands, and unstable areas were designated as riparian reserve by the Northwest Forest Plan. Standards and guidelines in the Northwest Forest Plan are required to protect environmental quality for management activities, and these differ based on the land allocation.

The Goat Mountain area has historically been dominated by logging, recreation, mineral prospecting, and limited mineral development. Mineralization of interest was discovered in the late 1800s, with mining claims established in 1901 and 1904. Sporadic development has

occurred by various surface and subsurface workings. The area was the subject of limited exploration programs by Duval Corporation in the late 1960s and the early 1970s. Field work halted in 1980 following the eruption of Mount St. Helens. Recent increases in copper and gold prices and improvements in technology have spurred renewed interest in exploring for hardrock minerals.

There has been considerable concern and interest around the possibility of hardrock mineral development in northwest Skamania County. My decision facilitates only prospecting (exploration) activities within the permit areas. It is not a minerals development (mining) project. BLM decisions to issue prospecting permits based on Forest Service consent confers exclusive rights to the permit holder to prospect on and explore the specific lands within a permit area to determine the existence of a valuable mineral deposit⁴. If a valuable mineral deposit is located, a permit holder could then apply to BLM for a non-competitive lease to develop the valuable minerals discovered under the prospecting permit. However, any subsequent application for a lease would be subject to a separate National Environmental Policy Act (NEPA) analysis and public comment process, to be evaluated on its own merits, and would require a separate decision in which the Forest Service would once again be asked to provide its consent to leasing authority (Attachment 1, Condition 2).

DECISION

Based upon my review of the modified EA for the Goat Mountain Hardrock Mineral Prospecting Permit Applications and supporting project record, I have decided to consent, with certain required conditions, to BLM issuing the hardrock mineral prospecting permits for National Forest System lands described in Applications WAOR-066628 and WAOR-066973 within the Gifford Pinchot National Forest. I am consenting to permit issuance as described in Alternative 4, which includes certain conditions that are within the legal and regulatory purview of the Forest Service as the surface managing agency (Attachment 1).

My decision specifies conditions (Attachment 1) necessary for the use and protection of the 900 acres of National Forest System lands involved in the permit applications, including conditions related to and consistent with the Forest Plan and Northwest Forest Plan (Condition 4), the Tumwater Inventoried Roadless Area (Condition 5), the integrity of the Green River (Condition 6), the range of the northern spotted owl (Condition 7) and protection of the primary purposes for which the lands were acquired. Exploration activities under alternative 4 are the same as those described for alternative 3, except that drilling would not occur at pads 6 and 7 to avoid placing project facilities within riparian reserves. Alternative 4 includes all design features and alterations from alternatives 2 and 3, including, but not limited to, changes in drilling and abandonment operations and procedures, drilling fluid management to protect surface and groundwater resources; timing restrictions to protect the spotted owl habitat and recreation resources, and the use of a drill shack/baffling/insulation to reduce noise and light intrusion into surrounding environs. (Note: The *Other Alternatives Considered* section of this document provides a brief summary of alternatives. Chapter 2 of the modified EA provides a detailed

⁴ BLM must determine the existence of a “valuable deposit” based on data gathered from exploration activities authorized under a prospecting permit (43CFR3507.18).

description of alternatives including standard stipulations, best management practices, and design features.)

These required conditions, along with analyses documented in the EA and the project record, support the Forest Service finding that prospecting permits and associated activities will not interfere with the primary purpose for which the lands were acquired under authority of the Weeks Act of 1911 (see *Findings Required by Other Laws and Regulations* in this document).

Following this FS consent decision, the BLM must decide whether to issue the prospecting permits and also whether to approve the exploration plan and associated activities within a smaller project area boundary.

Activities contemplated in an exploration plan include directionally drilling approximately 63 small-diameter (2 to 3 inches) boreholes from 23 drill sites, affecting about 0.23 acres, and the use of portable equipment to recover rock core samples. This use would take place on or immediately adjacent to existing roads and drill sites, some of which are currently decommissioned and will require temporary reactivation. The existing drill sites were previously established by a company in the early 1980s.

DECISION RATIONALE

Throughout the process of analyzing this prospecting proposal it has become clear there is a great deal of concern that this decision somehow makes the potential for future approval of a new mine in this area easier or more likely. This consent decision is not for mining. It is specifically and only for authorization of up to 63 roadside exploration holes measuring 2-3 inches in diameter, subject to specified conditions and protective design features. This activity is very similar to other investigative activities routinely authorized on National Forest lands in support of endeavors such as volcanic activity research, groundwater investigations, road construction and maintenance, slope stabilization, river side channel restoration, quarry development/abandonment, and historical/geological research. There is not currently a proposal to develop a new mine in this location and any potential future proposal would be subject to an entirely new and comprehensive environmental analysis and decision process to include multiple opportunities for the public and other interested parties to be informed, to consult, to comment on scoping and draft analyses, and to object to any draft decision. As described in the modified EA (Section 3.1), future mining is not a *reasonably foreseeable future action* (see 36 CFR 220.3), therefore it is not evaluated in the environmental analysis. Again, this consent decision is for limited exploratory drilling only, not for mining.

In making the Forest Service consent decision, I have considered how the alternatives analyzed in detail would meet the purpose and need of the Federal Hardrock Mineral Prospecting Permits, as well as the environmental effects of each alternative. Alternatives 2, 3 and 4 provide for consent of the Forest Service. However, alternative 4 provides additional protective measures to address issues related to the proposed activities described in the Exploration/Operations Plan of October 5, 2011, and provides further protection of riparian reserves by eliminating the installation of drill sites and exploration at pads 6 and 7. Compared to other alternatives, alternative 4 helps accomplish Forest Plan direction for minerals, provides the best balance between resource use and resource protection, and best responds to issues raised by the public, state, tribal, and local government, and agencies.

The Goat Mountain Hardrock Prospecting Permit Applications Modified EA documents the environmental analysis and conclusions upon which this decision is based. I have carefully considered these tradeoffs in making my decision. While alternative 4 was created to reduce impacts to riparian reserves (Modified EA, Section 3.6.2.4.1), I am also choosing this alternative because of the reduced impacts on recreation. By eliminating operations at Pads 6 and 7, and requiring other conditions, there will be no direct effects on visual/scenic resources associated with campsites in the vicinity of the Green River Horse Camp or direct effects on the recreational experience associated with the use at the horse camp (Modified EA, Sections 3.9.2.4.1, 3.12.2.4.1, 3.14.2.4.1). The selection of this alternative also has less potential to impact Van Dyke's salamander and deer and elk than the other action alternatives (Modified EA, Sections 3.5.2.4.1, 3.5.2.4.2).

