

DECISION RECORD

I. DECISION AND RATIONALE

A. DECISION

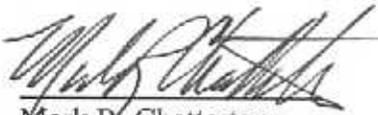
Approve the Amended Plan of Operations N-71466, as submitted by Simplot Silica Products and incorporate the recommended mitigation measures into the Condition Approval listed at Attachment A.

B. RATIONALE

The proposed action is in conformance with the legislation and regulations dealing with exploration, development and production of locatable minerals, and with current Bureau policy to encourage mineral development. The proposed action is also consistent with the Las Vegas Resource Management Plan which was approved October 5, 1998.

II. FINDING OF NO SIGNIFICANT IMPACT

Based on the Analysis contained in the Environmental Assessment, NV-054-2003-382, I find that this action will not have a significant impact to the human environment and, therefore, conclude that no Environmental Impact Statement is necessary.


Mark R. Chatterton
Assistant Field Manager
Nonrenewable Resources

5/14/2004
Date

Attachment A. Conditions of Approval for Plan of Operations N-71466

Performance Standards for 43 CFR 3809 Conformance:

1. All operations will conform with performance standards at surface management regulations at 43 CFR 3809.420.
2. Any new surface disturbance and expansion activities beyond the scope of this mine plan and analysis must be reviewed and authorized by BLM prior to implementing the new surface disturbance.
3. Common mineral materials cannot be sold from mining claims unless authorized by the regulations and the Authorized Officer for the BLM.
4. The operator / claimant agrees to comply with all pertinent Federal, state and local regulations.
5. Approval of this Plan will not now or in the future serve as a determination of the ownership or the validity of any mining claim to which it might relate. Approval of this plan is subject to rights-of-way, such as power lines, pipelines, roadways, etc. which pre-date the approved plan of operations.
6. All mining activities under this Plan of Operations shall be conducted in such a manner as to prevent unnecessary or undue degradation of the public land.
7. No new fences, gates, signs or structures, may be erected without written permission from the authorized officer.

Air Resources

8. The generation of fugitive dust from surface activities, including material handling and hauling, will be controlled by Best Management Practice's (Nevada State Conservation Commission 1994). Examples include direct water application and revegetation of disturbed areas concurrent with operations.
9. Simplot will hold an air quality permit issued by the Clark County Department of Air Quality Management to control fugitive dust.

Water Resources

10. Simplot currently maintains a storm water discharge permit from the NDEP. BMPs developed by the NSCC, would be used to control storm water discharges and the Storm water Pollution Prevention Plan (SWPPP) would be implemented and followed. These include material handling practices that minimize the exposure of pollutants to storm

water; spill prevention and response; sediment and erosion control; and physical storm water controls.

11. Runoff water from proposed mining operations would be controlled by check dams and catch basins situated immediately below all areas of influence.

Special Status Species

12. All applicable Terms and Conditions in the Biological Opinion (BO-File No. 1-5-97-F-251) will be implemented and followed prior to and during expansion activities.

Hazardous Materials and Hazardous Waste

13. Hazardous materials are defined in 49 CFR 172.101; hazardous substances are defined in 49 CFR 302.4 and the Superfund Amendments and Reauthorization Act Title III. Any hazardous materials would be transported to the project area by U.S. Department of Transportation (DOT) regulated transporters and stored on-site in DOT approved containers.

14. Spill containment structures would be provided for liquid hazardous materials.

15. No hazardous waste will be generated by the Project.

16. Diesel fuel and engine oil storage containers will be aboveground and is double-walled to prevent spillage or leaks.

17. Any spills from mobile equipment will be promptly reported internally and will be immediately cleaned up and disposed of appropriately according to applicable NDEP and federal regulations.

Closure and Reclamation

18. Varied reclamation techniques would be utilized to stabilize the reclaimed areas from erosion and create biodiversity in the post-mining ecosystem.

19. Reclamation will be conducted in a manner that supports post mining land uses of wildlife habitat, domestic grazing, dispersed recreation, and mineral exploration and development.

20. Reclamation will be conducted in a manner that supports achieve public safety, minimize adverse visual effects, re-establish surfaces that would support a self-sustaining vegetation community, control erosion and sedimentation, and employ reclamation methods that are technically effective, cost efficient, and do not require on-going maintenance to ensure performance.

21. The rock faces would be designed to remain in a stable condition following closure.

22. The submitted interim management plan will be implemented during extended periods of mining operations shutdown. This includes: removing mobile equipment from BLM land to Simplot's private/secured processing facility and office area, installing closure signs and gates that would be closed and locked during the shutdown, shutting down the existing pump for the water well in the existing pit, and conducting routine monitoring of the site to ensure site safety and security.

23. Fugitive dust would be controlled during temporary shutdowns and closure using direct water application.

24. Operator will provide an updated reclamation and closure plan 1 year prior to scheduled permanent closure.

Cultural and Paleontological Resources

25. If cultural resources are encountered during ground disturbing activities, the BLM will be notified and work in the area would stop until inspected by a qualified archeologist. If necessary, a mitigation plan would be developed.

26. In the event significant vertebrate paleontological resources are discovered the BLM authorized officer will be notified.

Human Health and Safety

27. The operation is subject to the federal Mine Safety and Health Act (MSHA) of 1977, which sets forth mandatory safety and health standards for mining operations.

28. All employees would be required to receive the training outlined at 30 CFR Subchapter N, Part 56.

SIMPLOT SILICA MINE EXPANSION PROJECT

ENVIRONMENTAL ASSESSMENT EA No. NV-054-2003-382

Prepared By:

United States Department of the Interior
Bureau of Land Management
Las Vegas Field Office
4701 N. Torrey Pines Drive
Las Vegas, Nevada 89130-2301



With Support By:

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March 2004

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1.0 INTRODUCTION/PURPOSE AND NEED

1.1 INTRODUCTION

Simplot Silica Products (Simplot), a division of J. R. Simplot Company, proposes the expansion and continuing operation of its Silica Products Mine, and associated surface facilities (Project Area) on public land administered by the U.S. Department of the Interior- Bureau of Land Management (USDOI-BLM), Las Vegas Field Office. The Simplot Mine produces sand for foundry castings and the glass industry. Mining in some fashion has been active in the general Project Area since 1929.

Simplot has submitted a proposed Reclamation and Operating Plan and a Plan of Operations (POO) to the BLM Las Vegas Field Office and the Nevada Division of Environmental Protection (NDEP) for the Project (JBR Environmental Inc. [JBR], 2003a; 2003b). Acceptance of the POO was received on August 22, 2003 and initiated the environmental review process.

The proposed Project would involve the following:

Expansion of the existing mine pit;

Construction of surface support facilities and access/haul roads;

Installation/relocation of conveyors and power lines;

Development of an overburden dump; and

Use of the existing pit for overburden backfill and eventually a tailings pond.

1.2 PROJECT AREA

The project is located in northeast Clark County, approximately 50 miles northeast of Las Vegas, Nevada and five miles south of Overton, Nevada (Figure 1). The Project Area lies to the north and east of Valley of Fire State Park and immediately southwest of Overton Ridge in Sections 2, 3, and 11, Township 17 South, Range 67 East (T17S, R67E) (Figure 2). Two existing pipelines (one slurry and one water) transfer mined silica between the existing mill in the mine site and the existing processing plant and separation facilities approximately five miles northeast of the Project Area (see Figure 2). The pipelines are located in Sections 1, 2, and 11 of T17S, R67E; Sections 25 and 36 of T16S, R67E; and Section 30 of T16S, R68E.

1.3 PURPOSE AND NEED

The purpose of the Project is to continue existing silica mining operations by expansion within the Project Area. The Project is needed to allow Simplot to meet long-term foundry and glass industry market demands for high quality sand.

