

RECORD OF DECISION

Buckhorn Access Project Okanogan National Forest Plan, Amendment #38

United States Department of Agriculture, Forest Service Okanogan and Wenatchee National Forests Okanogan County, Washington

INTRODUCTION

Crown Resources Corporation submitted an amended Plan of Operations (Crown Resources, 2005) to the Okanogan and Wenatchee National Forests in March 2005 for permission to construct or reconstruct access roads, install treated water pipelines and a treated water infiltration area, construct fence, drill monitoring wells and install utility lines on National Forest System (NFS) lands to facilitate their plan to mine an ore body on their private lands that are surrounded by Federal lands (National Forest System and Bureau of Land Management lands). Some of the surrounding Federal lands are unpatented mining claims and mill sites (unpatented mining claims). The proponent intends to mine their private lands under the authority of Washington State laws. The project activities for which the Forest Service has discretion to make a decision are located approximately 3 - 8 air miles east of Chesaw, Washington, in Sections 23-26 and 36, Township 40 North, Range 30 East; Sections 7-9, 16-19, 21, 25-28 and 31-32, Township 40 North, Range 31 East; Sections 1, 2 and 11, Township 39 North, Range 30 East; and Sections 2-5, Township 39 North, Range 31 East, Willamette Meridian (see vicinity map, Figure ROD-1 at the end of this Record of Decision). Kinross Gold Corporation acquired Crown Resources Corporation on August 31, 2006. Crown and Kinross are hereafter referred to as the proponent.

This Record of Decision documents my decision for the Buckhorn Access Project and approval of Okanogan National Forest Plan Amendment #38.

DECISION AND RATIONALE

Decision

Based on the analysis presented in the final Environmental Impact Statement for the Buckhorn Access Project, I am selecting a slightly modified Alternative B1 as presented in the final Environmental Impact Statement. Alternative B1 utilizes Forest Roads 3550 (the Marias Creek road) and 3550-125 and new construction to access the mine site. A portion of Forest Roads 3550 and 3550-125 will be widened to double lane roads. New construction across National Forest System land will also be double lane into the mine site, which is located on the proponent's private lands. About 5.2 miles of road will be reconstructed, and about 1.5 miles of new road will be constructed on National Forest System (NFS) lands and rights-of-way. These roads will be used for ore and supply haul and employee access. During road construction and reconstruction, a power line will be placed in the roadbed from County Road 9495 (Toroda Creek road) to the private lands at the mine site under permit to Ferry County Public Utility District (PUD) #1.

Forest Roads 3550 and 3550-125 up to the junction with Forest Road 3550-130, and Forest Road 3550-130 will remain open for public use during operations. Forest Road 3550-125 past the junction with Forest Road 3550-130 will be closed to public use for the life of the project. Forest Road 3550-122 (beyond the Marias Creek crossing) and 3550 (beyond the 3550-125 junction) will be permanently closed to public use. During reconstruction of Forest Roads 3550 and 3550-125, these roads will be closed to public use for a period of up to 4 months. After completion of most project reclamation (estimated at year 10) Forest Road 3550-130 will be closed to public use across NFS lands, and Forest Road 3550-125 will become the new access route up to Forest Road 3575-120. Beyond that point Forest Road 3550-125 into the mine site will remain closed, post-project.

Ore haul, and most supply haul, will be limited to the hours of 6:00 AM to 6:00 PM and empty ore haul trucks will not be permitted to operate outside of these times on NFS lands and rights-of-way. Infrequent, unplanned supply deliveries outside these hours for immediately needed supplies will be permitted.

Once ore haul is completed, the portions of Forest Roads 3550 and 3550-125 widened to a double lane road will be reclaimed to their original driving width of 17-18 feet with intervisible turnouts. Fill and cut slopes created during construction and reconstruction will be left in place to reduce the potential for reclamation to introduce new sediment into Marias Creek. The new road construction above Forest Road 3575-120 in Sections 24 and 25 (T40N, R30E) will be reclaimed to a single-lane road with intervisible turnouts by pulling back of a portion of the fill and placing this material against the cutbank. On completion of ore haul, Forest Road 3550-130 will be closed to public use and the new and reconstructed road will be opened to the public, except the final portion above Forest Road 3575-125 into the mine site which will be gated.

My decision also includes construction of an infiltration gallery to infiltrate treated mine water in the Nicholson Creek drainage, and construction of pipelines from a water treatment plant on private lands to the infiltration gallery and two water augmentation sites at the Roosevelt Adit in the headwaters of Nicholson Creek, and a new water trough in the headwaters of Marias Creek. Water that is pumped out of the mine during mine operations will be pumped to the treatment plant on private lands, treated to standards set in the State of Washington's National Pollution Discharge Elimination System (NPDES) permit, then infiltrated at the infiltration gallery or sent to the water augmentation sites. Water augmentation will generally occur in July, August and September (the growing season) to offset the impacts from mine dewatering occurring on private lands. The new water trough will be placed upland of wetlands to draw cattle from the wetlands, and will have an overflow pipe to pipe water under the road and into an existing drainage.

Additional features included in my decision are fencing to enclose the mine site, wildlife guzzlers to be placed in the headwaters of Ethel and South Bolster Creeks, construction of an additional monitoring well below the infiltration gallery to monitor water quality, road closures in Bear Trap Canyon to compensate for wildlife impacts from the ore haul route, fencing with water gaps, gates and cattle guards in Marias Creek to prevent cattle from wandering on to the Marias Creek haul road, construction of a corral in lower Marias Creek, construction of a well and three water troughs up above the Marias Creek road also to discourage cattle from wandering on the road, and replacement of culverts in the Nicholson and Marias Creek drainages to allow for all aquatic life passage. Additional water monitoring will occur at staff gauges, piezometers and

surface water monitoring stations which will be installed in the Marias, Nicholson and Myers Creek drainages.

A buried telephone line will also be constructed under permit to Verizon Northwest from the end of the existing line at Cow Camp up Forest Road 3575-120 to the new road construction and then into the mine site, although the proponent may instead use satellite technology, in which case this line will not be constructed.

This decision also includes use of portions of Forest Roads 3575-120 and 3575-140 during construction and for accessing the water tower on private lands during operations. Once the Marias Creek haul road (FR 3550) is completed, supply access will use that route. Additionally, employees coming from the west or south side of Buckhorn Mountain may use Forest Road 3575-120, and the proponent will be allowed to plow the road during winter if requested.