The Forest Service and the BLM have identified the need to consider issuing hardrock mineral prospecting permits with stipulations for protecting surface resources on the Gifford Pinchot National Forest for the purposes of exploring for valuable deposits of mineral resources. My decision is consistent with this purpose as it will allow for the exploration of various mineral resources in an environmentally sound manner. This decision is consistent with the Federal government's overall policy to foster and encourage private enterprise in the development of economically sound and stable mining and mineral industries, and to help assure the orderly and economic development of mineral resources to satisfy industrial, security and environmental needs.⁵

The selected alternative and decision responds to the overall guidance of the Forest Plan to encourage and facilitate the orderly exploration, development, and production of mineral and energy resources within the National Forest System in order to maintain a viable, healthy minerals industry, and to promote self-sufficiency in those mineral and energy resources necessary for economic growth and the national defense (Forest Plan, p. IV-4).

The modified EA describes and evaluates alternative 4, which provides for consent, along with certain specified conditions the Forest Service has determined are suitable and necessary to protect National Forest System lands and prevent interference with the primary purposes for which the lands were acquired. The modified EA and project record also document other values and uses on these National Forest System lands that were taken into consideration during the analysis. The specified conditions required as a condition of Forest Service consent, are necessary to protect and comply with requirements for the Tumwater Inventoried Roadless Area; the eligibility of the Green River for potential inclusion in the Wild and Scenic River System; the range of the northern spotted owl; the Forest Plan; and other applicable regulations (Attachment 1). All practical means to avoid and/or minimize environmental impacts that might occur from implementing the project have been incorporated into the project design and stipulations. The agencies took a hard look at the comments received on the EA, especially regarding wildlife and groundwater. A comment matrix was developed as part of the project record; and I have evaluated this information, along with clarifications made to the EA to inform my decision.

Making a decision on resource use is a complex process and results in tradeoffs between resource effects and resource benefits. I am aware of the interactions between the various

⁵ Mining and Minerals Policy Act of 1970

resources, including the direct, indirect, and cumulative effects of the proposed action on different resources, and have taken these into consideration (Modified EA, Chapter 3). Assuming BLM issues the prospecting permits after receiving consent from the Forest Service, the subsequent effects of this decision would be limited in nature and occur only for a short duration. This is because prospecting permits are valid for an initial two-year term, with opportunity to extend them for four years. In addition, required conditions limit some activities and uses to protect certain resources within the permit areas. If BLM issues the prospecting permits, the Forest Service required conditions would become part of the permits, as well as the additional BLM required mitigation described in the EA along with the standard terms of the permits.⁶

Most of the lands are in the blast zone from the 1980 eruption of Mount St. Helens, and were salvage logged and reforested in the 1980s. The total disturbance area for drill sites contemplated in the exploration plan would be less than a quarter acre. Access to these sites would require the temporary reactivation of approximately 1.7 miles of partially closed roads. This work would occur on or immediately adjacent to existing roads and former drill sites. In accordance with the regulatory requirements, all disturbances would be fully reclaimed. BLM would require design features and necessary environmental protection measures (Modified EA, Sections 2.1.2.3, Appendix E, *Best Management Practices*).

I have also considered the issues and have taken into account the competing interests and values of the public. I have considered the diverse views expressed during the public scoping period and during the public comment periods. Clarifications were made to the EA, based on public comments regarding wildlife and groundwater use and protection. Additional mitigation measures addressing drilling operations, water sourcing and drill hole abandonment were identified and incorporated into the EA. There is a broad range of opinion on how the Forest should be managed. Again, my decision facilitates *only* prospecting (e.g. exploration) activities within the permit area. It is *not* a minerals development (e.g. mining) project. In reviewing the comments received on the EA prior to making this decision, I have taken a hard look at several specific issues regarding this project including the purposes for which the National Forest System lands were acquired; impacts to wildlife; impacts and mitigation to protect surface and groundwater and the flow of navigable streams; recreational users; timber production; transportation; and local jobs.

I recognize the public concern about effects to the Tumwater Inventoried Roadless Area. Portions of the Inventoried Roadless Area overlap with both of the prospecting permit areas (Attachment 2). My consent decision includes the *Standard Stipulation for Lands of the NFS Under the Jurisdiction of the Department of Agriculture* (Attachment 1, Condition 3) as required by the Forest Service Manual (FSM 2822.42). This requires a prospecting permittee to comply with all rules and regulations of the Secretary of Agriculture. The BLM prospecting permit form contains similar language as a standard term of the permit. My decision also includes a very specific condition which would require the permittee to comply with 36 CFR 294, Special Areas: Roadless Area Conservation; Final Rule. These Forest Service regulations implement the 2001

⁶ 43CFR3505.55

Roadless Area Conservation Rule, and prohibit road construction, reconstruction and timber harvest in inventoried roadless areas (Attachment 1, Condition 5).

I am also aware of public concerns about effects to the Green River, in particular its wild and scenic character. The Wild and Scenic Rivers Management Area Category in the Gifford Pinchot National Forest Plan is described as “lands within a quarter mile of designated rivers within the forest boundary appearing to be both eligible and suitable for addition to the National Wild and Scenic Rivers System. Also included are those eligible river corridors for which suitability has not yet been determined,” (Forest Plan, p. IV-108). The objective of this management area is to protect the “outstandingly remarkable values,” including scenery, recreation, geological and historical (mining), as well as the visual quality objective of partial retention, and recreation opportunity spectrum objective of roaded natural areas. In order to meet these objectives, standards and guidelines for minerals and geology activities within designated and potential wild and scenic rivers require that “approved plans will include reasonable mitigation and reclamation measures to minimize surface disturbance, sedimentation and visual impairment,” (Forest Plan, IV-111). To address the public concern, as well as ensure consistency with the Forest Plan, my decision includes a condition that requires specific operational designs for exploration activity that may be contemplated near the Green River (Attachment 1, Condition 6).

I also recognize that there are concerns related to potential for future mining. The current actions before the federal agencies are related to prospecting permits that would facilitate only exploration activity. Following BLM’s regulatory process at 43 CFR 3500, the permittee would have to, among other conditions, demonstrate to BLM the discovery of a valuable mineral deposit in order to obtain a mineral lease which could then potentially lead to mineral development. To that end, the Forest Service as the surface managing agency has the responsibility to make a determination whether to consent to issuance of such a lease, if one is applied for. To clarify this point, my decision includes a stipulation that ensures the Forest Service’s ability to review and consent to a lease on its own merits, should one be applied for; the Forest Service is under no obligation to consent to a future mining claim (Attachment 1, Condition 2).

