Brundage Placer Production Project
Decision Notice and Finding of No Significant Impact

USDA Forest Service
Payette National Forest
McCall Ranger District
Valley County, Idaho

November 2009

Responsible Official: Lisa Klinger
McCall District Ranger
McCall, Idaho 83638
(208) 634-0400
# Brundage Placer Production Project
## Decision Notice (DN) and Finding of No Significant Impact (FONSI)

## Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>4</td>
</tr>
<tr>
<td>Background</td>
<td>4</td>
</tr>
<tr>
<td>Purpose and Need</td>
<td>4</td>
</tr>
<tr>
<td>Decision</td>
<td>4</td>
</tr>
<tr>
<td>Rationale for Decision</td>
<td>5</td>
</tr>
<tr>
<td>Other Alternatives Considered</td>
<td>6</td>
</tr>
<tr>
<td>Public Involvement</td>
<td>6</td>
</tr>
<tr>
<td>Finding of No Significant Impact (FONSI)</td>
<td>7</td>
</tr>
<tr>
<td>Finding Required by Other Laws and Regulations</td>
<td>9</td>
</tr>
<tr>
<td>Appeal Opportunities</td>
<td>9</td>
</tr>
<tr>
<td>Implementation of the Decision</td>
<td>10</td>
</tr>
<tr>
<td>Contact Person, Signature, and Date</td>
<td>10</td>
</tr>
</tbody>
</table>
Introduction
The Environmental Assessment (EA) for the Brundage Placer Production Project has been prepared pursuant to the requirements of the National Environmental Policy Act (NEPA, 40 CFR 1500-1508), the National Forest Management Act (NFMA, 36 CFR 219), and the 2003 Payette National Forest Land and Resource Management Plan (Forest Plan) and is hereby incorporated by reference.

Background
A placer mining operation is proposed in an area of historical placer mining operations at Sections 23 and 26, T19N, R2E, Boise Meridian, near the beginning of the Brundage Mountain Road. The original Plan of Operations (PoO) for this project was submitted by the operator, Dave Koerner, on September 9, 2007. The Forest Service worked with the proponent to change the development sequence he wished to pursue by proposing that a bulk sampling project be conducted prior to placer mining. The bulk sampling project was approved and conducted in 2008, with assay results leading the proponent to propose a scaled-up operation for the next phase of development. The proposed action is to placer mine gold and rare earth minerals from an area of approximately 2.5 acres at a rate of approximately ½ acre per year for a total mine life of 5 years.

The environmental analysis was tiered to and supplements the analysis in the Final Environmental Impact Statement prepared for the Forest Plan. The Forest Plan assigns the Brundage Placer Production Project area a Management Prescription Category (MPC) of 4.2, Roaded Recreation.

Purpose and Need
The purpose and need of the action is to approve a Plan of Operations (PoO) for mineral development. The decision whether to allow mining activity is not within the agency’s jurisdiction as long as the proposal is reasonable and the next logical step in mineral development. Through the General Mining Laws of 1872, mining claimants have a right to locate and develop mineral resources on any public lands open to mineral entry. The management of the mineral resource is mainly according to Federal law and regulation rather than the management discretion of the Forest Service. The Forest Service manages the surface of National Forest System land under 1897 Organic Act, the Multiple Use Mining Act of 1955, and the 1872 Act Surface Use Regulations (Title 36, Code of Federal Regulations Part 228(A)). The 228 Regulations require an operator to submit a Plan of Operations (PoO) for significant surface disturbance to minimize adverse environmental impacts of mining.

Decision
Based on my review of the proposal, EA, FONSI, public comments, and the project record, I have decided to proceed with Brundage Placer Production Project and implement Alternative B - Proposed Action, including the Project Design Features found on pages 8-10 of the EA, hereafter, referred to as the Selected Alternative. I have determined that this alternative will meet the purpose and need of the proposal and have minimal adverse environmental effect. Based on my review of information in the
FONSI, I have also determined that an Environmental Impact Statement does not need to be prepared.