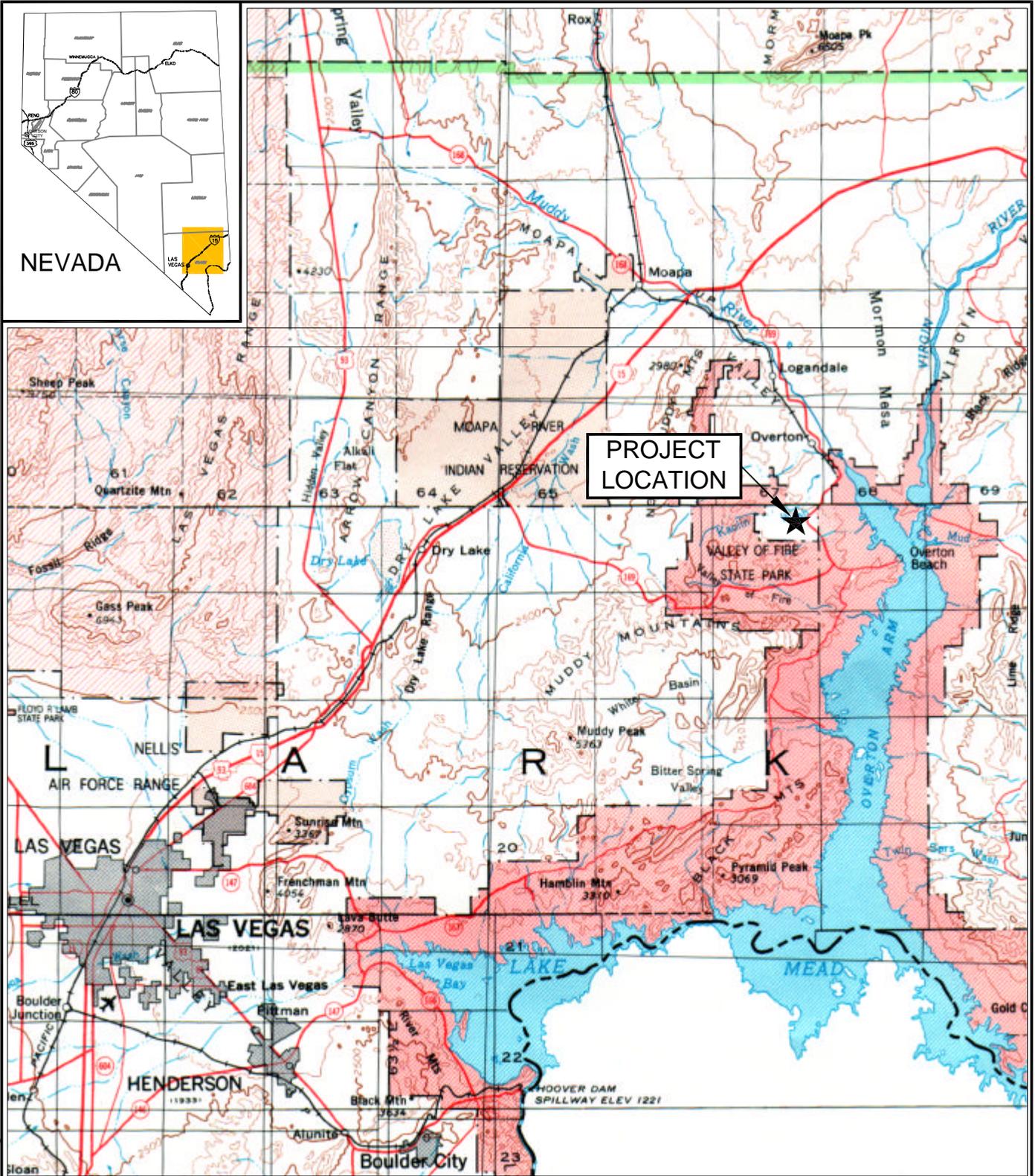
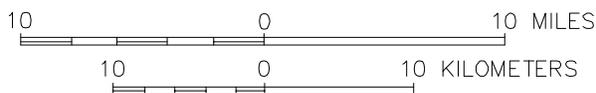


IMAGE SCANNED FROM USGS 1:500,000—SCALE NEVADA STATE MAP

SIMPLOT

SILICA MINE PROJECT

FIGURE 1
PROJECT LOCATION MAP



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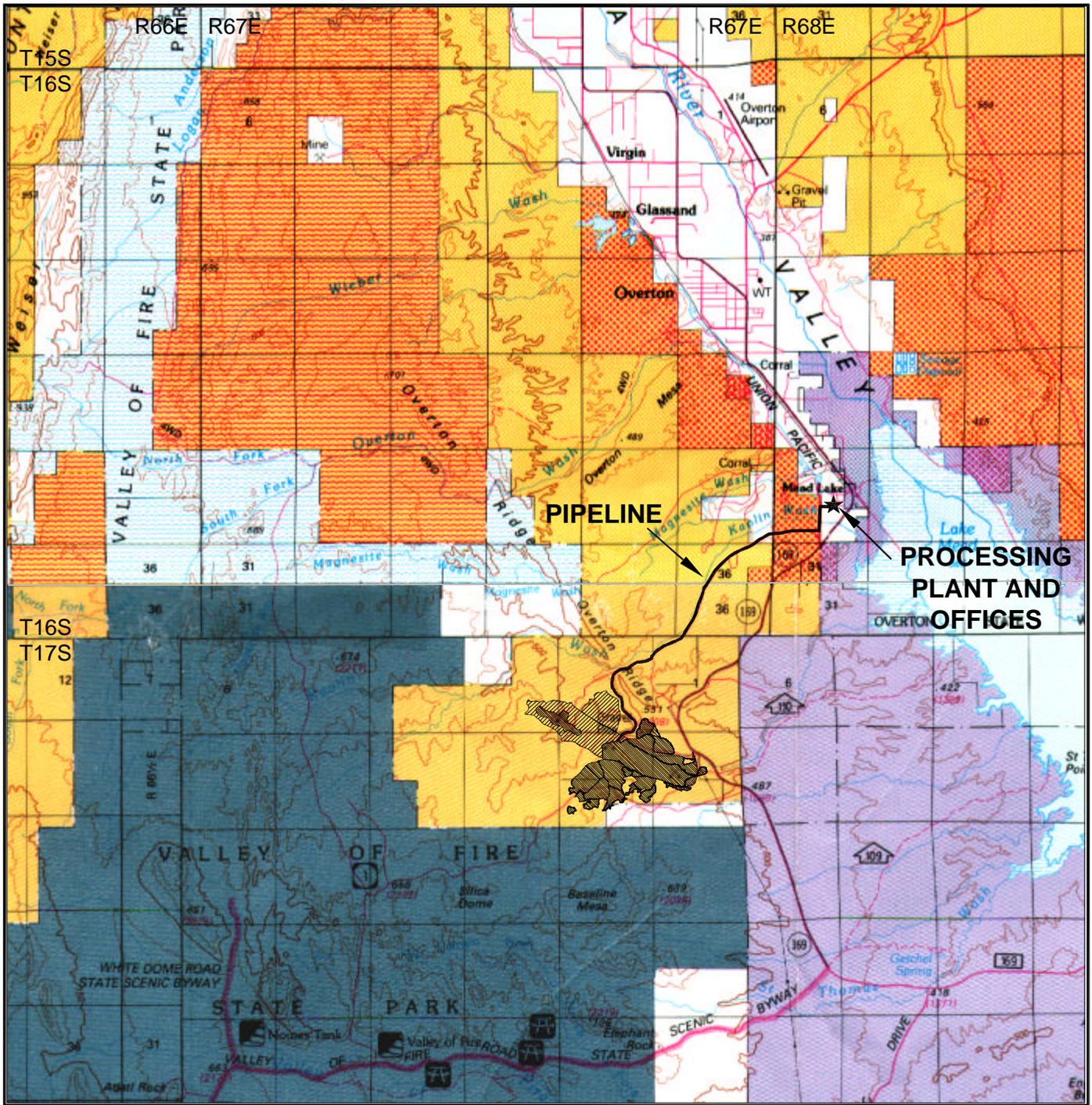


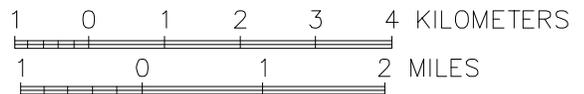
IMAGE SCANNED FROM 1:100,000-SCALE TOPOGRAPHIC MAPS, BLM EDITION: LAKE MEADE, NEVADA, 2000 AND OVERTON, NEVADA, 1989.

LANDSTATUS

-  EXISTING PROJECT DISTURBANCE
-  PROPOSED PROJECT DISTURBANCE

LANDSTATUS

-  PUBLIC LANDS (ADMINISTERED BY BLM)
-  NATIONAL PARKS AND MONUMENTS
-  PATENTED LANDS
-  BUREAU OF RECLAMATION
-  FEDERAL AGENCY PROTECTIVE WITHDRAWALS
-  STATE, COUNTY, CITY, WILDLIFE, PARK AND OUTDOOR RECREATION AREAS



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SILICA MINE PROJECT

FIGURE 2
LAND STATUS MAP

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Salt Lake City, Utah Cedar City, Utah Reno, Nevada Elko, Nevada Boise, Idaho		REVISION 4/4/03
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1.4 SCOPING ISSUES/CONCERNS

On October 10, 2003, the BLM Las Vegas Field Office sent the notice of scoping letters to 30 potentially interested and affected individuals, groups, and agencies requesting comments and input on the Project. The Project was also posted in the Moapa Valley Progress, Logandale, Nevada on October 22 and 29, 2003. A total of five responses were received during the comment period. All five comments were from various governmental divisions within the State of Nevada. In addition, BLM resource specialists toured the proposed expansion area and mine site on September 24, 2003.

The project scoping letter and copies of the responses are included in Appendix A. A list of scoping issues/concerns was compiled and is listed below. These issues/concerns are either further analyzed in Chapters 3 and/or 4 of this document, addressed through project design/environmental protection measures/mitigation measures, or are not part of the POO and are not present in the Project Area.

Issues/concerns identified from scoping

- Inventory and evaluation of cultural resources and potential impacts.
- Impacts on appropriation, permits, and usage of water.
- Impacts to the desert tortoise and Gila monster, including habitat.
- Installation of drinking water and/or sewage disposal systems.
- Need for an encroachment permit for access to State Road (SR) 169.

1.5 LAND USE PLAN CONFORMANCE STATEMENT

This Environmental Assessment (EA) was written to comply with BLM regulations for mining activities on public lands under the General Mining Law of 1872, subject to compliance with the Federal Land Policy and Management Act (FLPMA), which is implemented through surface management regulations (43 Code of Federal Regulations [CFR] 3809) as mandated by the Council of Environmental Quality Regulations (40 CFR 1500-1508) and the BLM NEPA Handbook (USDOI-BLM 1988).

The Proposed Action and Alternatives described in Section 2.0 are in conformance with the Las Vegas Resource Management Plan, approved by the Record of Decision dated October 5, 1998, and are consistent with federal, state, and local laws, regulations, and plans. Objectives of the Minerals Management Program are as follows: 1) provide for the orderly exploration and development of valuable minerals on federally owned estates, whether or not the surface estate is in federal ownership, where lands remain open to entry; and 2) use of appropriate environmental safeguards to allow for the preservation and enhancement of fragile or unique resources.