OTHER ALTERNATIVES CONSIDERED

Proposed Action (Alternative 2)

The proposed action assumed that the Forest Service would consent to the BLM issuing the prospecting permits with conditions for use and protection of NFS lands. Specified conditions of Forest Service consent under alternative 2, along with recommended mitigation measures, were based in part on the applicant’s initial exploration plan. The applicant’s proposal identified using only on-site water for drilling, certain limited drill hole reclamation/abandonment procedures, and other factors that raised issues for the agencies and the public. Based on these concerns, alternative 3 was developed. Alternative 2 was not selected because of concerns related to potential impacts to water and wildlife.

Alternative Based on Scoping Comments (Alternative 3)

Alternative 3 assumed that the Forest Service would consent to the BLM issuing the prospecting permits with conditions for use and protection of National Forest System lands. Alternative 3 would also have provided for issuance of the prospecting permits by BLM with required terms

and conditions on actual operations associated with implementation of exploration activities. This alternative also took into consideration scoping comments and provided alterations from the proposed action alternative, including the following: changes in drilling and abandonment procedures; drilling fluid management to protect surface and groundwater resources; obtaining offsite water from regulated potable sources; periodically testing the quality of on-site water sources; prescribed uses for water maintained in an on-site storage tank; timing restrictions to protect spotted owl habitat and recreation resources; and the use of a portable drill shack to reduce noise and night-time light intrusion into the surrounding environment. Alternative 3 was not selected because all of the required terms and conditions on actual operations were carried forward into alternative 4. Alternative 3 would also not restrict installation of equipment and exploration in pads 6 and 7, which are within the riparian reserves allocation.

No-Action Alternative (Alternative 1)

Under the no-action alternative, the Forest Service would not have consented to issuance of the prospecting permits, and consequently, BLM would not issue them nor approve the initial exploration plan. As a result, no ground disturbing activities related to exploration or associated activities would occur. The no-action alternative does not preclude future applications for mineral prospecting or leasing in the project area. I did not select this alternative because it does not meet the purpose and need for the action. It also does not meet the overall guidance of the Forest Plan to encourage and facilitate the orderly exploration, development, and production of mineral and energy resources within the National Forest System in order to maintain a viable, healthy minerals industry and to promote self-sufficiency in those mineral and energy resources necessary for economic growth and the national defense (Forest Plan, page IV-4).

Alternatives Considered but Eliminated from Detailed Analysis

The first alternative considered, but eliminated from further analysis, did provide for Forest Service consent but presented operational issues related to the use of overland travel to avoid reactivation of existing decommissioned roads. This alternative was rejected during the analysis because it would be physically impossible to traverse most of the project area without constructing new roads due to the steepness of the terrain and/or density of the forest.

The second alternative considered, but eliminated, also provided for Forest Service consent but included in Ascot's initial exploration plans completing the drilling program using all 25 drill pads. Pads 8 and 9 were eliminated from the proposed action because their installation would cause too much disturbance, including a substantial amount of grading and tree removal to gain access to the drill sites, and road use by supporting equipment. Ascot concurred with the revised plan during the permit application process.

The third alternative considered, but eliminated from further study, provided for Forest Service consent but in the exploration plan, use of the existing Forest Service Road 2612 would have been limited to the current condition, rather than allowing road improvements and maintenance as needed. Such improvements and maintenance are proposed under the exploration plan to ensure the safety of project personnel and the traveling public. Additionally, this route is the primary access to the northeastern portion of the Goat Mountain area, including associated recreation. This alternative was eliminated as it would be infeasible due to safety concerns and would limit access to the drill sites needed to carry out the proposed exploratory drilling.

As a result of a public comment, the agencies took under consideration but eliminated, a fourth alternative to issue a prospecting permit for only approximately 220 of the 900 acres of the proposed action. It was suggested by one public comment, that the agencies limit consent and issue a permit only on lands within Mineral Survey 708 where both the United States and Ascot owns an undivided 50 percent interest in the mineral estate. After evaluating the resource issues and concerns identified and documented in both the original 2012 EA and the 2015 modified EA, the agencies found that such an alternative neither specifically addresses nor resolves issues germane to the proposed action (Modified EA, Section 2.1.5). Such an alternative, more or less in the middle of the project area, would result in mineral exploration on only about 24 percent of the acres within the proposed action and would reduce by approximately 50 percent, the number of drill pads proposed in the Exploration Plan evaluated in the modified EA. However, it provides no compelling environmental, legal or practical reason for limiting mineral exploration to only this parcel. In addition, restricting prospecting to this one area does not meet the intent of Congress as expressed in the Mining and Minerals Policy Act, 1970. Such limitations on prospecting and exploration of the possible mineral resources in this area, without any reasonable environmental justification, precludes the collection of geologic and mineral information in this area. Therefore, the agencies eliminated this alternative from further analysis.

PUBLIC INVOLVEMENT

Public input on this project was useful in identifying concerns and mitigations to reduce conflicts amongst various uses of National Forest System lands. Managing the natural resources of the Gifford Pinchot National Forest requires complex integration of resource considerations. I have considered the potential impacts to natural resources and the human environment within the permit applications areas in making my decision.

Initial Scoping

The purpose of the public scoping process was to determine the nature and range of issues raised by the public to be addressed in the EA, including alternatives. Public scoping involved notification of the public, other agencies, organizations, and local and state governments. Government-to-government consultation was conducted with the Cowlitz Indian Tribe (see *Tribal Consultation*). In addition, three public meetings were held, including one each in Longview, Washington, on February 15, 2012; Morton, Washington, on February 16, 2012; and Stevenson, Washington, on March 13, 2012. Scoping helped refine issues, obtain tribal and agency feedback on the preliminary issues, and to identify new issues and reasonable alternatives. A total of 189 comments were received during the scoping period of February and March 2012.

Because the proposed action considered is limited to issuing prospecting permits for specific lands that would facilitate exploration activities, concerns raised by some members of the public related to mine development are outside the scope of this EA. Approximately one-third of comments submitted during public scoping involved jobs and concerns for impacts to the environment, water quality, and recreation. About 90 percent of these comments noted that the project would bring needed employment and improve economic conditions to the area, while 10 percent noted that the project would not improve the job market. Approximately 10 percent of comments indicated concern that the project would negatively impact water quality, and about 10

percent were concerned about impacts to recreation (Modified EA, Appendix C). Other subjects that were each mentioned in less than 10 percent of the comments included:

- Mineral activity will not interfere with the primary purpose for which the lands were acquired;
- Increased traffic as the result of trucking water to the site;
- Effects on compaction of soil;
- Bond requirements of the project proponent;
- Consistency with the Tumwater Inventoried Roadless Area;
- Consistency with the Forest Plan, as amended by the Northwest Forest Plan;
- Concern that exploration would result in a mine;
- Concern regarding Green River eligibility for Wild and Scenic River status.