My decision also includes many mitigation measures to avoid or minimize impacts to resources. These are covered in detail on pages 63 to 90 of the final EIS, and include, but are not limited to measures to avoid or minimize impacts to air quality, cultural resources, livestock management, recreation, soils, water quality, noise (residents), aquatic and wildlife species, plants, wetlands and streams, safety, scenery, and roads. Additional mitigation is included to ensure adequate employee training, minimization of disturbance, prevention of noxious weed spread and spills, and handling of solid waste. Specific reclamation requirements are displayed on pages 57 to 63 of the final EIS and will be further detailed in the Plan of Operations to be completed consistent with this decision prior to commencement of operations. Monitoring requirements are detailed on pages 93 to 96 of the final EIS and include certain water resource parameters, range improvements, wildlife closures, fish populations, timber removal, noxious weeds, transportation and safety, reclamation, cut and fill slopes, and sediment control structures. Additional information on water quality monitoring is also presented in Appendix D of the final EIS.

My decision also includes a site-specific, non-significant amendment to several Okanogan National Forest Land and Resource Management Plan standards and guidelines to:

slightly exceed the fine sediment standard in streams where sediment is currently above the Forest Plan standard of 20%. Fine sediment in the two lower reaches of Marias Creek is currently 30-32%, and modeling and analysis indicates about 3 tons of sediment (including sand) will be produced as a result of road construction and reconstruction in the first year, declining in subsequent years, reaching near current levels in year 4. This is less than one-half of one percent of existing sediment levels (FEIS, page 159). Intensive and extensive erosion control measures and compensatory mitigation are included to improve fish passage and fence cattle from Marias Creeks; therefore, fish habitat is expected to be maintained in all alternatives (FEIS, page 198), designate portions of Forest Roads 3550 and 3550-125 as open routes through deer winter range (Management Area 14-18) and allow snowplowing of the roads, and combine a small, fragmented management area that resulted from the patenting of mining claims lands at the mine site with its adjacent management areas (FEIS, pages 30 to 33).

I am modifying Alternative B1 with this decision to require a 30 mile per hour speed limit, rather than the 25 mile hour speed limit, and to require only approximately 800 feet of paving rather than the half-mile that is part of Alternative B1. Alternative B1 is presented in Figure ROD-2 at the end of this Record of Decision.

Through this decision, I am also withdrawing the Record of Decision issued on January 13, 1997 for the Crown Jewel Mine project. That project was never implemented and the management area set up as part of that decision is mostly now on private (patented) lands. The management area set up by that decision is being withdrawn because the land within the management area is either now private, or the remaining NFS lands do not require the less stringent management direction set up in the Crown Jewel Mine decision to implement the Buckhorn Access Project. Management direction for this project considered the original management area direction in the Okanogan National Forest Land and Resource Management Plan (Forest Plan, 1989), as amended by INFISH (1995) and the Invasive Species ROD (2006).

Rationale and Factors Other than Environmental Effects Considered in Making the Decision

I have chosen a modified Alternative B1 because this alternative best meets the purpose and need for the project to respond to Crown/Kinross' request for access to their private lands and unpatented mining claims, and to utilize their unpatented mining claims for mining related facilities reasonably incident to mining activities taking place on private lands as required by law. This access is provided while minimizing impacts to NFS lands and considering impacts to residents living along National Forest rights-of-way. This alternative provides the most reasonable access to the proponent while minimizing impacts to NFS lands and residents along National Forest System rights-of-way. The proponent's total haul distance is 2.5 miles, one way, less than Alternative C and 2.7-6.8 miles less, one way, than Alternative D (depending on the route taken on County roads and State Highways), and provides the least adverse grade for haul (FEIS, page 127). Additionally, only one residence is adjacent (within 500') to NFS roads and rights-of-way along this route, 6-8 fewer than the other routes, with substantially less impacts to residents from fugitive dust and noise because of distances of these residences from the haul route. Although one residence will have serious noise impacts during construction, during operations impacts from dust and noise are slight (FEIS, pages 224, 242).

Impacts to resources have been adequately mitigated. Water quality will be within standards set by the NPDES permit (FEIS, pages 182-185), impacts to seeps, springs and wetlands from activities on NFS lands are minimized and compensatory mitigation is provided both on and off NFS lands (FEIS, pages 90, 163-165, 179), adverse effects to inland native fish are avoided through sediment control structures (FEIS, pages 201, 203), and chloride levels that are within chronic standards for aquatic life (FEIS, pages 198-199, 201-204). Compensatory mitigation provides for all aquatic life passage where five barriers currently exist, three on Marias Creek, and two on Nicholson Creek. These five barriers will be replaced with culverts that pass all aquatic life (FEIS, pages 85, 200). Fencing and water gaps will also minimize the potential for livestock to continue impacting Marias Creek (FEIS, pages 200-203). Visual quality objectives will be met (FEIS, pages 250-251) and although impacts to recreation along the Marias Creek route will be substantial, impacts would be much more extensive under the Nicholson Creek route (Alternative C) because of the increased dispersed recreation sites along that route that are used during hunting season (FEIS, pages 242, 265). Although disturbance to wildlife will be high under this alternative, the project is not likely to adversely affect listed threatened or endangered species as defined in the Interagency Cooperation Regulations, 50 C.F.R, part 402, for the Endangered Species Act, nor will it cause a trend toward listing of sensitive species as threatened or endangered (FEIS, pages 300, 305, 311, 317, 323, 325, 328, 332, 336, 338, 340). Most botanical resources are avoided and very little forest vegetation will be removed (FEIS, pages 390-391, 396-399). Mitigation measures are designed to keep livestock off the Marias Creek road and provide for alternate watering sites (FEIS, pages 71-72, 412-414). Noxious weed prevention measures are included to reduce the potential for spread (FEIS, page 422).

The alternative also avoids adverse impacts to eligible historic properties under the National Historic Preservation Act (FEIS, page 434).

I am modifying Alternative B1 to decrease the amount of paving. Analysis showed that storm related sediment will actually increase from road paving (FEIS, pages 133, 150, 157). Requiring 800 feet of paving will allow for any mud/dust track-on from the gravel road to the paved road to occur on Forest Road 3550 prior to reaching County Road 9495 to address safety concerns (FEIS, page 119). The transition between gravel and paving will be at the point where the road is furthest from Marias Creek to ensure adequate distance for vegetation to intercept sediment. I am also modifying Alternative B1 to require a speed limit of 30 miles per hour (as analyzed in Alternative B), rather than the 25 miles per hour analyzed in Alternative B1 in the FEIS. The speed limit on the existing road is currently 35 miles per hour. The new road design speed is 30 miles per hour, except for a few corners, and the difference in effects to air quality (FEIS, page 223) and wildlife (FEIS, pages 271, 276) do not justify the 25 mile per hour speed limit for the whole length. Both of these modifications are within the range of alternatives fully analyzed.