2.0 PROPOSED ACTION AND ALTERNATIVES

2.1 EXISTING OPERATIONS

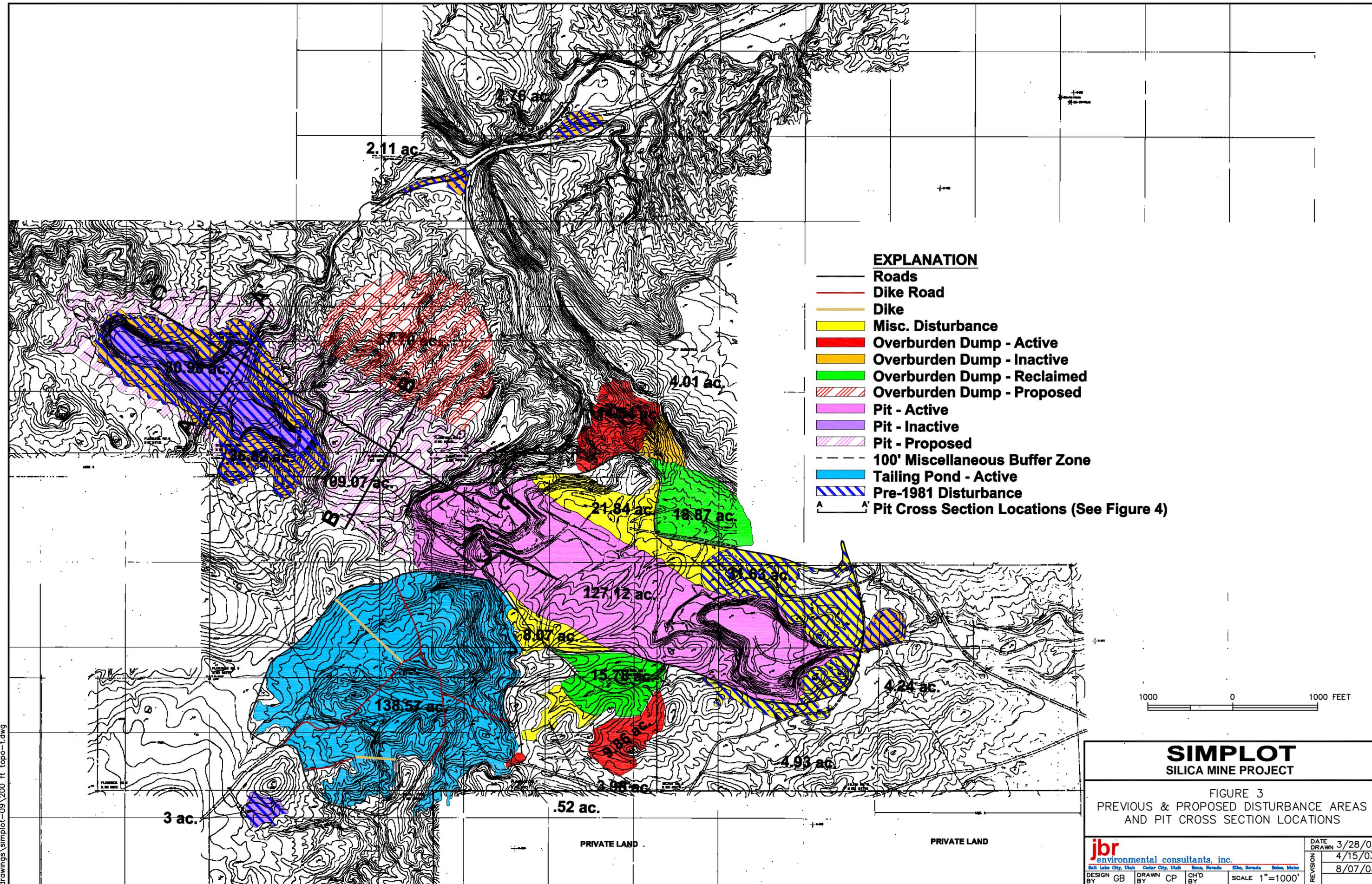
The existing open-pit mine consists of a single active open pit (northwest-southeast trending), overburden and waste dumps, a tailing impoundment, and miscellaneous disturbance areas consisting of haul/access roads, pipelines, and small waste dumps (Figure 3). The 5,000 foot-long open mine pit is currently being actively mined and has another two to four years of silica reserves still available. All past and existing disturbances (Table 1) are permitted under previously approved POOs (original POO [1984] and subsequent amended POOs [1990 and 1993]). The most current NEPA documentation was produced in 1993 (POO-N56-85-004P and EA No. NV-054-93-122 [USDOI-BLM 1993]).

Table 1 Existing/Permitted Surface Disturbance at the Mine Site Area

Facilities	Surface disturbance (acres) - does not include pre-1981		
	Public	Private	Total
Open Pit (includes haul roads, mill/screen plant, and conveyors)	127	0	127
Overburden Dumps	64	0	64
Tailings Pond Facilities	139	0	139
Miscellaneous (access roads, small dumps, etc.)	44	3	47
Processing Facilities and Related Disturbance	0	62	62
Total Incremental Surface Disturbance	377	65	439

Simplot drills and blasts individual benches, approximately eight to ten times/year. Blasting sufficiently fragments the relatively soft sandstone. Following the blasting activities, a dozer moves sandstone material to a front-end loader, which trams directly to the grizzly (6" X 11" grate). A conveyor then transports the material to the rod deck screen (1/4-inch screen size), which removes the oversized high-clay, coarse fractions. The minus 1/4-inch material goes to a wet screen set at 30-mesh and the oversize material, which consists of clay and pebbles, is removed. The oversize material fraction is removed from the sand in the screen plant and placed as backfill in mined-out portions of the pit. The wet 30-mesh material is then pumped to the washing plant, located in the northwestern portion of the existing pit. The material is then separated through two hydroclones with the coarse underflow going into dense media classifiers. The overflow fines and water are pumped to the existing tailings impoundment. The separated minus 30-mesh plus the 270-mesh sand is then slurried and pumped through a pipeline to the processing plant south of Overton, Nevada.

At the processing plant, the material is mixed with fresh water and washed in various mechanical separation steps to remove fine impurities from the sand grains. The washed sand is pumped in a slurry line to the loadout facilities. Tailing fines and water are pumped back to the tailings impoundment to the south of the pit. Clarified water from the tailings pond is recycled to the mill for reuse. Separations at the processing plant take place for foundry and glass sand. The sand is screen-dewatered and dried through natural solar drying to a moisture content of approximately five percent and then run through a coal-fired drier, cooled on slabs, and stored for shipping. Loading facilities accommodate shipping by either rail and/or truck.



- EXPLANATION**
- Roads
 - Dike Road
 - Dike
 - Misc. Disturbance
 - Overburden Dump - Active
 - Overburden Dump - Inactive
 - Overburden Dump - Reclaimed
 - ▨ Overburden Dump - Proposed
 - Pit - Active
 - Pit - Inactive
 - ▨ Pit - Proposed
 - - - 100' Miscellaneous Buffer Zone
 - Tailing Pond - Active
 - ▨ Pre-1981 Disturbance
 - A—A— Pit Cross Section Locations (See Figure 4)

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FIGURE 3
PREVIOUS & PROPOSED DISTURBANCE AREAS
AND PIT CROSS SECTION LOCATIONS

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Salt Lake City, Utah Cedar City, Utah Reno, Nevada Elko, Nevada Boise, Idaho		DRAWN	4/15/03
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The availability and use of water in the operations and processing of the silica is extremely important. Simplot currently obtains their water from two sources: one-water well situated adjacent to the washing plant in the existing pit and from common shares of irrigation water sent via ditches to the processing plant. Simplot attempts to limit the loss of available water and recycles it through the use of a reclaim pond situated at the tailings impoundment and four water storage ponds located at the processing plant. A 10-inch pipeline situated immediately adjacent to the 8-inch slurry line transports water back to the pit washing facility from the processing plant.

2.2 PROPOSED ACTION

The Proposed Action would result in the incremental new surface disturbance of approximately 167 acres of public land and approximately 68 acres of previously disturbed public land within the proposed Project Area (Table 2; see Figure 3). Expansion would enable mining operations to continue for an additional, approximate 15-20 years and could produce more than 15 million tons of sand. Infrastructure, including support facilities, conveyors, access/haul roads, and power lines, would be constructed/installed to support the mine expansion. Production levels and water use would remain at current levels until production of silica products ceases (15-20 years) and site reclamation begins. No dewatering activities presently occur or are planned in the Proposed Action.

The Proposed Action would meet all USDOJ-BLM, state, and local laws. The mine site is subject to the stipulations outlined in the Las Vegas Resource Management Plan and Final Environmental Impact Statement (USDOJ-BLM 1998) and the Clark County Management Framework Plan. The mining claims affected by the proposed Project are:

- N MC-88708, Florence - No.1
- N MC-88709, Florence- No. 2
- N MC-88710, Florence- No. 3
- N MC-88712, Florence- No. 5
- N MC-88701, Millsite
- N MC-88705, Nunnsuch- No. 4

Reclamation activities for the associated disturbance are described in the Reclamation and Operating Plan (JBR 2003a). The mine would be operated and reclaimed to the standards listed at 43 CFR 3809.420. Simplot has applied to the NDEP for authorization to obtain or modify, as necessary, a reclamation permit, water pollution control permit, air quality operating permit, and stormwater discharge permit.

Table 2 New Proposed Surface Disturbance on Public Land

Proposed Facilities	Surface disturbance (acres)		
	Public	Private	Total
Open Pit Area and Washing Operations: (Includes: Access and Haul Roads, Power line, and conveyors)	109	0	109
Overburden Waste Dump	58	0	58
Total Incremental New Surface Disturbance	167	0	167

2.2.1 Mine Expansion and Supporting Infrastructure

2.2.1.1 *Silica Products Mine Pit Development and Production*

Simplot proposes to expand the existing pit in a northwesterly direction (see Figure 3) to open up the ground between the currently mined pit and the old #3 pit (abandoned in 1981). In order to open the ground between the existing mine and the old No. 3 pit to the northwest, overburden would need to be stripped within the next one to three years. The overburden in the area averages about 50 feet in thickness and can usually be ripped with dozers. Access roads would be developed to enable overburden stripping and creation of the proposed waste dump. These roads would be situated within the proposed pit disturbance and/or overburden dump limits (see Figure 3).

