

DECISION MEMO
SYCAMORE CANYON SILVER-GOLD PROJECT
U.S. FOREST SERVICE
SAFFORD RANGER DISTRICT
CORONADO NATIONAL FOREST
GRAHAM COUNTY, ARIZONA

BACKGROUND

The Coronado National Forest accepted a Plan of Operations (PoO) from Arizona Silver Exploration (ASE) on November 10, 2018 proposing the exploration of locatable minerals on public domain National Forest System (NFS) lands. The purpose of the proposed action is to process, administer, and manage mining operations on NFS lands, and to maintain consistency with law, regulation, and policy applicable to the administration of the following:

- U.S. Mining Laws of May 10, 1872 (17 Stat. 91 as amended 30 U.S.C. 31-54);
- Organic Administration Act of 1897 (Ch. 2, 30 Stat. 11, as amended; 16 U.S.C. 477-482, 551); and
- Public Law 91-631- the Mining and Minerals Policy Act of 1970.

36 CFR 228 Subpart A (September 1, 1974) established a statutory right to go upon and use the open public domain land of the NFS for the purpose of minerals exploration, development, and production consistent with sound environmental practices.

Proposed Action

ASE's proposed Sycamore Canyon Silver-Gold (SCSG) project is designed to locate and delineate locatable mineral deposits, specifically by exploration drilling on NFS lands. The Proposed Action is for exploration work only, including drilling. No mining, milling, or permanent facilities are being proposed. The proposed SCSG project area is located 30 to 40 miles southwest of Safford, AZ, Graham County, in the SE Pinaleno Mountains, Township 11 South, Range 26 East, Section 18, Gila and Salt River Baseline and Meridian.

One drill site and associated sump is proposed. As proposed, the project is expected to be completed in approximately three months. One week for road improvements, two weeks for mobilization/demobilization of equipment, one week of drilling (four person drill team working 10 hours per day with no overnight drilling), three weeks to obtain drilling results, and two weeks for reclamation.

Mitigations

The proposed action includes the following mitigations:

- No road grading or leveling within cultural resource sites.
- Implement standard USFS road-stream crossing Best Management Practices (BMPs), as well as maintaining compliance with the provisions of: U.S. Code § 1344 (f)(1)(E)

(Permits for dredged or fill material), and 36 CFR § 228.8 (b) and (f) – (Requirements for environmental protection).

- All exploratory boreholes shall be fully plugged (abandoned) with the bentonite grout with a permeability specification of 1×10^{-9} cm/sec. or less. No drill cuttings shall be returned to the borehole.
- Activities must occur outside the golden eagle breeding season (January through July) or non-breeding or non-occupancy within 1 mile of the drilling site must be confirmed.
- Avoid the removal or damage to Agave and Yucca plants during road and pad construction and use. Salvage and replant any Agave or Yucca plants that must be removed during construction.
- Reclamation would commence as soon as practicable upon conclusion of drilling and demobilization of drilling equipment.

Access

Access to the operations would be gained from existing National Forest System Roads. Primary access would be from Safford, AZ using 191 south to FR 662 and an unnamed road. This road is approximately 15 feet wide and can accommodate all equipment access. Short sections of eroded or uneven road bed (totaling 1000 feet) would be graded and levelled for safe access (-0.35 acres). No new road construction is proposed. A wide area near the end of this road would be utilized as a drill pad. This area is approximately 30 feet wide by 50 feet long (0.035 acres). The drill site would utilize existing topography to the extent possible and would not require complete grading or leveling. The only new disturbance at the drill site would be a fluid sump dug for cuttings and drilling mud which would be approximately 20 feet by 20 feet and 4 feet deep (0.01 acres).

Hours of Operation

Drilling activities will occur daily over a 10-hour shift for the duration of the project. No night-time operations are proposed.

Reclamation

Reclamation would commence as soon as practicable upon conclusion of drilling and demobilization of drilling equipment. Any residual cuttings or drilling fluid in the sump would be removed, the sump liner removed, and the sump recovered and re-seeded. The drill site would be scarified and re-seeded upon completion of reclamation of the sump. The drill access road would be scarified and reseeded upon completion of this project. The objective is to be able to continue to use the access road to access the claims, and for possible future drilling access. All straw wattles used on site to reduce soil erosion would be composed of noninvasive plant species and certified weed free. Likewise, straw or other mulch used to promote revegetation would be free of invasive species.