Formal Public Comment Periods

The original 2012 EA was developed to evaluate alternative methods to address issues related to the exploration plan activities, while still meeting the purpose and need for the project and included stipulations to address other resource concerns. The BLM prepared the EA with the Forest Service participating as a cooperating agency. The Forest Service's responsibility at that stage was two-fold:

- First, to evaluate whether consenting to the issuance of prospecting permits would interfere with the purpose for which the lands were acquired; and
- Second, to identify conditions and mitigations required or recommended to protect National Forest System lands.

The original EA was released on June 29, 2012 for a 30-day official public comment period. This comment period was extended for another 15 days, ending on August 15, 2012. Over 6,000 comments were received, most similar to those received during earlier scoping as described above. Additional comments/concerns that were expressed include:

- Prospecting is not consistent with the primary purpose for the lands acquisition.
- The EA is not adequate to address impacts to ground water, recreation and wildlife.
- Lands were acquired with Land and Water Conservation Fund money which supports recreation and wildlife.

On November 30, 2012, alternative 3 (Alternative Based on Scoping Comments), was developed by modifying alternative 2 (Proposed Action Alternative), to respond to scoping comments and include design features for reducing potential impacts. The EA was modified again in December 2015 to address the 2014 Opinion and Order of the U.S. District Court of Oregon. Alternative 4 (Drill Site Riparian Reserve Avoidance Alternative), was developed to consider a reduction in the potential for impacts in the riparian reserve, as well as respond to the 2014 court ruling. Forest Service consent authority and specified conditions were clarified for each alternative to protect National Forest System lands and such that activities would not interfere with the primary

purposes for which the lands were acquired, including those acquired through the Land and Water Conservation Fund.

The modified EA of December 2015 was sent out for a 30-day public comment period on January 5, 2016. Due to a delay in notifying interested parties of the 30-day comment period, a second 30-day comment period on the modified EA began on February 22, 2016. Based on public comment, agency review, and recent tribal consultation, the EA was updated and finalized on August 7, 2017. Agency responses to comments are included in the project record and the modified EA (appendix c).

Tribal Consultation

Project notification and request for consultation was prepared and sent to the Confederated Tribes and Bands of the Yakama Indian Nation, the Cowlitz Indian Tribe, the Nisqually Indian Tribe, and the Squaxin Island Tribe. The Forest Service and BLM jointly initiated consultation with local tribes to gather input and concerns. Formal government-to-government consultation meetings were held between agency officials and the tribal chairman, tribal historic preservation officer, and the staff of the Cowlitz Indian Tribe on March 30, 2012, May 30, 2012, and August 28, 2012. A government-to-government meeting was also held on November 16, 2012, at which time the tribe was briefed on the revised EA prior to its release to the public. Government-to-government consultation with the Cowlitz Tribe also occurred on August 18, 2015, regarding further modifications to the EA, consistent with the 2014 court ruling.

Concerns expressed by the Cowlitz Indian Tribe throughout the planning process include, but are not limited to:

- The need for completion of cultural and archaeological resource surveys and the potential for geotechnical borings to have impacts on these resources.
- The need for known historic mining resources to be better characterized so that impacts can be avoided.
- The likely association of trails near the area of potential effect with pre-contact period Indian trails tied to resource gathering.
- The presence of wild goats at Goat Mountain, which were and are an important element of the Cowlitz Indian Tribe cultural heritage.
- The importance and presence of berries and first foods as cultural resources and for which the Project Area would also have been utilized.
- The upper Green River fork of the Toutle River is considered a culturally significant landscape.
- The Washington State fish hatchery on the Green River and its importance for providing salmon and fish to Tribal members.
- Ensuring the tribe has a voice in identifying conditions for permits.
- The presence of two traditional cultural properties in the vicinity of the project area.

On July 10, 2017, formal government consultation occurred between agency officials and the Cowlitz Tribe. At that time, the tribe expressed concern that consenting to the proposed mineral

exploration would be a first step toward active mining in this important area. The Forest Service acknowledges and appreciates the tribe's concern. I would like to clarify that the environmental analysis and resulting decisions for the exploration permits do not preclude the agencies' responsibility under the National Environmental Policy Act to complete separate environmental analysis and decisions for future proposals in the area, including mining or mineral leasing. Toward that end, this decision includes a stipulation that ensures the Forest Service's authority to review and consent to a lease on its own merits, should one be applied for; and the Forest Service is under no obligation to consent to a future mining claim (Attachment 1, Condition 2). Additionally, all interested tribes will be invited to review, consult and/or comment on any future proposals in the area.

FINDING OF NO SIGNIFICANT IMPACT

Based on the context and intensity of the impacts analyzed in the EA, I have determined that Alternative 4-Drill Site Riparian Reserve Avoidance, is not a major Federal action that would significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. I considered the following criteria, suggested by the Council on Environmental Quality (40 CFR 1508.27(b)), for evaluating the intensity or severity of the impact of the Proposed Goat Mountain Hardrock Mineral Prospecting Permit Applications.

The decision to consent to issuance of the two prospecting permits as described in alternative 4, along with identification of appropriate conditions for use and protection of National Forest System lands will:

1. Not result in significant beneficial or adverse effects.

Issuance of prospecting permits for mineral exploration would provide additional information regarding the existence, grade and extent of federally-managed sub-surface hardrock minerals within the permit areas (Modified EA, Section 1.7). The environmental effects of the projected disturbance on soils, hydrology, vegetation, species and species habitats are anticipated to be minimal or undetectable (Modified EA, Section 3.4, 3.4.2.2 and others) and would be mitigated by required conditions to be included in the prospecting permits. Effects of projected surface use would be temporary and all areas of surface disturbance would be reclaimed in accordance with permit terms and regulatory requirements (Modified EA, Section 2.1.2.6, 2.1.3, 2.1.4 and others). Timing limitations will avoid impacts to northern spotted owl habitat and recreational uses of the Green River Horse Camp during the period of peak use (Modified EA, Section 3.5, 3.5.2.3).

2. Not result in significant impacts on public health or safety.

Permit conditions and BLM's regulatory requirements would reduce risk to public health and safety by temporarily limiting public access to drill sites; housing drilling equipment; placing signage to control access and facilitate public safety. These provide reasonable protection of public health and safety while maintaining existing access to public lands (Modified EA, Section 2.1.2, 2.1.2.2).

3. Have no significant, adverse effects on unique characteristics of the geographic area.

The EA identifies unique resources in proximity to the prospecting permit areas. These include the Mount St. Helens National Volcanic Monument, a segment of the Green River determined to be eligible for consideration under the Wild and Scenic Rivers Act, and the Tumwater

Inventoried Roadless Area. The prospecting permits do not include lands within the Monument, nor are projected activities anticipated to be seen from within the Monument. Conditions included as part of the Forest Service consent provide protections for the Green River therefore no significant, adverse effects are anticipated to this resource. The Forest Service Standard Stipulation (Attachment 1, Condition 5) along with BLM standard permit terms ensure that regulations regarding management of inventoried roadless areas are met, therefore no adverse effects are anticipated (Modified EA, Sections 1.3, 1.5).