After ripping, the overburden would be loaded into haul trucks by front-end loaders and hauled to the proposed waste dump area northeast of the proposed pit expansion in the new overburden dump. The proposed waste dump would contain up to approximately 5.5 million cubic yards of overburden.

Once sufficient overburden stripping has taken place, expansion into the new pit area would begin. Mining would take place down to approximately the 1,400-foot elevation level. Conceptual cross sections of the proposed pit have been designed and are displayed in Figure 4. Benches would be approximately 20 feet wide by 50 feet high. Material would be separated using screens and suitable material would be conveyed to the washing plant and ultimately slurried to the processing plant (see Section 2.1). The loading hopper and conveyors would eventually be moved in a northwesterly direction as the pit expands. The pre-1981 disturbance from the old No. 3 pit and the associated overburden dump would become part of the expanded pit disturbance.

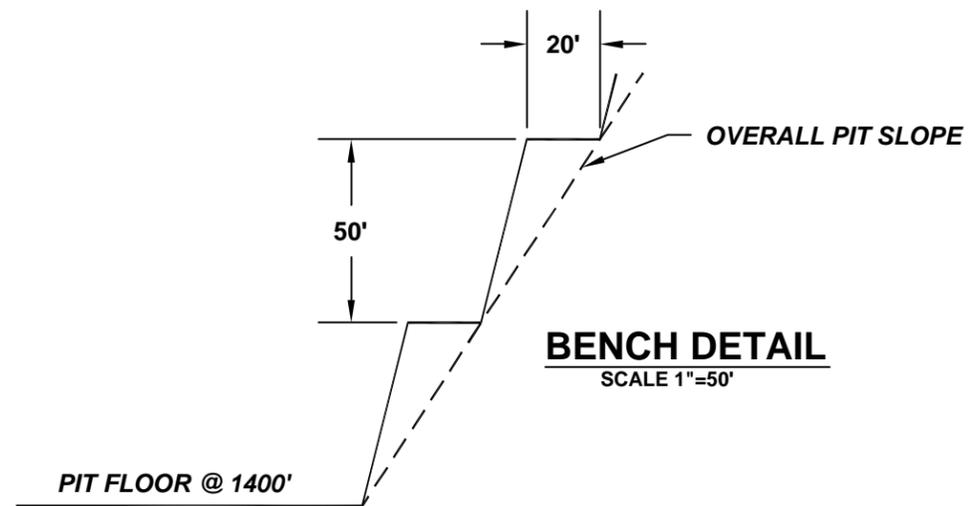
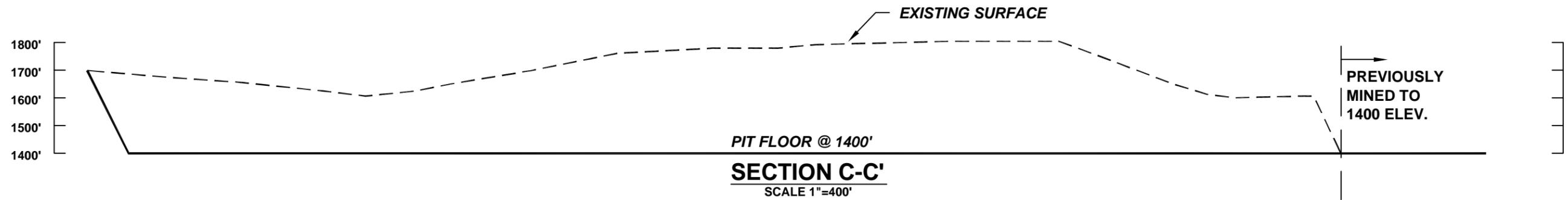
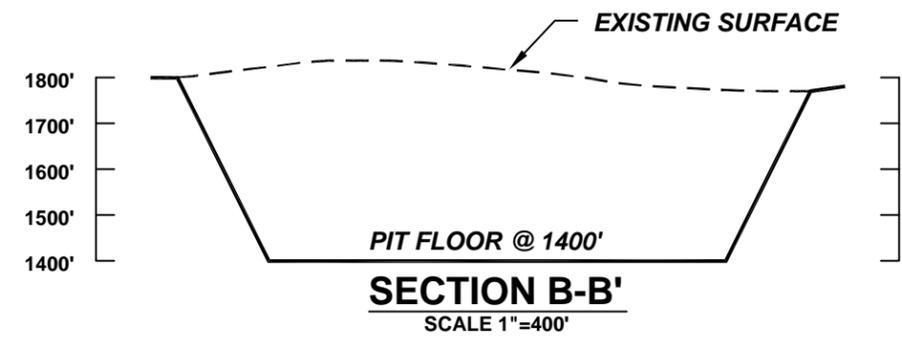
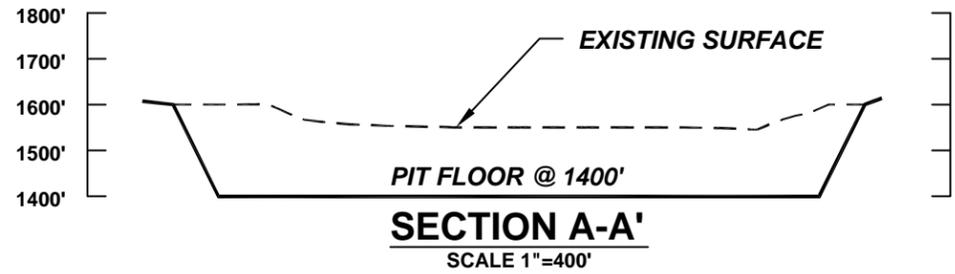
After active mining in the new expansion area has been initiated and the initial overburden removed, all future overburden waste and waste sand would be backfilled into the southern end of the pit currently mined. The current pit may also be used for tailings deposition once the capacity of the existing tailings ponds has been exceeded.

2.2.1.2 *Surface Support Facilities*

Minimal construction of new surface support facilities would be required for the proposed mine expansion because of the current infrastructure of existing facilities that would be used for the proposed expansion project. Specifically, as the pit expands to the northwest, a power distribution line would need to be installed to power the conveyors. Other surface support facilities would include access roads and surface water control ditches that would be designed and constructed in accordance with Best Management Practices (BMPs) as outlined in the Handbook of Best Management Practices (Nevada State Conservation Commission [NSCC], 1994). All support facilities would be constructed within identified proposed pit and overburden dump limits (see Figure 3) and would be fenced off, if necessary, with a four-strand barbed wire fence with steel posts. No public drinking water or sewage disposal systems are proposed under the Proposed Action for this mine expansion.

2.2.1.3 *Haul Roads*

Haul roads would be constructed to provide haulage truck access into the expanded pit and the proposed waste dump area. The width of the haul roads would vary from 40 to 60 feet and would be constructed with a minimum cross slope of one to two percent to accommodate runoff. Maximum grade would be six to six and one-half percent to allow for safe speed for loaded trucks. Hillside cuts would be sloped from outside to inside at four to five percent with an inside ditch line to reduce erosion damage to road surfaces. Ditches



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FIGURE 4
PIT CROSS SECTIONS AND BENCH DETAIL

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Salt Lake City, Utah Cedar City, Utah Reno, Nevada Elko, Nevada Boise, Idaho				REVISION
DESIGN BY GB	DRAWN BY CP	CH'D BY	SCALE As Shown	

would be three to six feet in width. Berms would be constructed on the outside edges of all roads and waste dump areas adjacent to excavations or steep slopes.

2.2.1.4 Overburden Dump

Overburden waste rock would be generated during the initial stripping for the new pit expansion. The overburden produced from the stripping would require the construction of an overburden dump facility in Section 2, T17S, R67E. The thickness of the overburden would be a maximum of approximately 200 feet above the existing ground surface in some locations, and final slopes would be constructed at a 3:1 slope. Cross sections of the proposed overburden dump have been designed and are displayed in Figure 5. A smaller area of disturbance for the overburden dump was evaluated during the planning process, however, designing a smaller footprint for the proposed overburden dump would have resulted in a higher profile dump. This higher profile dump would have potentially created visual impacts to visitors of Valley of Fire State Park or travelers along SR 169.

Once the initial stripping has been accomplished and the ground has been breached between the existing pit and old pit No. 3, all future overburden waste rock, oversized material, and/or rejected sand would be backfilled into the southeastern end of the currently mined pit. It was not deemed feasible to begin backfilling the existing pit immediately during breaching activities because active mining within the existing pit would still be occurring and these activities would be occurring simultaneously. Any opportunity to back-fill the existing pit once active mining has moved into the proposed new pit area would be taken advantage of to reduce the overall size of the proposed overburden dump.

2.2.1.5 Stockpiles

No new surface disturbance for stockpiles is proposed. Oversized, rejected sand would be stored within the existing pit and used as backfill material. Topsoil for future reclamation efforts is typically not salvaged or stockpiled because it is usually not present in this type of arid, desert environment. However, if it is determined that topsoil growth medium is available in areas of proposed disturbance, the topsoil would be set aside within approved or previously disturbed areas, so that it would be protected for eventual reapplication to a prepared surface during reclamation activities. Typically, topsoil stockpiles are untouched prior to reclamation and natural revegetation slowly takes place, enhancing the amount of organic matter and seed source within the topsoil. This generally enhances native species growth.