All newly disturbed areas would be recontoured to pre-disturbance levels and seeded with a CNF recommended seed mixture. A weed control and reclamation monitoring plan would be put in place and followed in accordance with CNF requirements. This would include concurrent reclamation (monitoring/spraying weeds while drilling), interim reclamation

(monitoring/spraying weeds during any breaks), and a 3-year weed monitoring/spraying program. Straw products used for erosion control would be certified weed free.

DECISION

I have decided to approve of Arizona Silver Exploration's Sycamore Canyon Silver-Gold Project.

This action is categorically excluded from documentation in an environmental impact statement (EIS) or an environmental assessment (EA). The applicable category of actions is identified in agency procedures as 36 CFR 220.6(e)(8), "*Short-term (1 year or less) mineral, energy, or geophysical investigations and their incidental support activities that may require cross-country travel by vehicles and equipment, construction of less than 1 mile of low standard road, or use and minor repair of existing roads.*" This category of action(s) is applicable because this is a mineral activity that will occur over the span of less than a year and involve the construction of less than one mile of low standard road.

I find that there are no extraordinary circumstances that would warrant further analysis and documentation in an EA or EIS. I took into account resource conditions identified in agency procedures that should be considered in determining whether extraordinary circumstances might exist:

- Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species – The Safford Ranger District Biologist prepared a Biological Assessment (BA) of the proposed action which documents the determination that there would be "no effect" or "not likely to jeopardize" Federally listed threatened and endangered species, designated critical habitat, species proposed for Federal listing or proposed critical habitat. The BA also documents the determination that the proposed action "may impact individuals, but not likely to trend towards a Federal Listing" of Forest Service sensitive species in or around the action area. The U.S. Fish & Wildlife Service were contacted about this project and conservation measures to ensure that the Bald and Golden Eagle Protection Act would be met. Agreement with CNF actions and justification was received on December 18, 2020.
- Flood plains, wetlands, or municipal watersheds – The Forest Hydrologist prepared a report on the project area, determining that there were no wetlands or municipal watersheds in the project area, provided that all mitigations in the report are followed. The report indicated that portions of the project area cross into floodplains and that project effects to the floodplains can be kept below the threshold of an "extraordinary circumstance" by implementing standard USFS road-stream crossing Best Management Practices (BMPs), as well as maintaining compliance with the provisions of: U.S. Code § 1344 (f)(1)(E) (Permits for dredged or fill material), and 36 CFR § 228.8 (b) and (f) – (Requirements for environmental protection).
- Congressionally designated areas such as wilderness, wilderness study areas, or national recreation areas – There are no wilderness, wilderness study areas, or national recreation areas in the project area; therefore, are not expected to have any impact on these areas.

- Inventoried roadless areas or potential wilderness areas – The project area does not include inventoried roadless areas or potential wilderness areas; therefore, are not expected to have any impact on these areas.
- Research natural areas – The project area is not located in a research natural area; therefore, is not expected to have any impact on these areas.
- American Indians and Alaska Native religious or cultural sites – The project is located within Dził nchaa si'an Traditional Cultural Property (TCP), a place of cultural importance for the Tohono O'odham and other tribes eligible which is also eligible for nomination to the National Register of Historic Places. A scoping letter was sent to the 12 Native American Tribal Nations on March 24, 2020. Concerns were raised by three of the Tribal Nations. Forest staff including the Forest Supervisor, District Ranger, and Tribal Relations Specialist hosted a resolution meeting with tribal representatives in February 2021. After this meeting and further review and communication between the tribes and forest, the tribes reached a determination on July 15, 2021 that this project will not perceivably change the landscape; therefore, it was determined that there would be "no adverse effects". The Forest Archaeologist reviewed the Cultural Resources report, number 2020-05-033 which documents the determination that this project would have no adverse effects on American Indian or Alaska Native religious or cultural sites, so long as the proposed mitigation measures are followed.
- Archaeological sites, or historic properties or areas – The District Archaeologist reviewed the proposed action and prepared report number 2020-05-033 which was completed in February 2020 and revised September 2021. The Forest received concurrence from the State Historic Preservation Office (SHPO) on November 4, 2021 which documents the determination that the project would result in no adverse effects to archeological sites or historic properties or areas provided all mitigations were followed and that any discoveries of undocumented archaeological or historical remains are promptly evaluated and consulted upon if necessary.

PUBLIC INVOLVEMENT

This action was originally listed as a proposal on the Coronado National Forest Schedule of Proposed Actions (SOPA) here: http://www.fs.fed.us/nepa/nepa_project_exp.php?project=56892 and updated periodically during the analysis. A scoping letter was prepared and distributed to interested parties, organizations, permittees and stakeholders in the area to solicit comments on the proposed action. The scoping letter was distributed on October 17, 2019, and encouraged comments to be posted on the public website for the project¹. A legal notice was also published in the *Eastern Arizona Courier* on October 19, 2019.