4. Not have highly controversial environmental effects.

“Highly controversial” in the context of 40 CFR 1508.27(b) (4) refers to substantial disagreement within the scientific community about the environmental effects of the proposed action. It does not refer to expressions of opposition or support, or to differences of opinion concerning how public lands should be managed. Public scoping identified either a pro or against opinion toward the project as well as substantial public interest in the project. However, it did not identify substantial disagreement about the nature and extent of potential impacts in the context of actual effects that would result from issuing the prospecting permits (modified EA, appendix c; and section 1.8).

5. Not have highly uncertain and potentially significant environmental effects or unique or unknown environmental risks.

The survey and analytical methodologies utilized by the agencies to describe the affected environment and environmental effects follow established practices. The EA did not identify any environmental effects or environmental risks that could not be described using available tools and methodologies. Consenting to BLM issuing prospecting permits that may result in on-the-ground exploration activity considers the resources on the ground, and potential effects to them from common methods used to determine subsurface geologic conditions; none of the projected methods are new or experimental. The Forest Service has experience managing similar processes and activities on other forests across the country.

6. Not establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

Processing these hardrock mineral prospecting permits has followed established procedures and agency roles and responsibilities defined in the applicable legal and regulatory framework (Modified EA, Chapter 1). Mineral exploration has occurred in the area in previous years, and land management planning documents and information specific to the acquired lands have acknowledged the potential for minerals to occur in the area. This decision does not set a precedent for mineral exploration. With respect to future actions, the applicable regulatory process requires first demonstration of valuable mineral occurrence, application for leasing, and then consideration of specific development. Based on legal and regulatory authority, the Forest Service has consent authority to leasing hardrock minerals on acquired lands. Any future leasing proposal would be evaluated on its own merits should one ever be received, and would be subject to separate and specific environmental analysis and public comment under the National Environmental Policy Act (modified EA, section 1.2). No leasing applications are pending within the project area at this time. As described in the modified EA (Section 3.1), future mining is not a *reasonably foreseeable future action* (see 36 CFR 220.3), therefore it is not evaluated in the environmental analysis.

7. Not result in significant cumulative environmental effects.

No other applications for new resource use proposals or authorizations are pending within the geographic area of the proposed permit or any other activities with similar or overlapping effects in space and time. A cumulative effects analysis evaluating overlapping effects from this project as well as projects with similar effects was included in the EA (Modified EA, Sections 3.2.2.3.3, 3.3.2.3.3, 3.4.2.2.3, 3.4.2.3.3, 3.5.2.3.3, 3.6.2.3.3), and no significant cumulative environmental effects were identified.

8. Have no significant effects on scientific, cultural, or historical resources, including those listed in or eligible for listing in the National Register of Historic Places.

Standard terms on BLM's prospecting permit form require protection of items of antiquity within the permit area. Conditions to be added to the permit include requirements for a discovery plan. Cultural resource surveys have not identified any cultural or historic resources in the areas where activities are proposed (Modified EA, Section 3.8). Based on the environmental analysis, the decision is not expected to have significant effects on these resources.

9. Have no significant adverse effects on species listed or proposed to be listed as Federally Endangered or Threatened Species, or their designated critical habitat.

No significant adverse effects to threatened and endangered species or critical habitat are anticipated as a result of this decision. The northern spotted owl was the only federally listed endangered or threatened species suspected to be present in the vicinity of the action. This consent decision identifies a condition that would restrict operations within the prospecting permit areas where spotted owl habitat may exist. Impacts to northern spotted owls are addressed in the project-specific Biological Assessment (URS 2012, Modified EA Appendix F) and summarized here.

There is potentially suitable habitat in the mature timber stands as shown and described in the EA on Figure 5 (Modified EA, Figure 5; and section 3.5.2.3.1). Activities are currently projected to occur at the edge of suitable habitat. No trees greater than a 12-inch diameter at breast height would be removed; therefore, the suitability of the habitat would be unchanged. Projected equipment noise, lights, and activity may affect, but are not likely to adversely affect northern spotted owls. Young second-growth habitat at lower elevations in the prospecting permit areas is not suitable habitat for northern spotted owls. To avoid potential noise-related disturbance to northern spotted owls, which may utilize the mature forest in the northern portion of the prospecting permit areas, no operations are to be conducted between March 1 and June 30 (Modified EA, Sections 3.5.1.3, 3.5.3). This would prevent loud noise producing activities such as road reactivation or drilling activities from occurring in or adjacent to the late successional forest stands in the northern upper elevations of the prospecting permit areas during this time period. The project area is outside of designated critical habitat for the northern spotted owl, therefore the project will have no effect on designated critical habitat for this or any other species. Pursuant to section 7 of the Endangered Species Act, informal consultation with the U.S. Fish and Wildlife Service (FWS) was initiated on July 26, 2012. The FWS provided written concurrence on August 21, 2012.

10. Not violate a Federal, state, local, or tribal law, regulation or policy imposed for the

protection of the environment.

The action is in conformance with multiple management objectives and decisions of the Gifford Pinchot National Forest Plan. Specific decisions include those from:

- *Gifford Pinchot National Forest Land and Resource Management Plan*, 1990. Management area categories in the larger permitted area include: unroaded recreation; visual emphasis (Visual Quality Objectives); and (nominated) Wild and Scenic Rivers (Green River).
- *The 1994 Northwest Forest Plan*. In 1994, the Gifford Pinchot Forest Plan was amended by the Northwest Forest Plan with the completion of a comprehensive and long-term policy for the management of Forest Service and BLM lands within the range of the northern spotted owl.
- *The 1994 Northwest Forest Plan and Aquatic Conservation Strategy Objectives*, requires that proposed projects on Federal lands must be consistent with Aquatic Conservation Strategy objectives. Conditions have been included consistent with these objectives.
- *The 1994 Northwest Forest Plan* standards and guidelines for riparian reserves. The decision includes conditions consistent with riparian reserves.
- *Gifford Pinchot National Forest Land and Resource Management Plan* Management Indicator Species List.
- *Gifford Pinchot National Forest Survey and Manage Species List*. See EA Section 3.5.1.3
- Forest Service *Sensitive Species* (2011). USFS *Special Status Plant Species* data in the project area. Forest Service Region 6 *Regional Forester Special Status Species List* (2011). Includes Region 6 *Regional Forester Sensitive Species List*. A review of the project in light of the 2015 sensitive species was conducted and the analysis is in the project file. Also, Magnuson-Stevens Act Provision: *Essential Fish Habitat* (EFH): Final Rule (50 CFR Part 600; 67 FR 2376).