2.2.2 Environmental Protection/Mitigation Measures

Environmental resources in the proposed Project Area have been evaluated to determine the need for Environmental Protection Measures (EPMs)/Mitigation Measures. The EPMs developed for the proposed Action are described below in the following sections.

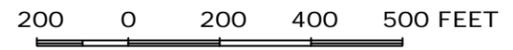
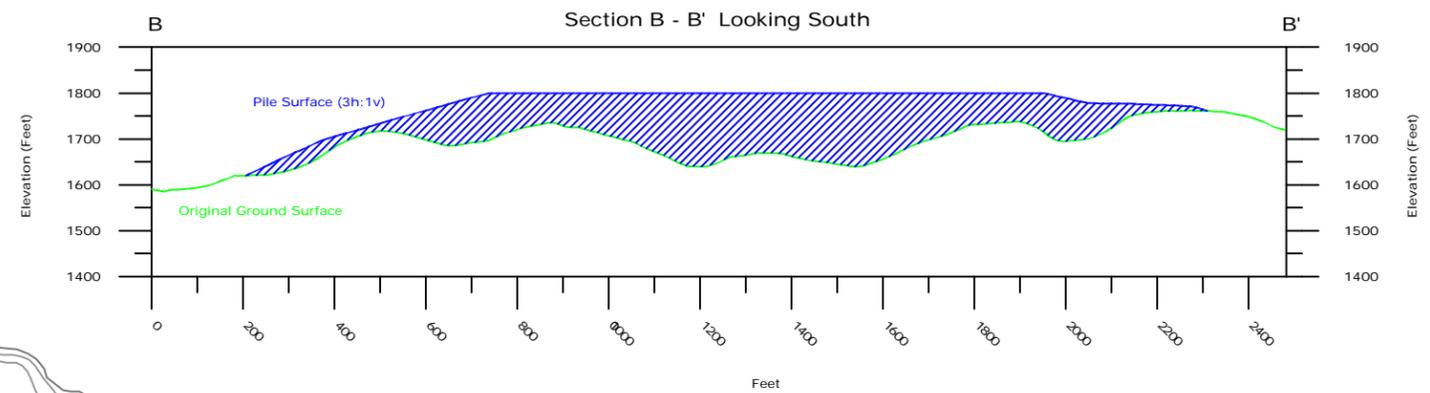
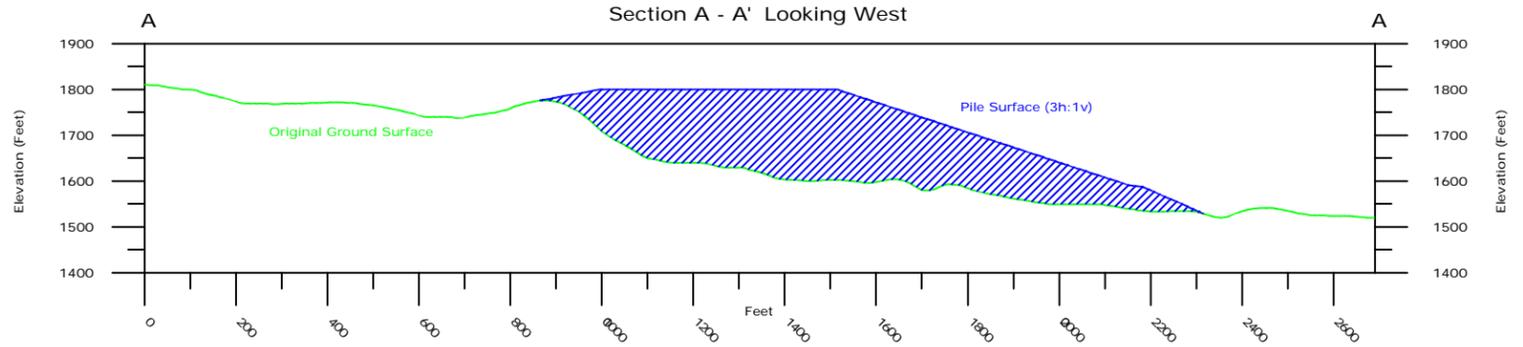
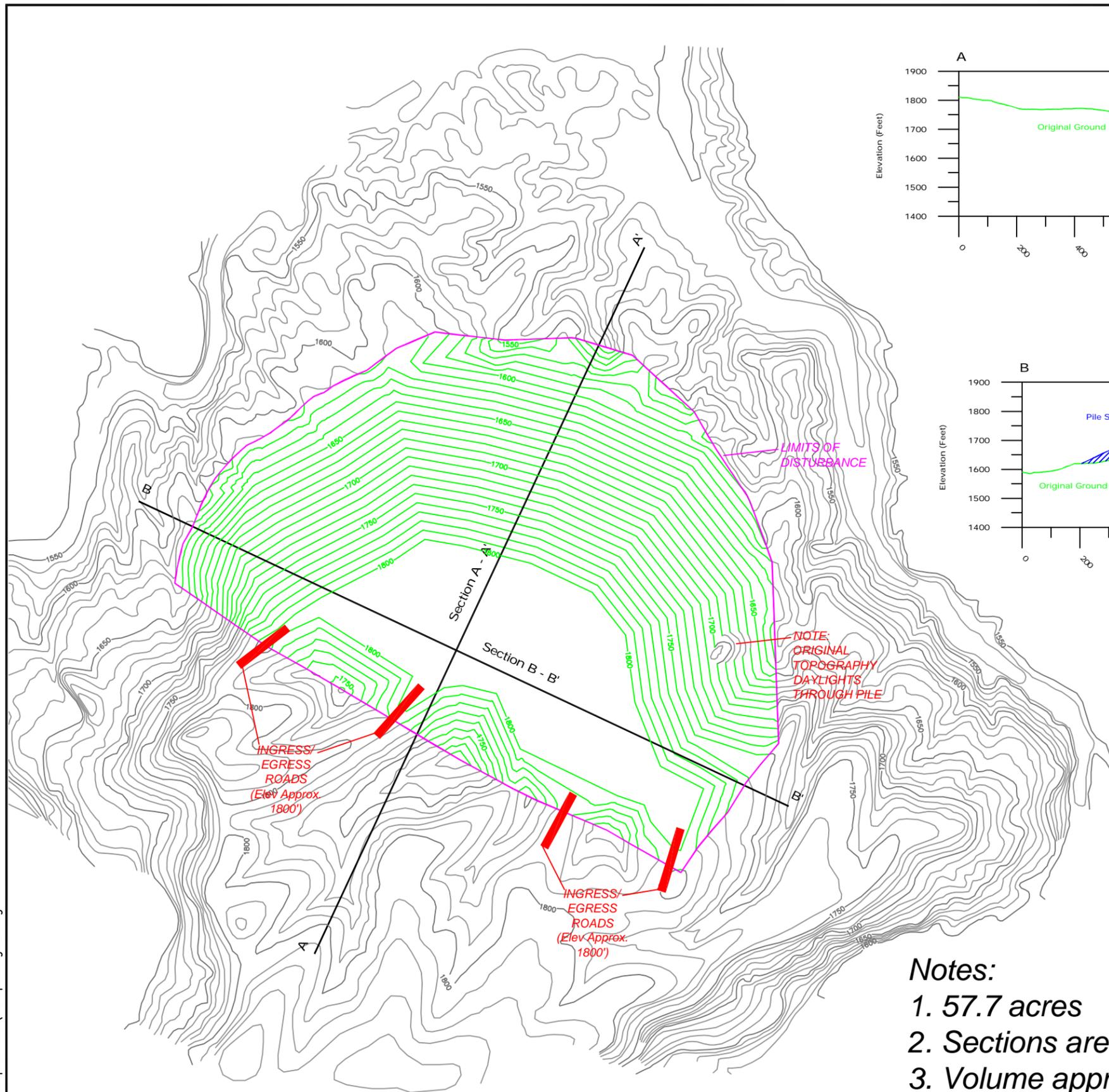
2.2.2.1 Air Resources

The generation of fugitive dust from surface activities, including material handling and hauling, would be controlled by BMPs (NSCC 1994). Examples include direct water application and revegetation of disturbed areas concurrent with operations. Simplot holds an air quality permit issued by the Clark County Health District to control fugitive dust.

2.2.2.2 Water Resources

Simplot currently maintains a stormwater discharge permit from the NDEP. BMPs developed by the NSCC, would be used to control stormwater discharges and the Stormwater Pollution Prevention Plan (SWPPP) would be implemented and followed. These include material handling practices that minimize the exposure

drawings\simplot-09\DumpDesign2.dwg



- Notes:**
1. 57.7 acres
 2. Sections are 1h:1v.
 3. Volume approx. 6.1 million yd³.

SIMPLOT	
SILICA MINE PROJECT	
FIGURE 5	
OVERBURDEN DUMP AND CROSS SECTION	
jbr environmental consultants, inc.	
DESIGN BY: GB	DATE DRAWN: 3/20/03
DRAWN BY: TL	REVISION:
CH'D BY:	SCALE: As Shown

of pollutants to stormwater; spill prevention and response; sediment and erosion control; and physical stormwater controls. Runoff water from proposed mining operations would be controlled by check dams and catch basins situated immediately below all areas of influence.

2.2.2.3 Special Status Species

The federally listed desert tortoise (*Gopherus agassizii*) is present within the proposed Project Area. A programmatic Biological Opinion (BO-File No. 1-5-97-F-251) for the desert tortoise is already in place for this type of expansion activity. In addition to voluntary pre-construction clearance surveys and animal relocation efforts (to be conducted by qualified desert tortoise biologists according to approved protocols and agency consultation), all applicable Terms and Conditions in the BO (Appendix B) would be implemented and followed prior to and during expansion activities. No fencing is proposed for this Project.