Other Alternatives Considered

I did not choose Alternative A, the no action alternative, because it would not respond to the purpose and need or the proponent's proposal, and would not provide reasonable access to both private lands as required by Alaska National Interest Lands Conservation Act (ANILCA) and operations on and off unpatented mining claims as required by the 1872 Mining Law, as amended (1872 Mining Law).

I did not choose Alternative B, the proponent's proposal, because it did not require road closures in Bear Trap Canyon and with new road construction would:

- exceed the road density standard set for MA 14-18 in the Okanogan Forest Plan (FEIS, page 115) increasing impacts to wildlife (FEIS, pages 242, 276),
- require higher, long-term road maintenance costs (FEIS, page 127),
- allow for more plowing of roads during winter for water monitoring (which will be done by snow machine in Alternative B1) increasing impacts to wildlife (FEIS, page 273),
- not have restricted truck traffic except loaded ore haul trucks between 6 a.m. and 6 p.m., increasing noise and disturbance impacts to residents, recreationists, and wildlife outside of those hours (FEIS, pages 55, 243, 263-264),
- not have provided for track-on of dust onto the Forest Service road prior to reaching the County road (FEIS, page 118), and
- less extensively reclaimed roads, resulting in higher future road maintenance costs (FEIS, page 127) and returned less land to production (FEIS, page 390, footnote).

I did not choose Alternative C, the Nicholson Creek route (Forest Road 3575) because:

- the route is 2.5 miles longer with greater overall impacts to National Forest System lands, rights-of-way and resources (FEIS, pages 55, 99-107),
- the route would have resulted in more noise, dust and other disturbance to 8 more residences along National Forest System rights-of-way than Alternative B1. 9 residences would have very serious noise impacts during construction, and during operation 2 would have very serious noise impacts, 3 would have substantial impacts, and 4 would have slight impacts (FEIS, page 242), and
- road widening would have adversely impacted an archaeological site along National Forest System rights-of-way (FEIS, page 436).

I did not choose Alternative D, the Cow Camp route (Forest Road 3575-120) because:

this route would have caused more noise, dust and other disturbance to 6 more residences along National Forest System rights-of-way than Alternative B1. 7 residences would have very serious noise impacts during construction, and during operations 2 would have substantial impacts and 5 would have slight noise impacts (FEIS, page 242),

this route would have resulted in adding 2.7 to 6.8 more miles to the ore haul route, depending on whether trucks turned south or north on the Toroda Creek road (FEIS, page 127), although impacts to some resources on National Forest System lands, such as wildlife, fish, and recreation, would have been less,

this route cumulatively would impact 12 more residences along County roads if trucks used the northerly route than Alternative B1 (FEIS, page 243),

this route would have resulted in more adverse grade haul (FEIS, page 127), and haul would have occurred through the Town of Republic if the southerly route were used, substantially increasing safety concerns to pedestrians, school children and normal vehicle traffic (FEIS, page 127).

Permits and Authorizations Need for Project

Table I-1 below indicates the permits associated with the Buckhorn Access Project (other permits are required on State and private lands for the Buckhorn Mountain Project being prepared by the State of Washington Department of Ecology):

Table I-1: Permits Required for the Buckhorn Access Project¹

Permit	Issued to	Permitting Agency
Plan of Operations	Crown/Kinross	Forest Service
Road Use Permit	Crown/Kinross	Forest Service
Power line Special Use Permit	Ferry County PUD	Forest Service
Telephone/Data line Special Use Permit ²	Verizon Northwest	Forest Service
Nationwide Clean Water Act 404 Permit (wetlands)	Crown/Kinross	Corps of Engineers
Stormwater Permit	Crown/Kinross	Environmental Protection Agency
National Pollutant Discharge Elimination System (NPDES) 402 Permit (infiltration/augmentation)	Crown/Kinross	Washington State Department of Ecology
Hydraulic Project Approval	Crown/Kinross	Washington State Department of Fish and Wildlife

Applicable laws, regulations and policies are discussed in the Findings Required by Other Laws section below.

¹ The proponent is required to obtain an approved Plan of Operations, road use permit, and other permits listed prior to commencement of operations. Utility companies are required to obtain approved special use permits prior to ground disturbance. The POO, road use, special use, and other permits will be consistent with requirements in the FEIS.

² May not be necessary if Crown/Kinross decides to use satellite technology

IDENTIFICATION OF THE ENVIRONMENTALLY PREFERABLE ALTERNATIVE

The Council on Environmental Quality Regulations at 40 CFR 1505.2(b) require an agency to specify the alternative or alternatives that are considered to be environmentally preferable in the process of reaching its decision. The definition of environmentally preferable is the alternative that causes the least damage to the physical and biological environment, and which best protects, preserves, and enhances historic, cultural, and natural resources. Alternative A, no action, best meets this definition. No impacts would occur under this alternative because no access would be provided to the mine site on private lands, and no infiltration or augmentation of treated mine water would be needed. No additional sediment would be delivered to creeks, and no residents would be impacted. Choosing this alternative would only result in the completion of final reclamation under older environmental documents and decisions for the mine site.

Of the action alternatives, Alternative D is the environmentally preferable alternative because of the substantially reduced impacts to NFS lands and resources.

Reasons for not choosing these alternatives are detailed above in the "Other Alternatives Considered" section.

PUBLIC INVOLVEMENT and CONSULTATION

On March 29, 2005 a scoping package was mailed to the list of individuals who had been known to have commented during the 2003 scoping process. Some individuals were missed in that mailing and an additional mailing was done in April 2005, including residents on rural postal routes and post office box holders in the vicinity of the project, and all individuals were notified that the scoping period was being extended by 15 days. Over 100 letters were received in response to the 2005 scoping effort.