SUMMARY

I have determined that consenting to the BLM issuing the Goat Mountain Hardrock Mineral Prospecting Permits does not constitute a major Federal action having a significant effect on the human environment, and that an environmental impact statement is not necessary and will not be prepared. This conclusion is based on my consideration of the Council on Environmental Quality's criteria for significance (40 CFR § 1508.27(b)), with regard to impacts described in the EA, my understanding of the project, review of project analysis, and review of public comments. The analysis of effects documented in the EA has been completed within the context of multiple spatial and temporal scales and within the context of the Forest Plan and the specific plans and program guidance listed above.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

National Forest Management Act

The National Forest Management Act (1976) requires each National Forest to develop and implement a Forest Plan which prescribes management activities for the lands within that National Forest. In 1990, the Gifford Pinchot National Forest published its first Land and Resource Management Plan (Forest Plan). The Forest Plan has been amended several times since 1990 and pertinent amendments are discussed below.

This decision is tiered to the *Final Environmental Impact Statement for the Gifford Pinchot National Forest Land and Resource Management Plan* (1990) and is consistent with the Forest Plan, as amended. The project was designed in conformance with the Forest Plan management area categories goals and standards and guidelines (Modified EA, Section 1.3).

There will be no adverse impacts to Forest Service Region 6 **sensitive species**. Direct impacts to wildlife resulting from the proposed project action is expected to be minor due to the temporary duration of prospecting permits and potential activity on the lands within them (2 to 6 years) (EA, section 3.5.2) along with the application of conditions to the permit. No sensitive fish species are known to occur in the area (Modified EA, Section 3.6.2). Direct or indirect effects to special status plant species are not anticipated from the projected activities (Modified EA, Section 3.7.2).

I have considered the effects to **management indicator species**. Management indicator species on the Gifford Pinchot National Forest include pileated woodpecker and other cavity excavating and late-successional species, bald eagle, pine marten, elk, deer, wolverine, Townsend's Big-Eared bat, three species of salamander, and mountain goat, as well as habitat for cutthroat/steelhead and bull trout. Direct impacts to wildlife resulting from the proposed project action are expected to be minor due to the temporary duration of the proposed action (Modified EA, Section 3.5.2.2) and the implementation of the permit conditions. Projected or future activities within the prospecting permit areas have the possibility of affecting the estimated 2.4 miles of cutthroat and steelhead habitat; however, these effects are expected to be short-term, localized, intermittent, and below background levels at the sub-basin scale. Conditions identified as part of the consent decision reduce some of the potential short-term aquatic impacts (Modified EA, Sections 3.6.2.3, 3.6.2.4).

The project is consistent with the **Aquatic Conservation Strategy** objectives. A complete Aquatic Conservation Strategy evaluation that includes a description of the existing condition, important physical and biological components of the watersheds within the planning area, and how the action maintains the existing condition or moves it within the range of natural variability was included in the EA (Modified EA, Sections 3.3.3, 3.3.3.1). The project is consistent with standards and guidelines for Riparian Reserves. All activities will avoid direct drilling within mapped surface waters. The direct effects on surface waters, riparian habitat, stream distribution, water temperature, flow regimes, wetland potential, and floodplains would be similar to those described for alternative 3, but the magnitude of these effects would be reduced by the elimination of drill pad installation and exploration activities within the riparian reserve.

The elimination of drill pads in these areas would eliminate the potential for erosion from the installation of access road, pad construction, and other disturbance associated with drill pad

operations. In addition, elimination of the drill pads at these locations would reduce the overall planned area of disturbance (Modified EA, Section 3.3.2.4.1). As a result of that analysis, I find that the project “meets” or “does not prevent attainment” of the Aquatic Conservation Strategy objectives.

Clean Water Act

I find all applicable state and federal requirements associated with state water quality laws and the Clean Water Act will be met through planning, application, monitoring and adjustment of best management practices in conformance with the Clean Water Act and Federal guidance and management direction (Modified EA, Section 1.3 and 3.3).

A Ground Water Resources Report was conducted and included as part of the analysis (Modified EA, Appendix G). The purpose of the scope of work was to collect baseline geologic and water-related data in response to the Opinion & Order; Gifford Pinchot Task Force v. Perez et al. dated July 3, 2014. The report details the mapping of the geology and the collection of baseline water-related data. The baseline data in the report supports the technical analyses included in the EA.

Clean Air Act

An assessment of air quality was included in the EA, and I find that all applicable state and federal requirements associated with the Clean Air Act will be met through planning, application, monitoring, and adjustment of minimization measures (Modified EA, Section 3.10).

Mineral Resources on Weeks Act Lands, and the Reorganization Plan No. 3 of 1946

The lands within the prospecting permit applications were acquired under authority of the Weeks Act of 1911. The Mineral Resources on Weeks Act Lands (1917) established that the Secretary of Agriculture could authorize mineral prospecting on lands acquired under the Weeks Act (1911). The functions of the Secretary of Agriculture under this Act were transferred to the Secretary of Interior in the Reorganization Plan No. 3 of 1946, which set forth that the Secretary of Interior could only authorize mineral development when advised by the Department of Agriculture that such activity will not interfere with the primary purposes for which the lands were acquired. National Forest System lands are generally available for exploration, unless specifically precluded by an act of Congress or other formal withdrawal.

As described earlier, the BLM has responsibility for management of the federal mineral estate, as well as the obligation to implement regulations for public domain minerals available and subject to prospecting and exploration (43 CFR 3505). Where National Forest System lands are involved, the BLM must first obtain the consent of the Forest Service in order to grant the prospecting permits. The BLM and Forest Service worked cooperatively to evaluate the project area and environmental impacts associated with the proposed action consistent with the National Environmental Policy Act and its implementing regulations. The BLM prepared the environmental analysis based on Ascot’s two prospecting permit applications, their proposed Exploration Plan, and comments from public scoping. The Forest Service participated as a cooperating agency throughout the process. The conditions described in attachment 1 were designed for the protection of surface resources and will be required along with existing regulatory requirements and standard permit terms, including reclamation of exploration activities.

I find that consenting to issuance of these prospecting permits will not interfere with the primary purposes for which these lands were acquired, including those acquired through the Land and Water Conservation Fund. This finding is supported by the analysis in Chapter 3 of the EA, which discloses that the impacts from projected short-term prospecting activities would be limited through the effective application of conditions (Attachment 1) and the limited overall scope of proposed activities. Lands within the project area are within the blast zone of the 1980 eruption of Mt. St. Helens and under the *matrix* designation in the Northwest Forest Plan. They are available for timber harvesting. Any lands within the prospecting permits that might be disturbed would be returned to a forested condition after reclamation. The EA discloses that the impact on navigable streams and waters would be limited through the mitigation measures to meet Aquatic Conservation Strategy Objectives (Table 3.3.1) and also by limiting withdrawal of surface waters (Modified EA, Section 3.3). Final plugging of all drill holes will prevent intermingling of any groundwater aquifers and prevent inadvertent communication of surface water to groundwater aquifers.