2.2.2.4 Hazardous Materials and Hazardous Waste

Hazardous materials are defined in 49 CFR 172.101; hazardous substances are defined in 49 CFR 302.4 and the Superfund Amendments and Reauthorization Act Title III. Any hazardous materials would be transported to the project area by U.S. Department of Transportation (DOT) regulated transporters and stored on-site in DOT approved containers. Spill containment structures would be provided for liquid hazardous materials. No hazardous waste would be generated by the Project.

Diesel fuel and engine oil products are the only hazardous material liquids used on site. A 10,000-gallon aboveground diesel storage tank is located at the mill in the bottom of the current pit and is double-walled to prevent spillage or leaks. The United States Environmental Protection Agency (USEPA) accepts double-wall petroleum tanks as meeting the Spill Prevention Control and Countermeasures (SPCC) Plan requirement for secondary containment. Any leaks from the primary tank shell would be fully contained within the outer tank shell. The only other significant source of potential petroleum spills is from mobile equipment. As part of its normal work practice, any spills from mobile equipment are promptly reported internally and Simplot actively cleans up any such spills and disposes of them appropriately according to applicable NDEP and federal regulations.

2.2.2.5 Closure and Reclamation

In compliance with the BLM and NDEP regulations, Simplot has prepared and submitted a Reclamation Plan that encompasses disturbances associated with this Proposed Action. Varied reclamation techniques would be utilized to stabilize the reclaimed areas from erosion and create biodiversity in the post-mining ecosystem. The objectives for reclamation are to support post mining land uses of wildlife habitat, domestic grazing, dispersed recreation, and mineral exploration and development. Reclamation planning has been developed to achieve public safety, minimize adverse visual effects, re-establish surfaces that would support a self-sustaining vegetation community, control erosion and sedimentation, and employ reclamation methods that are technically effective, cost efficient, and do not require on-going maintenance to ensure performance. Rock faces associated with the open pits would not be reclaimed. The rock faces would be designed to remain in a stable condition following closure.

An informal interim management plan is in place and would be implemented during extended periods of mining operations shutdown. This plan includes: removing mobile equipment from BLM land to Simplot's private/secured processing facility and office area, installing closure signs and gates that would be closed and locked during the shutdown, shutting down the existing pump for the water well in the existing pit, and conducting routine monitoring of the site to ensure site safety and security. As discussed in Section 2.2.2.1, fugitive dust would be controlled during temporary shutdowns and closure using direct water application.

2.2.2.6 Cultural and Paleontological Resources

If cultural resources are encountered during ground disturbing activities, the BLM would be notified and work in the area would stop until inspected by a qualified archeologist. If necessary, a mitigation plan would be developed. In the event significant vertebrate paleontological resources are discovered the BLM authorized officer would be notified.

2.2.2.7 Human Health and Safety

The operation would be subject to the federal Mine Safety and Health Act (MSHA) of 1977, which sets forth mandatory safety and health standards for mining operations. The purpose of the standards is protection of life, promotion of health and safety, and prevention of accidents. Regulations issued under MSHA are codified under 30 CFR Subchapter N, Part 56. All employees would be required to receive the training outlined in the rules.

2.3 NO ACTION ALTERNATIVE

In accordance with BLM guidelines (H-1790-1, Chapter V), this EA evaluates the No Action Alternative. The objective of the No Action Alternative is to describe the environmental consequences that would result if the need for the project was not met. The No Action Alternative forms the baseline environmental data from which the impacts of all other alternatives can be measured.

Selection of the No Action Alternative would be inconsistent with the BLM mission of multiple use and BLM policy of making public lands available for a variety of uses as long as these uses are conducted in an environmentally sound manner. Under the No Action Alternative, Simplot would not be allowed to implement the Proposed Action and thus would not expand the existing mining operation. As previously approved, Simplot would continue operations at the Silica Products Mine. In the short-term (< 5 years), Simplot would not be able to maintain the current level of employment at the Silica Products Mine. The No Action Alternative would be selected if BLM does not approve the Reclamation Plan and Simplot's POO.

3.0 AFFECTED ENVIRONMENT

The Affected Environment for the Proposed Action and the No Action Alternative are identical and the following discussion concerning environmental resources is applicable to both. Information on the affected environment was obtained and summarized from mine field visits and existing documents that included: the 1984 General Mine Proposal (Simplot 1984), the 1993/1994 Plan of Operations/Environmental Assessment (Simplot 1993/USDOI-BLM 1994), the 1994 Reclamation Plan (Broadbent and Associates 1994), and the 1998 Draft Las Vegas Resource Management Plan and Final Impact Statement (USDOI-BLM 1998).

The following table lists the 15 BLM critical elements and indicates whether these elements would be affected by the Proposed Project. In addition, those elements and/or natural resources that are present in the Project Area or could be potentially affected are discussed throughout Chapters 3 and 4.

CRITICAL ELEMENT	AFFECTED		CRITICAL ELEMENT	AFFECTED	
	Yes	No		Yes	No
ACECs		X	Noxious Weeds		X
Air Quality	X		Threatened and Endangered Species	X	
Cultural Resources		X	Wastes Hazardous/Solid		X
Environmental Justice		X	Water Quality		X
Farm Lands Prime/Unique		X	Wetlands and Riparian		X
Floodplains		X	Wild and Scenic Rivers		X
Migratory Birds		X	Wilderness		X
Native American Religious Concerns		X			

3.1 LAND USE AND ACCESS

Most of the existing and proposed mining operation is on unpatented mining claims controlled by Simplot. The mill, part of the pipeline, and portions of access roads are on privately owned land. Mining related operations on BLM administered lands include access and haul roads, portions of the pipeline, the open pit, overburden and waste piles, tailings ponds, and other associated mine related disturbances. Current estimated acreages of past and existing disturbance on public land total 377 acres.

The Project Area is adjacent to the Valley of Fire State Park to the south and west. The Lake Mead Recreational Area is located approximately 2 miles to the east of the Project Area. Access to the entrance of the mine site is via SR 169. Fencing and signing restrict public access to the existing Simplot Mine site.

3.2 SOILS

Soils in the proposed expansion area are silty sand and are derived from the Baseline Sandstone. The generalized soils are classified as shallow-very shallow and gravelly, and course textured. The erosion susceptibility class is designated as moderate and the condition class is designated as critical (USDOI-BLM 1998; Maps 3-2 and 3-3).

3.3 GEOLOGY AND MINERAL RESOURCES

The area is characterized by steep slopes, incised washes, mesas, ridges, and isolated spires of sandstone. The Simplot mine is in an area of erosional topography developed in tilted sandstone strata. Upper Cretaceous beds of the Baseline Sandstone strike to the northeast. The formation consists of poorly cemented white to gray sandstone several hundred feet thick and grades upward into red sandstone and beds of conglomerate. This formation is largely reworked sand from the red Aztec Sandstone of the Jurassic age. Overlying the Baseline Sandstone are nearly flat lying beds of the Muddy Creek Formation, probably of the Miocene age. The open pit trends northwest-southeast along the outcrop of a pure sand unit within the Baseline Sandstone. The Baseline Sandstone and adjoining formations dip to the northeast at 30 degrees and form the eastern flank of the North Muddy Mountains. The general area has moderate potential for valuable oil and gas deposits, low potential for sodium deposits, and low potential for valuable mineral material.

3.4 AIR QUALITY

As required by the Clean Air Act, National Ambient Air Quality Standards (NAAQS) were developed to identify levels of air quality with a margin of safety to protect public health (primary standards) and to protect public welfare from any known or anticipated adverse effects of a pollutant (secondary standards). The NAAQS were adopted by both the State of Nevada and Clark County. The Clark County Department of Air Quality Management enforces the Clean Air Act in Clark County.

The Project Area is located in a remote location with minimal road traffic and no cities or towns with major industries. Based on recent AirData from the USEPA, air quality is good in the region with all measured NAAQS primary standards within acceptable limits (USEPA 2003). The primary pollutant of concern in the Project Area is fugitive dust (a primary contributor of PM₁₀).

Simplot currently holds an air quality permit from the Clark County Department of Air Quality Management to control fugitive dust created from mining operations. The processing operations portion of the mine is currently in the process of obtaining a Title V Air Quality Permit.

3.5 WATER RESOURCES

3.5.1 Surface Water

The man-made tailings pond and catch basins provide permanent and ephemeral surface water respectively on the existing mine site. The ephemeral Kaolin Wash is a tributary to Lake Mead. Water flow in this drainage occurs in the spring or after extreme rain events. Flow associated with operations from the existing mine site is controlled by catchment basins and no operational water from the site flows to Lake Mead.

3.5.2 Ground Water

Currently ground water is 60 feet below the deepest excavation of the existing pit. The water well that provides water for the mining operations is currently located in the northwest corner of the open pit. The Simplot mine has water appropriation permits for water wells from the Nevada Division of Water Resources.

3.6 VEGETATION

3.6.1 Plant Communities

The plant community at the mine site is characterized as southern desert shrub. Important shrubs include bursage, winterfat, yucca, creosote bush, and catclaw acacia in the washes. Important grass species in the

area include Indian Rice Grass, big galleta, and mesa dropseed. Important forbs include desert globemallow.

A BLM botanist has identified a plant community within close proximity of the area of operations known as the Sandy Ecological Site. This area, which is located along the western margin of the tailing pond, is believed to be close to a natural state and is worthy of preservation.

3.6.2 Noxious Weeds

The only known noxious weed in the Project Area is tamarisk. This species has recently invaded the wet areas in and around the tailing ponds.