A preliminary Environmental Assessment was sent to the public and agencies on December 8, 2005 for a 30-day comment period. 116 timely letters and several untimely letters were received. The Interdisciplinary Team spent several days in January 2006 considering all comments and documenting responses. This document is stored in the project file at the Tonasket Ranger District office. Additional time was spent clarifying, editing and supplementing the analysis prior to publication of the draft Environmental Impact Statement. The Forest Service decided to change from an EA to an Environmental Impact Statement because enough questions had been raised about possible significant impacts that an EIS was appropriate. Scoping was reinitiated with the filing of the Notice of Intent to file an EIS in the Federal Register in July 2006; 14 additional letters were received during the additional scoping period, resulting in two new issues, although only one was determined to be a key issue. A draft Environmental Impact Statement was published in August 2006 for a 45-day comment period. Forty-two letters, and several untimely letters, were received in response to the DEIS. Because a few individuals and organizations were missed during the mailing of the DEIS, those individuals were given a 45-day comment period on the DEIS, and one letter was received.

Consultation and Coordination

Separate government to government consultation was conducted with the Yakama Indian Nation and the Confederated Tribes of the Colville Indian Reservation. Consultation was initiated in September, 2003, and has continued throughout development of this Environmental Impact Statement. The Yakama Indian Nation expressed no concerns regarding the project.

Consultation with the Confederated Tribes was completed in January, 2007. Numerous meetings to explain the project and its effects, and consult with the Colville Tribal Council and its sub-committees and personnel have been held. Documentation of all correspondence and meetings can be found in the project record.

Consultation has been completed with the State Historic Preservation Office and a concurrence letter dated October 14, 2005 was received for all activities requiring concurrence. Consultation has been re-initiated as a result of a new heritage find near the junction of the Toroda and Marias Creek roads, and a final concurrence letter was received dated December 18, 2006.

Consultation with the U.S. Fish and Wildlife Service (USFWS) was initiated in September 2004 prior to the mining claim becoming private patented land. USFWS concurred with the Forests determination that the project will not adversely affect any threatened or endangered species. Additional consultation was conducted in January 2006 and USFWS again concurred with the determinations in a letter dated February 16, 2006. Two subsequent clarification letters were sent to USFWS.

This project has been closely coordinated with the State of Washington, Department of Ecology. Forest Service interdisciplinary team (IDT) members have been involved in the development and review of much of the State's analysis and the Forest Service has sought reviews by the DOE during the development of this EIS. Mitigation development was also coordinated with the Washington State Department of Fish and Wildlife.

The Forest Service also coordinated with the U. S. Army Corps of Engineers regarding impacts and mitigation to wetlands on NFS lands and the U. S. Environmental Protection Agency (EPA) regarding completion of the EIS. Coordination with EPA consisted of meetings, letters and other correspondence, telephone conversations and a field trip.

Issues

Issues were identified during the public scoping process that raised concerns about the proposed action. These key issues were utilized to develop alternatives or additional mitigation and monitoring not included in the proposed action. The issues identified below as a result of public scoping were considered important enough to analyze in detail and information is provided on the disposition of each:

1. Construction of the boundary fence on National Forest System lands will remove more land than was patented from use by wildlife, recreationists, Tribal members, and the grazing permittee.

Construction of the boundary fence was necessary under all alternatives in order to provide for safety of operations and safe public access for ambient air quality standards (FEIS, page 25).

2. Cows will get inside the mine boundary fence or could be injured or killed on access roads, increasing range permittee expenses.

Maintenance of the boundary fence is the proponent's responsibility and they have agreed to help the rancher remove cattle if they get through the fence (FEIS, page 412). Fences, water gaps, and water developments will be constructed along the Marias Creek haul route to minimize the potential for cows to be injured or killed (FEIS, page

413), and the low 30 mile per hour speed limit also limits this potential impact (FEIS, page 414). The estimated number of cows that may be lost each year is 0-4 (FEIS, page 99).

3. Construction, reconstruction, and haul along the proposed haul routes will cause sedimentation and toxic substances to enter and degrade riparian areas and wetlands, decreasing water quality, and adversely impacting fish, amphibians, and plants that use these areas.

Sediment control structures are expected to be 99% effective in avoiding sediment delivery to Marias Creek, although some sediment will be delivered (FEIS, page 159). The use of magnesium chloride for dust abatement will result in chloride delivery to streams, but chloride levels are estimated to be within State water quality aquatic life standards, and will be monitored for compliance (FEIS, page 162-163). Aquatic life is not expected to be adversely impacted (FEIS, page 193-204). A spill response plan is required to minimize the potential for spills of other substances to impact riparian areas, wetlands, water quality, fish, amphibians, and plants (FEIS, pages 77, 442-447).

4. Construction, reconstruction, haul, and employee traffic on proposed haul routes will cause air quality degradation from dust, exhaust, and other toxic substances that will impact vegetation, tourism, recreational activities, viewpoints, aesthetic enjoyment of the area, and the quality of life, health, safety, and solitude for residents.

*Fugitive dust from construction, reconstruction, haul, and employee traffic along the haul routes has been minimized by requiring dust abatement, and Alternative B1 also has the fewest residences along the ore haul route, with the second least dust emissions (FEIS pages 223, 242). Dust abatement will minimize dust accumulation, and dust is not likely to result in tree mortality (FEIS, page 391). No threatened, endangered or proposed plant species will be impacted by the project (FEIS, pages 396, 399). Impacts of dust to other plant species will be minimal (FEIS, pages 397-399). Salts may reduce plant vigor and growth or cause some mortality, but effects will be minimal in relation to unimpacted vegetation between roads and creeks (FEIS, page 391). Up to 25 plants of *Platanthera obtusata*, a sensitive plant species, could be impacted by decreased growth or mortality, but 48 other known populations would maintain species viability (FEIS, pages 396, 398). Exhaust emissions are substantially less than the annual acceptable source impact levels (FEIS, page 221). Activities on National Forest System lands will be visible from 3 viewpoints (FEIS, page 100), but visual quality objectives will be met (FEIS, pages 250-251). Recreation along the Marias route will be substantially impacted, but only 4 dispersed recreation sites, as opposed to 17 dispersed recreation sites under Alternative C would be impacted (FEIS, page 101). One residence will be seriously impacted by noise during approximately 3 months of construction; impacts during haul are slight (FEIS, page 101). As a result, impacts are limited in scope, and Alternative B1 was chosen, in part, because it had the fewest residences impacted by dust and noise.*

5. Heavy mine traffic will increase noise from trucks and use of compression brakes, which will impact tourism, recreational activities, aesthetic enjoyment of the area, the potential wilderness, and the quality of life and solitude for residents. Noise from the new road on the open south facing slopes of Marias Creek will carry for long distances and potentially impact property owners along Pontiac Ridge road and Millard Creek. Noise adjacent to the Jackson Creek Inventoried Roadless Area (IRA) could affect its potential for wilderness designation.