The **Selected Alternative** will placer mine gold and rare earth minerals from an area of approximately 2.5 acres at a rate of approximately ½ acre per year for a total mine life of 5 years. The mining process will begin with clearing the existing stand of lodgepole pine from the portion of the area that is to be worked in any given year. Over 5 years, all of the project area will be excavated, using a backhoe, to a depth of four to eight feet. Excavated material will be processed using a trailer-mounted shaker to separate out the larger size fraction material. The smaller size material will then be run through a recirculating sluice. All material except the gold and rare earth minerals will be returned to the excavated area. Only water will be used in the recovery process. All of the disturbed area will be reclaimed concurrent with the operation. The surrounding area has been historically mined, and no streams are located in the project area.

One short (approximately 75 feet) section of the access road will be rerouted to improve drivability to the processing area. To ensure public safety, a locked and properly signed gate will be placed on the access road to prevent entry to the mine site.

Fuel for the generators supplying power to the equipment will be transported in DOT-approved pickup bed tanks. No fuel will be stored on site. A portable toilet and possibly a small travel trailer will be kept on-site.

**Rationale for Decision**

Based on my review of the proposal, EA, FONSI, public comments, and the project record, the **Selected Alternative** achieves the purpose and need for this project. My rationale is based on the following factors:

- A bulk sampling project was approved and conducted in 2008 at the project site, with assay results leading the proponent to propose a scaled-up operation for the next phase of development. The **Selected Alternative** will allow the next phase of developing mineral resources from this historically mined site;
- The **Selected Alternative** will not have the potential to impact wetlands;
- The **Selected Alternative** will protect water quality through project design features;
- Threatened and endangered species will not be adversely affected, nor will any species move toward listing as threatened or endangered;
- The **Selected Alternative** will not affect any known archeological sites, nor historic properties or areas.

My decision was guided by federal law and policy including the Mining Law of 1872, the Endangered Species Act, the Clean Water Act, and regulations 36 CFR 228 subpart A that guide the Forest Service management of the surface resource associated with mining.

The primary purpose for this decision was to respond to the operator’s project proposal as required in the 36 CFR 228 mining regulations. I carefully considered the scope of the project and its potential effects to resources in the area. I have thoroughly reviewed the proposed action and am satisfied that the project design features will fully address the concerns raised.
The action will not have an effect on extraordinary circumstances, including threatened and endangered species. Project design features have been incorporated to ensure that there are minimal impacts on potentially affect resources.

**Forest Plan Consistency**

The action complies with direction in the 2003 Payette National Forest Plan to facilitate development of minerals in an environmentally sound manner, to require mitigation and reclamation of surface disturbances, and to integrate minerals project planning with other resource management direction (LRMP, III-48). The action is consistent with goals, objectives, standards, and guidelines for all other potentially affected resources.

The cumulative effects analysis is consistent with direction in Council on Environmental Quality (CEQ) Chairman Connaughton's memo of June 24, 2005, "Guidance on the Consideration of Past Actions in Cumulative Effects Analysis." That memo interprets NEPA as requiring analysis of the "...identifiable present effects of past actions to the extent that they are relevant and useful in analyzing whether the reasonably foreseeable effects of the agency proposal for action and its alternatives may have a continuing, additive and significant relationship to those effects" (CEQ 2005, p. 1). It should be noted here once again, that under the new 36 CFR 220 direction, only a brief summary of these effects are actually displayed in the EA. Further detailed documentation of the effects analysis can be found in the Project Record.

Additionally, my decision is based on a review of the project record that shows a thorough review of relevant scientific information, consideration of responsible opposing views, and the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk.

**Other Alternatives Considered**

One additional alternative was considered in the Brundage Placer Production Project EA, Alternative A – No Action. I did not select Alternative A – No Action because it does not address the purpose and need of the project.

**Public Involvement**

The public involvement process began with a legal notice in The Star News on April 1, 2009 requesting comments on the proposal. The Forest also sent letters to over 270 individuals, agencies, and organizations. The public involvement effort combined the scoping period with the notice and comment period for this project. Information concerning the proposal was posted on the Payette National Forest web page and the project was included in the Payette’s Schedule of Proposed Actions. As a result of this effort, the Forest received comments from one state agency and seven individuals.