The BLM has responsibility and authority over federally-owned minerals on lands acquired under the Weeks Act of 1911 (including those lying under National Forest System lands) by direction in the President's Reorganization Plan No. 3 (1946). The 1946 Plan transferred the functions of the Secretary of Agriculture with respect to issuing prospecting permits for hardrock minerals on acquired Weeks Law lands to the Secretary of Interior. Hardrock minerals include base metals, precious metals, industrial minerals, and precious or semi-precious gemstones. The term "hardrock mineral" includes mineral deposits that are found in sedimentary and other rocks (43 CFR 3501.5, 2003). Prospecting permits allow for the exploration for leasable mineral deposits on BLM administered hardrock minerals. Administrative responsibility for surface resources remains with the Secretary of Agriculture.

Two parcels (MS-1329 and MS-1330) for a total of 168 acres were acquired with funds provided by the Land and Water Conservation Fund established by Congress in 1964 (see Modified EA, Appendix A, Figure 4). Lands acquired using Land and Water Conservation funds are "primarily of value for outdoor recreation purposes" (16 U.S.C. 460l-9(a)(1)(b)). None of the action alternatives would interfere with the primary purpose for which the lands were acquired; however, alternative 4 would have the least impact on outdoor recreation. By eliminating operations at pads 6 and 7, and requiring other conditions, alternative 4 would have no direct effects on visual/scenic resources associated with campsites in the vicinity of the Green River Horse Camp (a primary recreational use of the area), or direct effects on the recreational experience associated with the use at the horse camp (Modified EA, sections 3.9, 3.12, and 3.14). Due to the limited scope and temporary nature of activities and their anticipated effects, I find that consenting to issuance of the prospecting permits on parcels MS-1329 and MS-1330 and activities as described in Alternative 4 would not interfere with outdoor recreation as the primary purpose for which these lands were acquired.

Mining and Minerals Policy Act of 1970

This legislation established the Federal Government's overall policy to foster and encourage private enterprise in the development of economically sound and stable industries. The Act identified the need for the orderly and economic development of domestic resources to help assure satisfaction of industrial, security, and environmental needs. As discussed under Decision Rationale, my decision is consistent with this Act.

ADMINISTRATIVE REVIEW (OBJECTION) OPPORTUNITIES

This decision is subject to a pre-decisional administrative review process (objection) pursuant to 36 CFR Part 218. This decision is based on information in the modified EA and any objections should be limited to new information relied upon from the modified EA.

The opportunity to object ends 45 days following the date of publication of the legal notice in *The Chronicle* newspaper in Centralia, Washington. The publication date of the legal notice in the newspaper of record is the exclusive means for calculating the time to file an objection, and those wishing to object should not rely upon dates or timeframe information provided by any other source.

Objections will be accepted only from those who have previously submitted specific written comments regarding the proposed project during scoping or other designated opportunity for public comment. Issues raised in objections must be based on previously submitted timely, specific written comments regarding the proposed project unless based on new information arising after designated comment opportunities (36 CFR 218.8(c)). The burden is on the objector to demonstrate compliance with this requirement for objection issues. The objection must contain the minimum content requirements specified in 36 CFR 218.8(d) and incorporation of documents by reference is permitted only as provided in 36 CFR 218.8(b). It is the objector's responsibility to ensure timely filing of a written objection with the reviewing officer. All objections are available for public inspection during and after the objection process.

To submit objections electronically, go to: <https://www.fs.usda.gov/project/?project=46996>.

Written objections may be mailed to:

Forest Supervisor Gina Owens,
Objection Reviewing Officer
Gifford Pinchot National Forest
Attn: 1570 Appeals and Objections
501 E. 5th Street #404
Vancouver, WA 98661

Hand-delivered objections must be received at the following address during normal business hours:

Fort Vancouver National Historic Site Visitor Center
1501 E. Evergreen Blvd.
Vancouver, WA 98661

Office business hours for those submitting hand-delivered objections at the above address are 9 a.m. to 5:00 p.m. Tuesday through Saturday, excluding holidays. Please give your objection to the Forest Service Visitor Information Assistant staffing the information desk.

Please state "Goat Mountain Hardrock Prospecting Permit" on the envelope when replying by mail.

IMPLEMENTATION DATE

If no objections are filed within the 45-day time period, then a final decision may occur on, but not before, the 5th business day following the end of the objection filing period. If an objection is received: a final decision will not be signed until all concerns and instructions identified by the Reviewing Officer have been addressed (36 CFR 218.12(b)).

CONTACT

For additional information concerning this decision, contact: Charlie Sharp, Environmental Coordinator, during business hours (weekdays, 8:00 a.m. to 4:30 p.m. MST) at (970) 403-6174; or charlesmsharp@fs.fed.us.

UNSIGNED DRAFT

Gar Abbas
Cowlitz Valley District Ranger

Date

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

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To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov.

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Attachment 1: Specified Conditions