Noise is an unavoidable impact from this project and will increase from project activities, but is predicted to be within standards. Impacts from noise on all people are described in the Noise section of the FEIS (pages 234-243). Recreation, tourism, and aesthetic enjoyment impacts are expected to be substantial, but this area receives little use except during hunting season (FEIS, pages 259-264). Alternative routes were analyzed to display the impact on different groups of residents, including Alternative C, which would not have ore haul noise impacts on residents on Pontiac Ridge Road and along Millard Creek (FEIS, page 46). Alternative B1 will have substantially less noise and disturbance impacts on residents along the Cow Camp and Pontiac Ridge Roads (Millard Creek) than Alternative D. Noise impacts on the Jackson Creek IRA are described in the Inventoried Roadless Area section of Chapter 3 of the FEIS and will not affect potential wilderness designation since these impacts are short-term. Alternative B1 will only cause a slight increase in noise at the edge of the Jackson Creek IRA from any potential employee traffic that uses this route. Most employees are likely to use the shorter Marias Creek and Cow Camp routes (FEIS, page 429).

6. Project activities will disturb wildlife, including threatened, endangered, and sensitive species, through human presence, noise, and increased road density, and will create a semi-impermeable barrier to movement from the ore truck route.

Although very little wildlife habitat will be lost, disturbance of wildlife is an unavoidable effect from project activities. Impacts from human presence, noise, increased road density and the creation of a semi-impermeable barrier to wildlife movement are all analyzed in the wildlife section of the FEIS (pages 271-390). Alternative routes were analyzed to display the different effect of the alternatives on these items. The project biologist determined that the project may affect, but is not likely to adversely affect threatened and endangered species (FEIS, pages 296-317) and this determination has been concurred with by the US Fish and Wildlife Service (FEIS, page 296). Although the project may impact individual sensitive species or their habitat, it will not result in a trend toward listing of any sensitive species (FEIS, pages 317-340). Impacts are partially compensated for by closing approximately 5.1 miles of roads in Bear Trap Canyon, which will actually lower density in three management areas, and lowering speed limits (FEIS, pages 70, 276-277).

7. Traffic to and from the mine will spread noxious weeds onto National Forest System lands or from National Forest System lands to other ownerships. The company's proposal to use herbicides to treat noxious weeds has the potential to affect non-target species.

Noxious weeds will be treated by the Forest Service, not the proponent, under the existing Integrated Weed Management Environmental Assessment decisions (FEIS, page 68). Weeds will be treated under those decisions using integrated weed management principles that may use manual, mechanical, biological, or chemical treatments. Those decisions incorporate mitigation measures that minimize the potential to affect non-target species. Prevention measures are incorporated that will reduce the risk of spread (FEIS, pages 68-69) and the risk of spread and weed domination of sites is low (FEIS, pages 420-422).

8. The proposed action will have cumulative impacts with the mine and borrow site, which will have significant effects on the environment, and will have cumulative impacts with other past, present and reasonably foreseeable future actions.

To the extent that the proposed action has cumulative effects with mine and borrow site activities, and other past, present and reasonably foreseeable future actions, the effects are disclosed in the cumulative effects sections of the affected resources in Chapter 3 of the FEIS.

9. Use of dust suppression or snow removal chemicals and/or water may cause impacts to streams, wetlands and riparian areas.

Dust suppression chemical impacts to streams, wetlands, and riparian areas are described in the Hydrology, Aquatic, and Botany sections of the FEIS (pages 155, 161-163, 185, 199-200, 395-399). Chloride concentrations are expected to be within water quality standards set by the NPDES permit, are not expected to impact aquatic life, and will be monitored regularly (FEIS, page 199). The use of sodium chloride in the sand has been dropped, so no chemicals will be used for winter traction.

10. Increasing daily haul trips before and after spring break up will greatly increase impacts of homeowners along routes.

The proponent intends to maintain the road in a condition that will allow haul during spring breakup; however, if damage occurs, the road will be shut down and increased haul will occur at other times. The effects of increased haul are displayed in the Transportation section of the FEIS (page 117).

11. Road construction, reconstruction, haul, employee traffic, and mining will adversely affect members of the Confederated Tribes of the Colville Reservation and may impact cultural resources of concern to Tribal members, and their reserved rights reserved by Executive Order, to hunt, fish, and gather on the former north half of the Colville Reservation.

The FEIS displays the effects on members of the Confederated Tribes of the Colville Reservation in the Social Groups, Civil Rights and Environmental Justice, and the American Indian Rights section of the FEIS (pages 438-441). Impacts on aquatic and wildlife species, and cultural plants are displayed in the Aquatic, Wildlife, and Botany sections of the FEIS (pages 192-215, 271-390, and 393-406 respectively). Reserved rights are acknowledged in the FEIS on pages 9, 12, 439-440. Impacts on hunting and fishing are displayed in the Recreation section of the FEIS (pages 259-269). Impacts on plants of importance to the Tribes are identified in the Botany section of the FEIS (pages 393-406).

12. Mine traffic has the potential to disturb residents during non-haul hours along Forest Service rights-of-way.

The effect of noise and dust on residents is displayed in the Air Quality and Noise sections of the FEIS (pages 218-229 and 232-246). Because the mine will operate seven days a week, 24 hours a day, employee traffic will travel at all hours, both inside and outside of non-haul hours. To minimize disturbance to residents, Alternative B1 limits haul hours to 6 a.m. to 6 p.m. and supply deliveries outside of haul hours to only

those needed to address unplanned shortages (FEIS, page 80). Alternatives were formulated for different routes, which would impact different groups of residents. Alternatives C and D further restrict haul to Monday-Saturday (FEIS, page 42), and Monday-Friday (FEIS, page 48), respectively.

13. The water infiltration gallery on National Forest System lands will impact water quality and quantity in seeps, springs, ponds, wetlands, aquifers, residential wells and creeks/the infiltration gallery does not belong on National Forest System lands.

An analysis by the Forest Service determined that no place on private lands could accommodate the infiltration gallery (FEIS, pages 25-27). Use on unpatented claims on National Forest System lands for ancillary mining facilities is a reasonable use under the 1872 Mining Law. The infiltration gallery's effect on water quality and quantity, seeps, springs, ponds, wetlands, creeks and groundwater is described in the Hydrology cumulative effects section in the FEIS (pages 177-187).

14. New road construction is unnecessary and will increase already high road densities and cause higher maintenance costs.