**Tribal Consultation**

A letter and project description was sent to the Shoshone-Bannock Tribes requesting comment on the project. Formal consultation, in the form of a presentation, occurred with the Shoshone-Paiute Tribes of Duck Valley at the February 12, 2009 Wings and Roots meeting. The Nez Perce Tribe was sent a consultation form describing the project along with the complete scoping package sent to the public. No tribal concerns regarding this project were raised.
Finding of No Significant Impact (FONSI)

I have reviewed the Council on Environmental Quality Regulations for significance (40 CFR 1508.27) and have determined that this decision is not a major Federal action that would significantly affect the quality of the human environment, either individually or cumulatively. I have determined that preparation of an Environmental Impact Statement pursuant to Section 102 (2) (c) of the National Environmental Policy Act of 1969 is not required. My determination is based on the following factors, as outlined in 40 CFR 1508.27.

Context

The Selected Alternative will be limited in geographic application [40 CFR 1508.27(a)]. Activities associated with my decision will be confined to placer mining on 2.5 acres of the project area located in an area of historical placer mining operations at Sections 23 and 26, T19N, R2E, Boise Meridian, near Brundage Mountain Road and State Highway 55. Further, because the Selected Alternative will be implemented on Forest Service owned land, Forest Plan standards, guidelines and management direction are applicable.

Intensity

1. My decision will not result in any significant effects. Impacts 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. [40 CFR 1508.27(b)(1)].

Both beneficial and adverse effects have been taken into consideration when making my determination of significance. Based on my review of the analysis, I have determined that there will be no significant effects associated with implementing the Selected Alternative (EA Chapter 3).

2. The Selected Alternative will not result in substantive effects on public health or safety [40 CFR 1508.27(b)(2)].

This project was designed to reduce risks to public health and safety. To ensure public safety, a locked and properly signed gate would be placed on the access road to prevent entry to the mine site, and the operator will maintain the road sufficiently to prevent erosion of the road surface (e.g., constructing water bars or rolling dips as appropriate). For these reasons, the project will not result in substantive effects on public health or safety.

3. My decision will not result in any significant effects on any unique characteristics of the geographic area, historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas [40 CFR 1508.27(b)(3)].

The Selected Alternative is not within any Inventoried Roadless Area, Wild and Scenic River Corridor, Wilderness Area, wetland, or historic area. The project will be entirely within an area that has been previously disturbed by mining. The project has no effect on wetlands or other floodplain areas (EA Chapter 3) due to the project design features to be implemented in the project area. There are no park lands or prime farmlands in the project area.
4. The **Selected Alternative** will not result in any effects that are likely to be highly controversial [40 CFR 1508.27(b)(4)].

Public scoping did not show the **Selected Alternative** to be highly controversial. Based on the limited context of the project and my review of the public comments and the project analysis, I do not find any controversial effects to the human environment. I have not been informed of any substantial scientific controversy over the effects of the proposal.

5. The effects associated with the **Selected Alternative** will not result in any highly uncertain, unique, or unknown risks [40 CFR 1508.27(b)(5)].

Based on my review of this project’s analysis (EA Chapter 3 and Specialists Reports in the Project Record), I find that the possible effects on the human environment do not involve unique or unknown risks. My determination is based on the use of best available data, the small scale of the project, and similarity to other standard mining projects of a similar nature.

6. My decision does not establish a precedent for future actions with significant effects nor does it represent a decision in principle about a future consideration [40 CFR 1508.27(b)(6)].

The Brundage Placer Production Project is a site-specific project that does not set precedence for future actions or present a decision in principle about future considerations. Any future action must be evaluated on its own merits and effects.

7. The analysis documented in the EA discloses that my decision will not result in any significant short-term, long-term, or cumulative effects [40 CFR 1508.27(b)(7)].

Short-term, long-term, and cumulative effects on the resources of concern are discussed in Chapter 3 of the EA. There will be no cumulatively significant effects on Water Quality or Fish Habitat (EA Chapter 3). I have reviewed the detailed information and analysis in the Project Record to support my decision.