3.7 WILDLIFE

Small mammals, birds, amphibians, and reptiles inhabit the area. No game species (mule deer, quail, chukar, pheasant, or turkey) occur within five miles of the Project Area. The area does not contain crucial habitat for these game species. The mine site does not contain suitable habitat for bighorn sheep though crucial habitat is located approximately six miles to the south and winter range approximately 6 miles to the west. Raptor species likely use the area for foraging opportunities but no nests or nesting activities were observed in the Project Area during the numerous field visits.

The tailings pond provides a semi-permanent source of drinking water for wildlife during the life of mining. Mine personnel have seen bighorn sheep drinking from existing tailings ponds on site. Waterfowl species also utilize the tailings ponds. There is no fish habitat in the area. Catchment basins and areas within the open pit may retain water after rain events and may attract wildlife.

3.8 SPECIAL STATUS SPECIES

3.8.1 Plants

No federally listed or BLM sensitive plant species are known to occur within the Project Area (personal communication, Cristina Nelson - BLM botanist). However, the Nevada Natural Heritage Program (NNHP) states that habitat may be available for several BLM sensitive and Critically Imperiled plant species in the area (Appendix C), although none of these species has been discovered within the proposed expansion area.

3.8.2 Animals

Of the nine federally-listed animal species (USDOJ BLM 1998, Appendix B) expected to occur on BLM lands in the Las Vegas District, within the Project Area there is suitable habitat (for reproduction) present only for the desert tortoise. JBR qualified desert tortoise biologists conducted a field reconnaissance in late February 2003 and discovered tortoises and tortoise sign throughout the proposed Project (expansion) Area.

The Project Area occurs within an Area C (low density tortoise habitat), as defined in the Programmatic Biological Opinion (BO) for Implementation of Multiple Use Activities Within the Las Vegas Field Office (File No. 1-5-97-F-251).

BLM (Las Vegas Field Office) sensitive animal species include: seven species of invertebrates, eleven species of bats, and one bird, one amphibian, two reptile, and one fish species (Appendix B in USDOJ BLM 1998). Sensitive species that may occur in the Project Area include chuckwalla, Gila monster (NNHP letter – Appendix C), Phainopepla, and bats. Phainopeplas have been observed near the Processing Plant and chuckwallas have been observed in and around the mine site area. Bats are also commonly observed at the mine site area, although there are no caves or abandoned mine tunnels in the Project Area. The BLM also

lists three species of concern, desert bighorn sheep, mule deer, and Gambel's quail. Desert bighorn sheep have been observed in the Project Area.

3.9 LIVESTOCK GRAZING

The Project Area is within the 97,454-acre White Basin cattle grazing allotment. Clark County purchased the base properties associated with the grazing privileges for the White Basin grazing allotment in October 2000. The previous permittee has relinquished all claims associated with the permit to graze livestock in this allotment. In accordance with the Management Direction (Decisions) identified in the Las Vegas Resource Management Plan Final Environmental Impact Statement Record of Decision, BLM will prepare a Proposed Decision to close this grazing allotment to livestock grazing. Livestock Grazing Management Direction LG-1-g states: *Close all allotments to livestock within the planning unit, with the following exceptions: ... White Basin... (see map 2-8 for locations and boundaries).* Livestock Grazing Management Direction LG-1-i states: *Additional allotment closures could be approved based on voluntary relinquishment of grazing privileges, permits, or leases.* After the Proposed Decision to close the allotment to livestock grazing becomes a Final Decision, livestock grazing in the White Basin allotment will not be permitted unless the Approved Las Vegas Resource Management Plan is formally amended in accordance with BLM regulations 43 CFR 1610.5-5.

3.10 VISUAL RESOURCES

The mine site is located within a Class III Visual Resource Management Class. According to the BLM Manual Handbook # - 8410-1, the management objectives for Class III areas are:

“...to partially retain the existing character of the landscape. The level of change to the characteristic landscape should be moderate. Management activities may attract attention but should not dominate the view of the causal observer. Changes should repeat the basic elements found in the predominant natural features of the characteristic landscape.”

The waste piles and open pit are the most striking departures from the existing landscape. The proposed expansion area is hidden from view to the public by the existing topography of Overton Ridge. From within Valley of Fire State Park, in an area known as Fire Canyon/Silica Dome, portions of the existing mine site can be observed. Fire Canyon/Silica Dome is about two miles southwest of the mine site. Specifically, portions of the tailings ponds are visible from this area. The existing mine site is within conformance of the Class III designation.

3.11 RECREATIONAL RESOURCES

Off highway vehicle use is permitted in the area surrounding the Project Area but is restricted to designated roads and trails. No recreational use is allowed within the active mining area; the mining area is posted with signs. The primary nearby recreation sites are the Lake Mead Recreational Area and Valley of Fire State Park.

3.12 SOCIOECONOMICS

The Project Area and most of the adjoining area is uninhabited. The nearest small town is Overton, with an estimated population of 4,000, and is located approximately 5 miles northeast of the Project Area. The population of the entire Moapa Valley is approximately 10,000 (Moapa Valley, Nevada Chamber of Commerce 2003). The Simplot Mine currently employs 43 full-time employees. The majority of these employees reside in Overton.

3.13 CULTURAL RESOURCES

A Class I and III cultural resource inventory was conducted by Desert Research Institute (DRI) on the 167 acres of land proposed for the mine expansion project. Two prehistoric isolates and five historic (or possibly modern) isolated cairns were identified. Isolates are considered ineligible for the National Register of Historic Places according to the Nevada State Protocol Agreement (U.S. DOI and Nevada State Historic Preservation Office 1999). No significant cultural properties were found (Desert Research Institute 2003). The inventory report will be forwarded to the Nevada State Historic Preservation Office (SHPO) for review and concurrence. Upon receipt, the SHPO concurrence letter would become a part of the Project Record.

4.0 ENVIRONMENTAL CONSEQUENCES AND CUMULATIVE IMPACTS

4.1 ENVIRONMENTAL CONSEQUENCES - PROPOSED ACTION

Potential impacts discussed in this section are described in terms of duration (short or long term) and intensity. The thresholds of change for the intensity of a potential impact are defined as follows:

Negligible – The impact is at the lowest level of detection.

Minor – The impact is slight, but detectable.

Moderate – The impact is readily apparent.

Major – The impact is a severe or adverse impact or of exceptional benefit.

4.1.1 Land Use and Access

With implementation of the Proposed Action, 167 additional acres of BLM administered land would incrementally be converted to an active mining area. Sixty-eight acres of land previously disturbed by mining activities would be re-disturbed at the site. The conversion of 235 acres of public land (167 undisturbed and 68 previously disturbed) to private use for mining would decrease the land available for public use in the short-term (< 5 years) and long-term (5-20 years), but, as it represents less than 0.1 percent of the 3.3 million acres of land administered by the BLM Las Vegas District (USDOI-BLM 1998) it would be a minor impact. In the future (> 20 years), all disturbed land would be reclaimed (see Section 2.1.1.5) and again available for public use. Land use would not be impacted by implementation of the Proposed Action.

In the short-term, access to and adjacent to the project site would not change with implementation of the Proposed Action. No new access routes off SR 169 would be needed, as current access to the mining area is adequate. In the long-term, all access roads and haul roads into the mining area would be reclaimed and closed to the public, in terms of vehicular access.

4.1.2 Soils

Soils in the Project Area would be directly impacted by the expansion of the mine and associated construction of supporting infrastructure due to mixing of subsurface soil horizons and loss of soil structure.

The incremental disturbance to surface soils would total 235 acres and occur over the next 5 – 20 years. The initial stripping of a 50-foot layer of overburden would result in the removal of approximately 5.5 million cubic yards of overburden and the need to develop a 58-acre overburden dump (included as part of the 235 acres of soil disturbance). After mining has been completed, closure and reclamation would be used to stabilize and prepare soils for revegetation. Short-term and long-term impacts to soils in the region are minor because of the small area (235 acres) impacted (BLM Las Vegas Field Office administers 3.3 million acres). The EPMs that would be initiated during and after completion of the Proposed Action (see Section 2.2.2.2 and 2.2.2.5) would help minimize sedimentation and control and reduce erosion.

4.1.3 Geology and Mineral Resources

Geologic and mineral resources in the Project Area would be directly impacted by the initial removal of overburden (development of a 58-acre overburden dump) and approximately 15 million tons of sand from the Project Area with implementation of the Proposed Action. Although the southeastern portions of the existing open pit would be backfilled with overburden and oversized waste material generated from the proposed pit expansion, large portions of open pit would remain. Overall, impacts to geology and mineral resources would be minor but long-term.

4.1.4 Air Quality

Short-term impacts would occur to air quality from mining activities associated with implementation of the Proposed Action. Since overburden stripping is not a component of the current mining activities in the existing open pit mine, a small increase in hydrocarbon and particulate emissions (PM₁₀) may result from construction equipment (dozers) involved in overburden stripping. This increase in emissions would be minor because of the small scale of the increase in mining activities on the site. In the long-term, mining operations would be identical to those prior to implementation of the Proposed Action (open pit mining only) and would not impact air quality in the Project Area or region because of the small area affected by mining activities. In addition, EPMs would be used throughout the term of the project to decrease impacts to air resources (see Section 2.2.2.1).

4.1.5 Water Resources

No impacts to water resources are anticipated because of the EPMs that would be used to control any adverse effects to water resources within and adjacent to the Project Area (see Section 2.2.2.2) from implementation of the Proposed Action. In the distant long-term during reclamation (> 20 years), the existing water well onsite would be abandoned and water in the tailings impoundment would be allowed to evaporate as outlined in the Reclamation and Operating Plan (JBR 2003a).