Alternatives C and D were formulated to limit the amount of new road construction. New road construction on the Marias road is necessary because grades are too steep for safe operation of haul trucks. The new road construction into the mine site in all alternatives is necessary to achieve reasonable grades for safe ore haul truck operation (FEIS, page 22).

FINDINGS REQUIRED BY OTHER LAWS

This project is consistent with the 1872 Mining Law and ANILCA because reasonable access is provided to the proponent to their private lands and unpatented mining claims. Additionally, it is consistent with the Federal Land Policy and Management Act of 1976 because it provides the proponent with reasonable access to their unpatented mining claims. This project was prepared under and complies with the regulations for the National Environmental Policy Act. Standards and guidelines established in the amended Okanogan National Forest Land and Resource Management Plan, as applicable, have been met, except where noted above and on pages 30-33 of the FEIS. The Okanogan Forest Plan was prepared in accordance with the National Forest Management Act. Road density standards will be met under Alternative B1 although some management areas either unaffected by the project or where roads are being closed will still exceed standards (FEIS, pages 31, 116, 277, 353). Percent cover will change less than 1 percent (FEIS, page 352). Snags will be created to meet primary cavity excavator requirements (FEIS, page 367). Marias Creek currently has sufficient large woody debris to meet INFISH requirements (FEIS, page 191) and most clearing will be on the uphill side of the road so sufficient woody debris will be left below the road to meet requirements (FEIS, page 202). Sufficient wood will be left below the Marias Creek road to meet Forest Plan terrestrial woody debris requirements (FEIS, page 289). Management requirement areas will not be affected (FEIS, page 289). The visual quality objective of maximum modification will be met (FEIS, pages 249-251). INFISH findings can be found in the Transportation, Soils, Hydrology, and Aquatics sections of Chapter 3 of the FEIS. The project was prepared to be consistent with both the mediated agreement and 2006 Record of Decision for Invasive Species (FEIS, pages 4, 418-419).

The project will meet water quality criteria set under the NPDES permit to conform with the Clean Water Act (FEIS, pages 89, 151-154), will not exacerbate 303(d) listed parameters (FEIS, page 151) and impacts to floodplains and wetlands are minimal or mitigated as required by Executive Orders 11988 and 11990 (FEIS, pages 159, 163-165, 441). The project will meet air quality standards set by the Clean Air Act (FEIS, pages 218-224), and visibility impacts to the nearest Class I airsheds are unlikely because of the distances to the Wilderness and Spokane Indian Reservation, and the prevailing wind patterns (FEIS, page 221). Although noise will substantially increase, particularly during construction, maximum environmental noise levels set by Washington State and EPA noise guidelines will be met during operations (FEIS, pages 234-243). The project may affect, but is not likely to adversely affect threatened, endangered or proposed listed species under the Endangered Species Act (FEIS, pages 298-317) and the U. S. Fish and Wildlife Service has concurred with this determination (FEIS, page 296). Impacts to migratory birds are minimized in accordance with the Migratory Bird Treaty Act (FEIS, pages 364-366, 381-383, 386-388). The Magnuson-Stevens Act does not apply since the area is above Chief Joseph Dam, the furthest extent of anadromous fish species (FEIS, page 188). This project complies with the National Historic Preservation Act (NHPA) as amended, and will not adversely affect heritage resources although five sites may be indirectly impacted; the State Historic Preservation Officer has concurred with this finding (FEIS, page 9). Consultation with affected Indian Tribes has been completed in compliance with Section 106 of the NHPA (FEIS, page 9). This project is consistent with the Roadless Area Conservation Area rule and Forest Service Interim Directive 1920-2006-1 because no timber harvest or road construction will occur in an inventoried roadless area (FEIS, page 429). The project is also consistent with the original Forest Plan direction regarding roadless because none of the project area is allocated to semi-primitive recreation (roadless) in the 1989 Forest Plan. The project will have no effect on prime lands or wild and scenic rivers (FEIS, page 441).

ADMINISTRATIVE APPEAL RIGHTS

This decision is subject to appeal pursuant to 36 CFR 215. Any written notice of appeal of the decision must be fully consistent with 36 CFR 215.14, "Appeal Content." The notice of appeal must be postmarked, hand delivered, or faxed to the Regional Forester, Pacific Northwest Region, P. O. Box 3623, Portland, OR 97208 (US Mail) or 333 SW First Avenue, Portland, OR 97204 (other delivery services), FAX #503-808-2255, or sent electronically to appeals-pacificnorthwest-regional-office@fs.fed.us within 45 days of the date the legal notice of this decision appears in the *Wenatchee World*. Hand deliveries must be made between 7:45AM and 4:30 PM Monday through Friday, except legal holidays. Electronic appeals must be submitted only to the e-mail address shown above as part of the actual e-mail message, or as an attachment in Microsoft Word, rich text format or Adobe portable document format only. E-mails in other formats or containing viruses will be rejected. Note in the subject line the name of the project and that it is an appeal.

The proponent also has the right to appeal under 36 CFR 251. Special Use Permittees Ferry County PUD and Verizon Northwest, who will install utilities under this proposal also have the right to appeal under 36 CFR 251. The proponent or permittees may file an appeal under 215 or 251, but not both. This decision is not appealable under 36 CFR 251 by other parties. Appeals by the proponent or permittees under 36 CFR 251 must follow the filing procedures in 251.88, and must meet all of the requirements in 251.90, including a statement of the facts of the dispute and issues raised by the appeal. The appeal must include specific references to any laws, regulations, or policies that the permittee believes have been violated. The appeal must be in writing and must be postmarked and sent within 45 days of this decision to:

Regional Forester
Attention: 1570 Appeals
333 SW First Avenue
P. O. Box 3623
Portland, Oregon 97208-3623

Electronic appeals can be sent via email to:
appeals-pacificnorthwest-regional-office@fs.fed.us

The proponent or permittees are also required to simultaneously send a copy of the appeal to the project deciding officer:

Forest Supervisor
c/o Jan Flatten
Okanogan Valley Office
1240 Second Avenue South
Okanogan, WA 98840
Or: appeals-pacificnorthwest-okanogan-wenatchee@fs.fed.us

IMPLEMENTATION

Implementation of this decision shall occur no sooner than 50 days after the publication of the legal notice of the decision in *The Wenatchee World* newspaper. If an appeal is received and the decision is affirmed, the project cannot be implemented for 15 days after the appeal decision. Implementation of this decision consists of issuance of a plan of operations or other permits to the proponent or special use permittees so that ground disturbing work can commence.