Two comments were received. One comment was against the project. Another comment was from the Hopi Cultural Preservation Office expressing their concern over the project and how it

¹ <https://cara.ecosystem-management.org/Public/CommentInput?Project=56892>

may adversely affect cultural resources significant to the Hopi Tribe, as well as stating their need of a copy of the cultural resources survey report for review and comment.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

This decision is consistent with the Coronado National Forest Land Management Plan. The project was designed in conformance with the desired conditions for this resource, which states that, "All mineral exploration and mining activities are operating in environmentally sound ways through protection and mitigation measures, including adequate post-mining reclamation assurances, to minimize environmental impacts to other national forest resources."

Clean Water Act of 1972

In a letter from the Arizona Department of Environmental Quality, it was determined based on their review of the project that the project was likely subject to permitting under Arizona's Stormwater Construction General Permit (CGP) for the project duration. The hydrology report indicated that parts of the project area include floodplains, and thus mitigations will be implemented to maintain compliance with this act.

Executive Orders 11988 and 11990 (Floodplain Management and Protection of Wetlands)

Based on the hydrology report, I have determined that there will be no effect on wetlands and effects on floodplains can be mitigated below the threshold of an "extraordinary circumstance" and will not be in conflict with either executive order as long as measures are followed.

Clean Air Act of 1970

Based on the findings of the hydrology report, I have determined that the use of the suggested mitigation measures will keep this project in compliance with the Clean Air Act, which defines the National Ambient Air Quality Standards (NAAQS) for various sources of pollutants that must be met to protect human health and welfare, including visibility.

Migratory Bird Treaty Act

In the BA provided by the Safford Ranger District Biologist, it was determined that, because this project is unlikely to disturb species that could be located in the project area to the point of a reduction in potential reproduction, it is unlikely to lead to a range-wide decline in the population which complies with the Migratory Bird Treaty Act.

Bald and Golden Eagle Protection Act

In the BA provided by the Safford Ranger District Biologist, it was determined that the project could temporarily affect Golden Eagles, but is unlikely that will disturb as defined by the Bald and Golden Eagle Protection Act to the point that it will cause injury, decrease in productivity or nest abandonment due to size of the project, project location, and project timing. Concurrence regarding this determination was received from USFWS December 18, 2020.

Endangered Species Act

The Safford Ranger District Biologist prepared a Biological Assessment (BA) of the project, which documents the determination of "Not Likely to Jeopardize" the Mexican Wolf, and "No

Effect” for all other Federally listed threatened and endangered species, designated critical habitat, species proposed for Federal listing or proposed critical habitat.

National Historic Preservation Act

Based on the Cultural Resources Report number 2020-05-033 and concurrence from SHPO, I have determined that the suggested protection measures proposed by the Forest Archaeologist will result in no adverse effects on historic properties and that the proposed action is compliant with Section 106 of the National Historic Preservation Act.

ADMINISTRATIVE REVIEW (APPEAL) OPPORTUNITIES

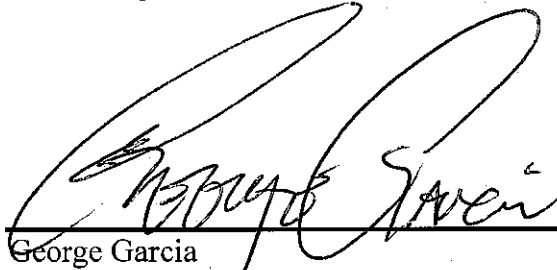
This decision is not subject to the pre-decisional administrative review and appeal process per 36 CFR 218.20. The 218 regulations now state that CEs are not subject to Notice and Comment. Specifically; 36 CFR 218.23 *Proposed projects and activities not subject to legal notice and opportunity to comment. The legal noted opportunity to comment procedures of this subpart do not apply to: (a) Any project or activity categorically excluded from documentation in an environmental assessment or environmental impact statement.*

IMPLEMENTATION DATE

The decision may be implemented immediately upon signature. Publication of this decision will be made available on the Coronado National Forest SOPA website.

CONTACT

For additional information concerning this project, contact: Deborah Bradley, Geologist, 300 West Congress Street, Tucson, Arizona 85701, deborah.bradley@usda.gov.



George Garcia

Safford District Ranger

12/16/2021

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.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

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.

USDA is an equal opportunity provider, employer and lender.