Federal Hardrock Minerals Prospecting Permits

Forest Service Decision Notice

Forest Service Specified Conditions

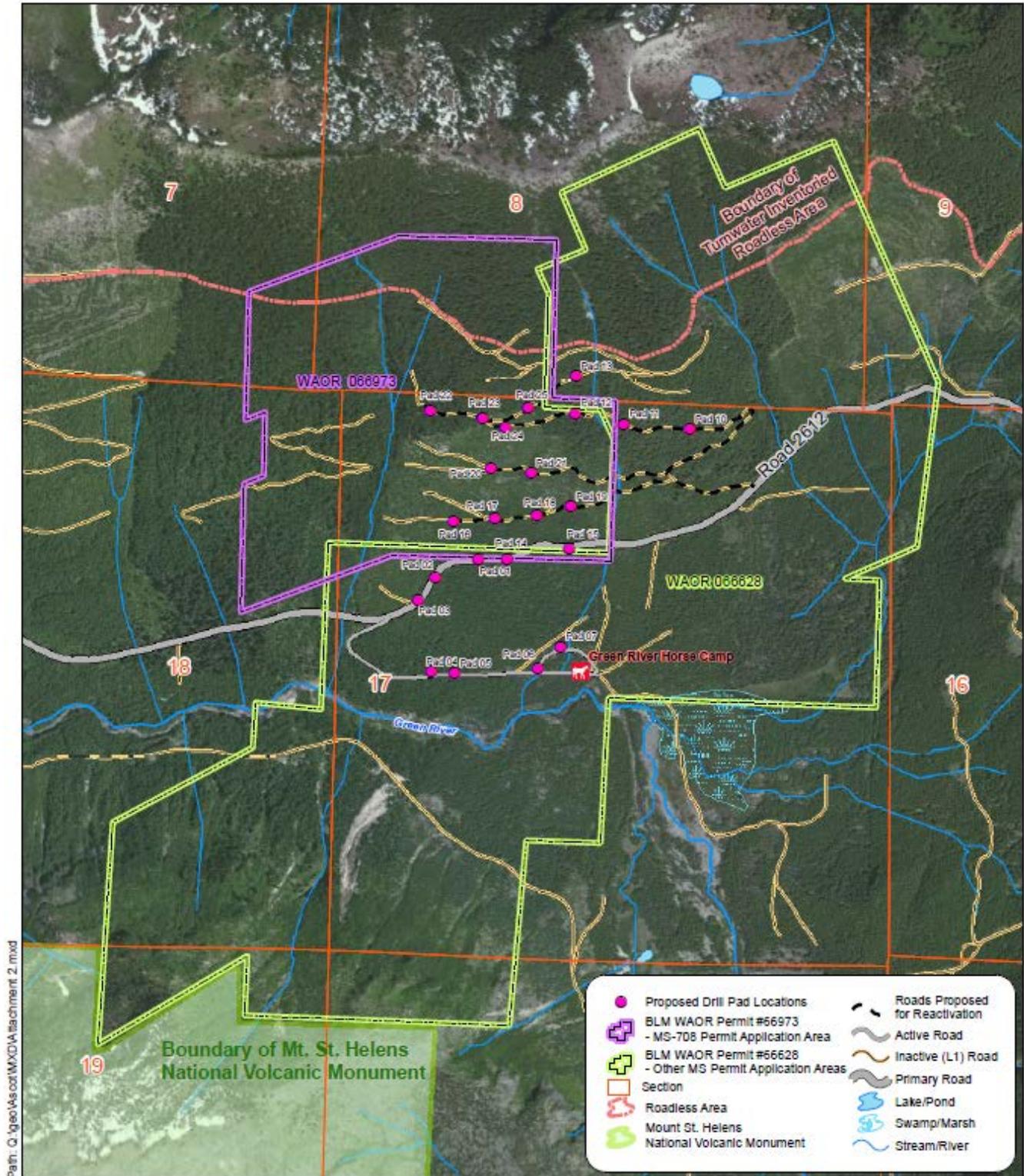
The following are conditions of Forest Service consent to BLM issuing prospecting permits described in applications WAOR-066628 and WAOR-066973.

1. The Forest Service shall be given reasonable advance notice of on-the-ground activities and/or operations, including pre-construction field visits, as appropriate. The purpose of advance notice is to work jointly with BLM and/or the permittee to minimize environmental impacts and provide for public safety during surface disturbing activities authorized and conducted under the prospecting permits.
2. Pursuant to the provisions of the act of March 4, 1917 (16 USC 520), Section 402 of the Re-organization Plan No. 3 of July 16, 1946 (60 Stat. 1097, 1099), the Act of August 7, 1947 (30 USC 352), and the National Environmental Policy Act of 1969 (42 USC 4321 et seq.) as said authorities have been or may hereafter be amended, no mineral development of any type is authorized hereby, and consent to the issuance of this prospecting permit as required by law and regulation (43 CFR 3507.11 (d)) and 43 CFR 3507.19(c)) is given subject to the express stipulation that no mineral lease may be issued for the land under permit without the prior consent of the USDA Forest Service and the proper rendition of an environmental analysis in accordance with the National Environmental Policy Act of 1969, the findings of which shall determine whether and under what terms and conditions for the protection of the land involved the lease may be issued.
3. *Standard Stipulation for Lands of the NFS under the Jurisdiction of the Department of Agriculture (FSM 2822.42)*: The permittee must comply with all the rules and regulations of the Secretary of Agriculture set forth at Title 36, Chapter II of the Code of Federal Regulations governing the use and management of the National Forest System (NFS) when not inconsistent with the rights granted by the Secretary of the Interior in the prospecting permit. The Secretary of Agriculture's rules and regulations must be complied with for: (1) all use and occupancy of the NFS prior to approval of a permit/operation plan by the Secretary of the Interior; (2) uses of all existing improvements, such as forest development roads, within and outside the area permitted by the Secretary of the Interior; and (3) use and occupancy of the NFS not authorized by a permit/operating plan approved by the Secretary of the Interior. All matters related to this stipulation are to be addressed to Cowlitz Ranger District at: 10024 US Highway 12, P.O. Box 670. Randle, WA 98377-9105, 360-497-1100.
4. The permittee must comply with standards and guidelines in the Gifford Pinchot Land and Resource Management Plan (1990), as amended by the "Northwest Forest Plan" (1994).

5. Certain lands within the permit areas are also within the Tumwater Inventoried Roadless Area (IRA), including portions of Mineral Surveys 708, 774 and 1330 shown on the enclosed map (Attachment 2). Activities within the IRA are subject to the rules and regulations of the Secretary of Agriculture pertaining to road construction, reconstruction and timber harvest consistent with the 2001 Forest Service Roadless Rule at 36 CFR 294 and the Forest Plan Standards and Guidelines for Minerals and Geology (Forest Plan, p. IV-93, 1990).
6. Certain lands within the permit areas (Application #66628), are within a quarter mile of the Green River and activities must comply with applicable Forest Plan Standards and Guidelines (Forest Plan, IV-111). Reasonable mitigation and reclamation measures are required to minimize surface disturbance, sedimentation and visual impairment to protect the outstanding values of Wild and Scenic Rivers and rivers suitable and eligible for inclusion in the National Wild and Scenic Rivers System (Attachment 2).
7. To avoid potential noise-related disturbance, no operations within the known range of the northern spotted owl are to be conducted between March 1 and June 30.

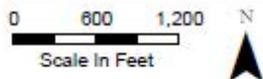
Additional Protective Measures

I am consenting to BLM issuing the prospecting permits, subject to the specified Forest Service conditions listed above. I have selected alternative 4 which requires additional protective measures including standard stipulations, best management practices, and design features identified by the BLM and Forest Service. Chapter 2 of the modified EA provides a detailed description of the action alternatives including protective measures. Specifying conditions for consent by the Forest Service is limited to the authority of the agency under the regulatory framework. Additional protective measures identified under alternative 4 are not a Forest Service decision, per se; however, they are a component and requirement of the alternative and are the basis, in part, for my decision and finding of no significant impact.



Attachment 2

Goat Mountain Prospecting Permit Application
Gifford Pinchot National Forest, Washington



SOURCE: USDA Forest Service