CONTACT PERSON

For further information regarding the project, contact Buckhorn Access Project manager Phil Christy at 1 West Winesap, Tonasket, WA 98855, (509) 486-5137.

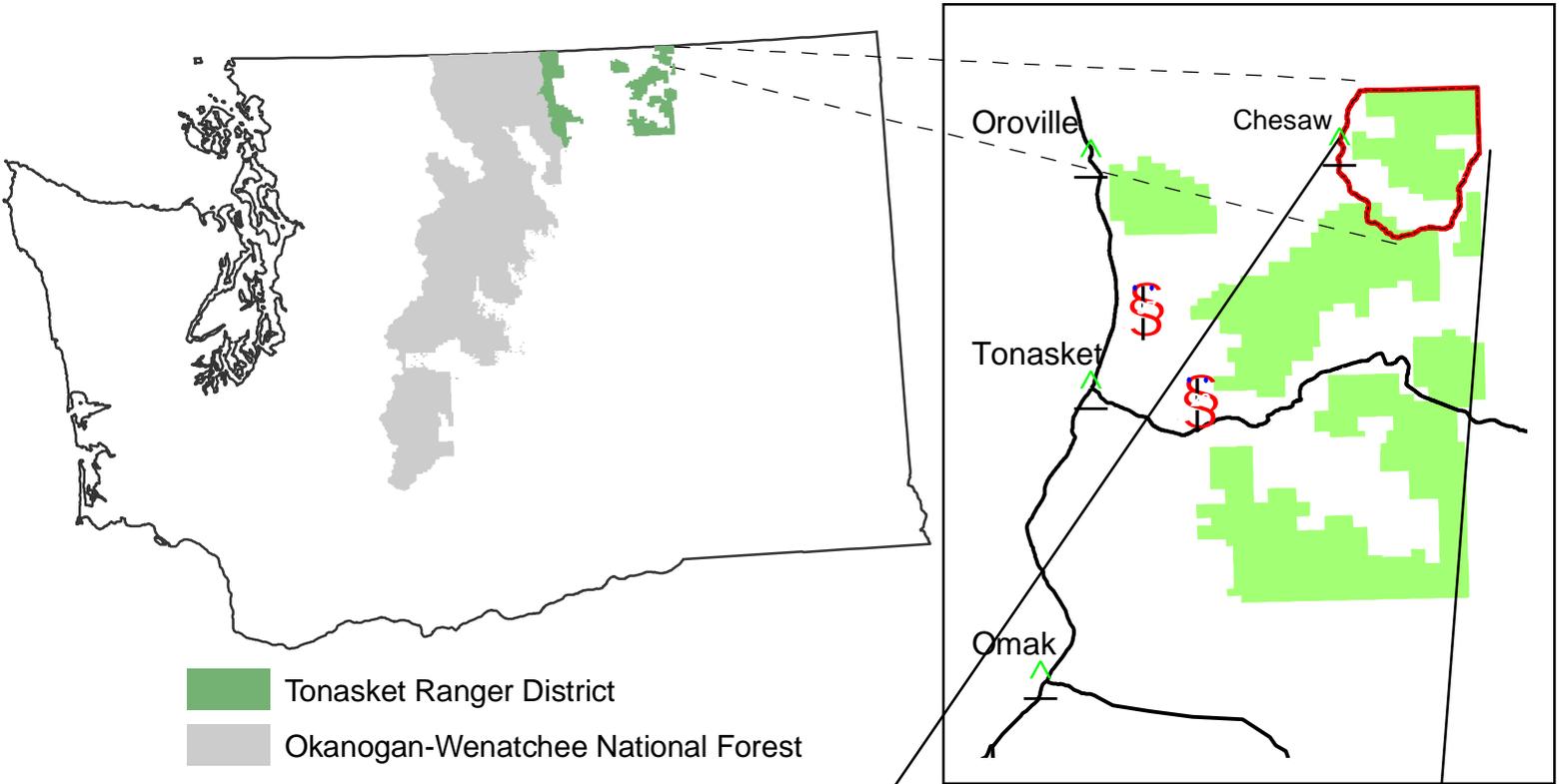
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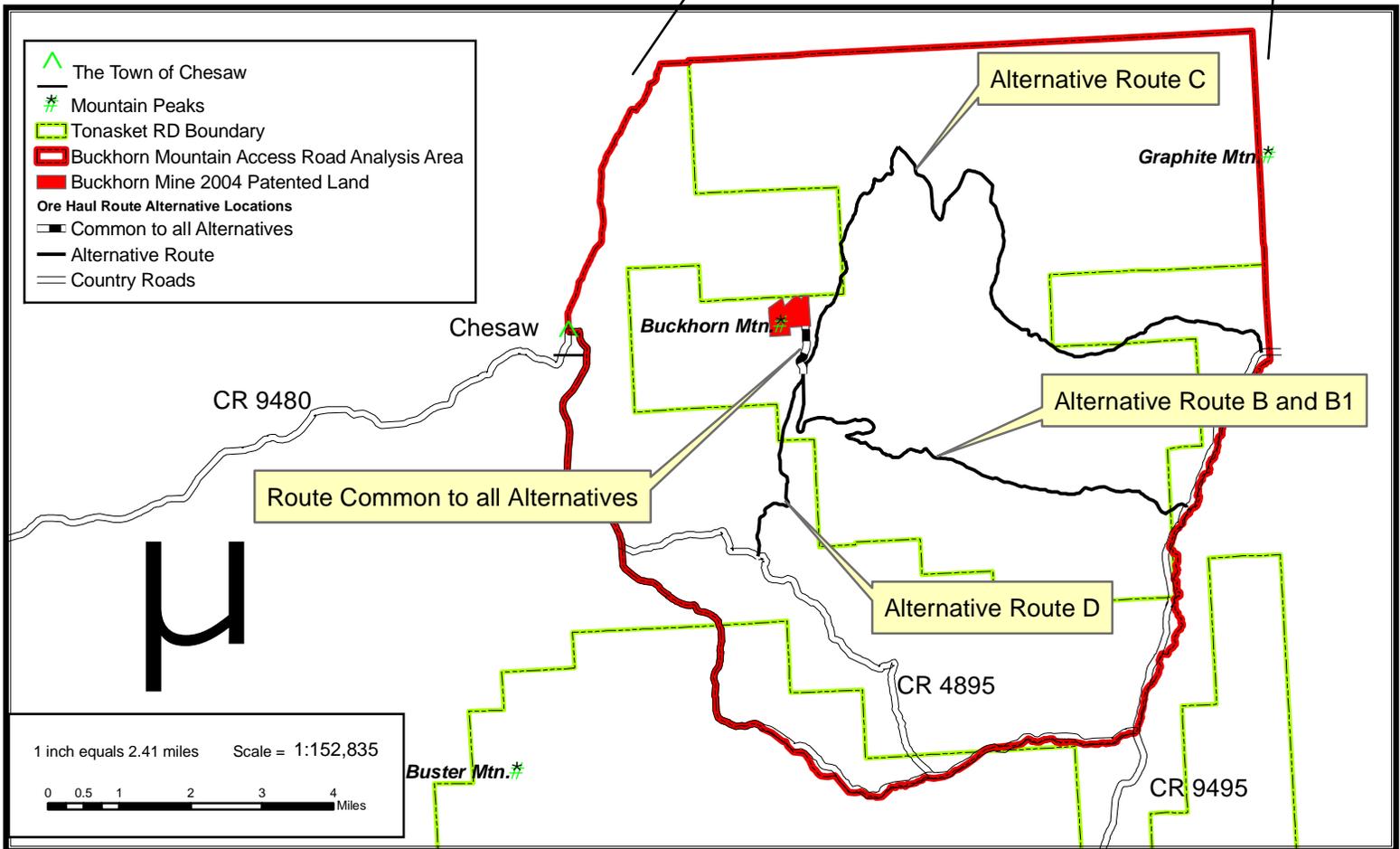
JAMES L. BOYNTON
Okanogan and Wenatchee National Forests
Forest Supervisor