8. My decision will not adversely affect sites or objects listed or eligible for listing in the National Register of Historic Places, nor will it cause the loss or destruction of significant scientific, cultural, or historic resources [40 CFR 1508.27(b)(8)].

The area has been surveyed by Payette National Forest Heritage personnel and a report sent to the State Historic Preservation Office (SHPO). There are no sites or objects listed or eligible for listing in the National Register of Historic Places within the project boundary. Two historic properties are located to the east and southeast of the project area. SHPO has concurred with the Forest Archaeologist’s determination that the proposed project would not affect historic properties.

9. My decision will not adversely affect threatened or endangered species or their habitats [40 CFR 1508.27(b)(9)].

No threatened or endangered fish, wildlife, or plant species or their habitat will be adversely affected by my decision (EA Chapter 1, Other Issues and Chapter 3, Fish Habitat; and the Biological Assessment/Evaluations for Fish, Wildlife, and Plants located in the project record).
10. My decision is consistent with Federal, State, and local laws and requirements imposed for the protection of the environment [40 CFR 1508.27(b)(10)].

The project meets the above requirements imposed for the protection of the environment and meets disclosure requirements of the National Environmental Policy Act. Chapters 1 and 3 of the EA summarize findings related to major environmental and other related laws. The project complies with Executive Order 12898 (Environmental Justice).

**Findings Required by Other Laws and Regulations**

My decision will comply with all applicable laws and regulations. I have summarized some pertinent ones below.

**National Historic Preservation Act, American Indian Religious Freedom Act, and Native American Graves Protection and Repatriation Act:** This decision complies with the cited acts as described above.

**Endangered Species Act:** The Forest Botanist, District Wildlife Biologist, and District Fisheries Biologist evaluated the proposed action in regards to the Endangered Species Act. Biological Evaluations/Assessments are located in Project Record.

**National Forest Management Act:** In accordance with the National Forest Management Act and accompanying regulations the action is consistent with the 2003 Forest Plan, including Forestwide and Management Area direction.

**National Environmental Policy Act:** This Act requires public involvement and consideration of potential environmental effects. The entirety of documentation for this decision supports compliance with this Act.

**Appeal Opportunities**

My decision is subject to administrative appeal pursuant to 36 CFR 215, only by those individuals and organizations who provided comments during the previous comment period. The appeal must meet the requirements at 36 CFR 215.14.

The appeal must be filed with the Appeal Deciding Officer, Suzanne C. Rainville, Payette National Forest Supervisor. Appeals filed by regular mail or express delivery must be sent to:

- Appeal Deciding Officer
- Intermountain Regional Office
- 324 25th Street
- Ogden, Utah 84401

Hand delivered appeals must be submitted to the Appeal Deciding Officer at the above address between the hours of 8:00 AM and 4:30 PM MST, Monday through Friday, excluding holidays. Appeals may also be submitted via fax at (801) 625-5277.

Electronic appeals must be submitted in a rich text format (.rtf) or Microsoft Word (.doc) format or as an email message to: appeals-intermtn-regional-office@fs.fed.us. In cases where no identifiable name is attached to an electronic message, a verification of identify will be required. A scanned signature is one way to provide verification.
Appeals, including attachments, must be filed within 45 days from the publication date of the legal notice of decision in *The Star News*, the newspaper of record, McCall, Idaho. Attachments postmarked or received after the 45-day appeal period will not be considered. The publication date in *The Star News*, newspaper of record, is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframes provided by any other source.

**Implementation of the Decision**

If no appeals are filed within the 45-day time period, implementation of my decision may occur on, but not before, the 5th business day from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

**Contact Person, Signature, and Date**

For further information or a copy of the Brundage Placer Production Project EA and DN/FONSI, please contact Sue Dixon, Payette National Forest, 800 West Lakeside Avenue, McCall, ID 83638; Telephone: 208-634-0435, Fax: 208-634-0433.

LISA J. KLINGER  
District Ranger  
McCall Ranger District  

November 13, 2007  
Date