Date

Project Vicinity Map

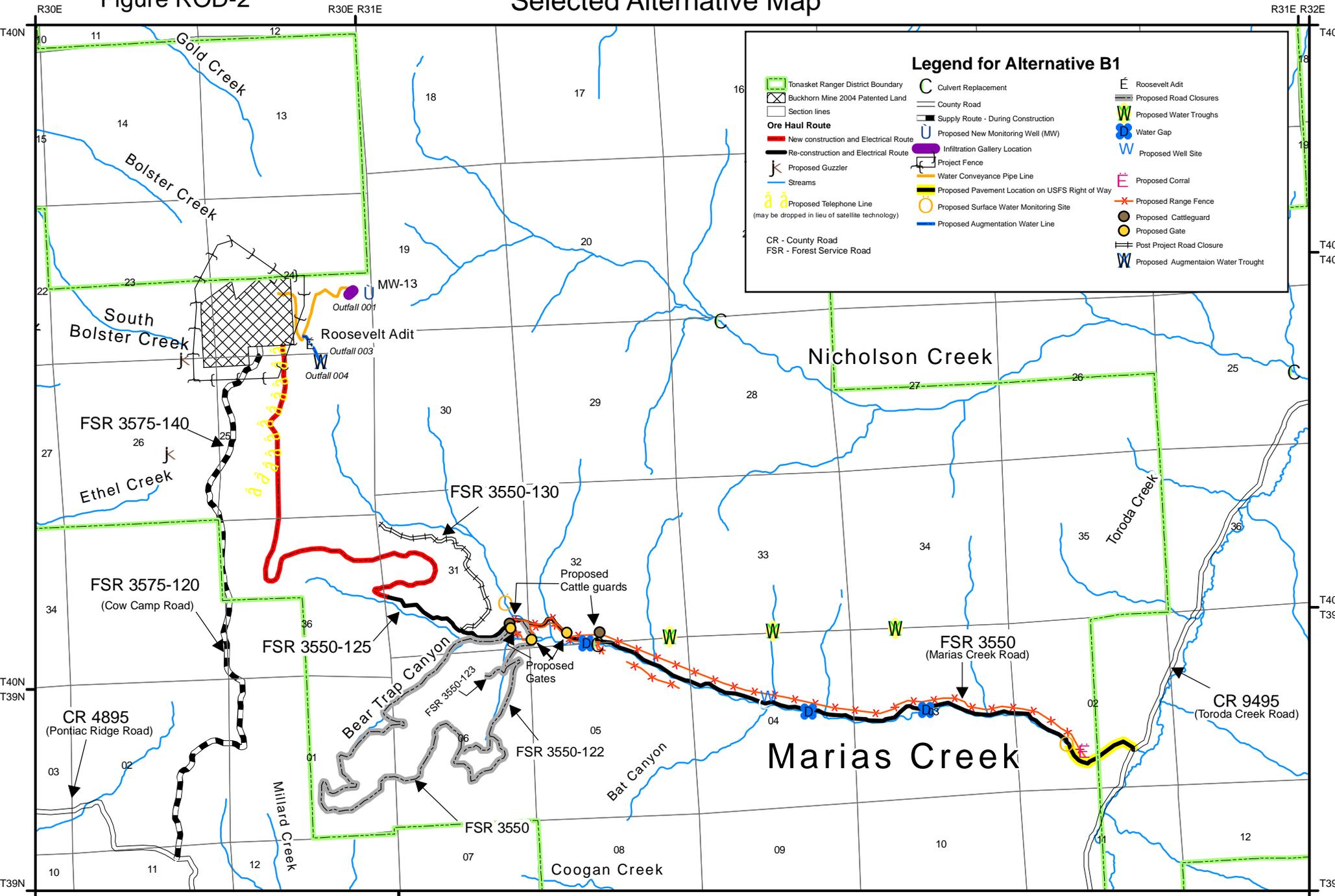


Buckhorn Access Project



Legend for Alternative B1

Tonasket Ranger District Boundary	Culvert Replacement	Roosevelt Adit
Buckhorn Mine 2004 Patented Land	County Road	Proposed Road Closures
Section lines	Supply Route - During Construction	Proposed Water Troughs
Ore Haul Route	Proposed New Monitoring Well (MW)	Water Gap
New construction and Electrical Route	Infiltration Gallery Location	Proposed Well Site
Re-construction and Electrical Route	Project Fence	Proposed Corral
Proposed Guzzler	Water Conveyance Pipe Line	Proposed Range Fence
Streams	Proposed Pavement Location on USFS Right of Way	Proposed Cattleguard
Proposed Telephone Line (may be dropped in lieu of satellite technology)	Proposed Surface Water Monitoring Site	Proposed Gate
	Proposed Augmentation Water Line	Post Project Road Closure
CR - County Road		Proposed Augmentaion Water Trough
FSR - Forest Service Road		



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