4.1.6 Vegetation

Vegetation in the Project Area would be directly impacted by expansion of the mine and associated support activities. The incremental short-term and intermediate long-term disturbance to the Southern desert shrub vegetation community would total approximately 235 acres (167 acres undisturbed and 68 acres previously disturbed land). The conversion of 235 acres of the 1,900,700 acres of Southern desert shrub vegetation (BLM 1998) would result in a short-term loss of less than 0.1 percent of this community type in the BLM Las Vegas District. In the long-term (at the end of the project), all disturbed land with the exception of portions of the new proposed open pit (approximately 167 acres), would be reclaimed (see Section 2.2.2.5). Reclamation would re-establish surfaces that would support a self-sustaining vegetation community. The Sandy Ecological Area would be preserved through avoidance during the term of the Project. Overall, there would be a long-term loss of vegetation in the unreclaimed portion of the open pit. This represents a negligible percentage of Southern desert shrub vegetation. Reclamation would include monitoring to ensure successful revegetation of disturbed areas as outlined in (JBR, 2003a). With implementation of the Proposed Action, short-term or long-term impacts to vegetation communities in the Project Area would be minor in terms of the amount of undisturbed Southern desert shrub vegetation communities throughout adjacent areas.

The density of tamarisk, a noxious weed, may increase in the existing tailings impoundment area and may also become established in the bottom of the existing open pit once a new tailings facility becomes established. However, once active mining in the area has ceased and the tailings impoundment facilities have dried up, tamarisk would eventually be expected to wither up and die. In addition, any tamarisk within the open pit would be covered by fill and the surfaces of those areas seeded (JBR 2003a). The prevention of introducing new noxious weeds to the Project Area would continue by steam cleaning any new large equipment prior to entering the proposed expansion area.

4.1.7 Wildlife

Some wildlife in the expansion area would be directly impacted by construction related activities associated with the initial stripping of the overburden. Slower animals (reptiles) and any small mammals in burrows may be run over or buried during stripping activities. More mobile animals, such as birds and larger mammals, would likely be displaced into similar and adjacent habitats. Power lines installed would be

raptor friendly. Impacts on the southern desert wildlife communities in the Project Area would be minor in the short-term or long-term within or adjacent to the Project Area because less than 0.1 percent of this habitat type (235 acres of the 1,900,700 acres) would be disturbed with implementation of the Proposed Action. Until reclamation begins, the tailing ponds would continue to provide water for wildlife and would continue to provide positive impacts to wildlife within and adjacent to the Project Area. During the reclamation process, the loss of these wildlife water sources would occur slowly by evaporation. The loss of this surface water would not result in major impacts to migratory birds or desert mammal populations because of its relatively small size and the abundance of water that are available in nearby, adjacent areas.

4.1.8 Special Status Species

As previously described, the desert tortoise is the only special status species known to occur in the Project Area. Impacts to the desert tortoise would be allowed to occur under the existing Programmatic BO (BO-File No. 1-5-97-F-251). Compliance with the Terms and Conditions of the BO (Appendix B) and the EPMs described in Section 2.2.2.3 should assist in limiting any major short and/or long-term impacts to the desert tortoise. See Appendix B for the specific measures to be implemented in order to protect the desert tortoise.

Desert bighorn sheep, a BLM species, would be expected to continue to occasionally use the tailings pond in the Project Area as a water source. Mining activities associated with the Proposed Action would continue to provide a source of water for bighorn sheep and provide a long-term temporary beneficial impact to the species. The loss of water during the reclamation process would not significantly impact desert bighorns because of their adaptability in desert environments. In addition, impacts to chuckwallas, Gila monsters, and bats, if present in the area, could occur through either direct mortality (i.e. in the case of chuckwallas or Gila monsters being crushed or ran over during construction activities) or displacement.

4.1.9 Livestock Grazing

As discussed in Section 3.9, all claims to graze livestock in this allotment have been relinquished. The BLM plans to prepare a Proposed Decision to close this grazing allotment to livestock grazing. If that Proposed Decision is approved, the Proposed Action would not impact livestock grazing. If the area were to remain open to grazing, the Proposed Action would impact approximately 167 acres of grazing land available for grazing opportunities for the short-term.

4.1.10 Visual Resources

The proposed overburden dump generated from mining activities would reach a maximum of 200 feet above existing surface elevations, but would still not be visible from SR 169, the most commonly used road in the area, because of the surrounding topography and Overton Ridge. Visitors to the Fire Canyon/Silica Dome area of Valley of Fire State Park, approximately two miles to the southwest away, would likely be able to observe the construction activities in the area. Although noticeable, these mining activities would be in compliance with the Class III Visual Resource Management Class requirements; therefore, minor impacts to visual resources would occur by implementation of the Proposed Action.

4.1.11 Recreational Resources

Implementation of the Proposed Action would not be expected to impact recreational resources as the expansion area is not currently utilized for these purposes due to associated mining activities in the area. Current recreational uses in the nearby Lake Mead Recreational Area and Valley of Fire State Park would be unaffected.

4.1.12 Socioeconomics

Socioeconomic resources would not be impacted since the workforce would not change with implementation of the Proposed Action. Therefore, no changes in population, employment, housing demand, school enrollment, demand for health services, need for law enforcement needs, and fire protection, demand for water/sewer or electric services would occur as a result of the Proposed Action.

4.1.13 Cultural Resources

Eligible cultural resources were not located during the Class I and III cultural resource inventory and thus no impacts to cultural resources are anticipated. However, if buried cultural resources were unearthed during construction activities, EPMs as described in Section 2.2.2.6 would be followed.

4.2 ENVIRONMENTAL CONSEQUENCES – NO ACTION

If the No Action Alternative is implemented, the Proposed Action and associated environmental impacts identified above would not occur. As previously permitted by BLM, the Silica Products Mine would continue operations. Operations would continue until the silica in the existing pit is mined (two to four years). After mining is completed the site would undergo closure and reclamation.

Impacts to all environmental resources, with the exception of socioeconomics, would be identical to those described in the previous operational EA approved by the BLM (EA NO. NV-054-93-122). Local socioeconomic resources would be negatively impacted by implementation of the No Action Alternative.

The current work force (43) would lose their jobs prematurely. These changes may result in decreases in housing demand, school enrollment, demand for health services, need for law enforcement needs, and fire protection, demand for water/sewer or electric services if new jobs are not available for the laid off work force.

4.3 CUMULATIVE EFFECTS

4.3.1 Past Actions

Simplot acquired rights to the original claims in 1955 and began extracting and processing silica products. In 1981, a major upgrade and expansion of the facilities occurred that included a new tailings impoundment (constructed in Kaolin Wash) and a 22,380-foot slurry line that transported silica material from the mill in the open pit to a new processing facility (situated on private land). This upgrade and expansion increased production from 380,000 tons per year to over 1,000,000 tons per year. Then in 1994, Simplot expanded their open pit mining operations by opening the ground in a southeasterly direction between their existing pit and the old No. 2 Pit to create a single excavation (JBR 2003b). All past disturbances were permitted by the BLM under previously approved POOs.

4.3.2 Present Actions

The existing open single pit mine created in 1994 is still being mined today. Production levels are similar to those in the 1980's. Simplot is currently in the process of getting approvals to add an additional lift to their tailings impoundment dam. Material to be used for this potential dam lift would likely be obtained from the overburden that would be stripped from the proposed expansion area, if approved.

4.3.3 Reasonably Foreseeable Future Actions

In the short-term and long-term (5-20 years), the Silica Products Mine would continue with its current production schedule. Closure and reclamation would occur at the end of the project (see Section 2.4.5). No other nearby future developments have been identified.

4.3.4 Cumulative Impacts

Cumulative effects are those impacts to the environment that result from the incremental impact of an action when added to other past, present, and reasonably foreseeable future actions (see 40 CFR 1508.7). The Cumulative Effects area for this project has generally been defined as all areas mined in the past and present (377 acres), and proposed to be mined in the future (167 acres). Past mining activities have removed approximately 38 MM tons of sand since 1928. Major environmental impacts were not identified by the previous EA for this site. This EA, which covers proposed future activities, does not identify any major impacts with implementation of the Proposed Action. During the 15-20 year life of the Proposed Action, approximately 15 million tons of sand would be removed. Environmental resources would be protected by EPMs (including reclamation) that are part of the Proposed Action. Cumulative impacts would be minor from implementation of the Proposed Action.

5.0 CONSULTATION, COORDINATION, AND LIST OF PREPARERS

This EA was prepared by the BLM Las Vegas Field Office, Las Vegas, Nevada. Technical assistance for the preparation of the EA was provided by JBR Environmental Consultants, Inc. The following individuals either provided consultation and coordination during the preparation of this EA or were responsible for the preparation of the document.

Bureau of Land Management, Las Vegas Field Office

Adam Merrill	Geologist/NEPA Project Management
Susanne Rowe	Archeologist
Cristina Nelson	Botanist
Kristen Murphy	Biologist
David Waller	Biologist
Michael Moran	Hazmat Specialist
Roy Lee	Range Conservationist
Bob Bruno	Recreation
Donn Siebert	Wilderness/Visual Resource Management
Jeff Stienmetz	Environmental Protection Specialist
Amy Torres	Wild Horse and Burro
Bob Boyd	Hydrologist

J.R. Simplot Company

Tom Bender	Mine Manager
Ben File	Mine Engineer

Desert Research Institute – Cultural Resource Inventories

Kerry Varley	Principal Investigator – Archaeologist
Steffanie Rowland-Fleishmann	Archaeologist
Scott Ferguson	Archaeologist

Third Party Contractor - JBR Environmental Consultants, Inc.

Greg Brown	Project Manager/Document Preparation
Ross Rasmussen	Environmental Scientist/Document Preparation
Eric Holt	Document Review
Bill Fuller	Conceptual Pit Design/Mining Engineer Support
Connie Pixton	Figure Preparation/AutoCad Support
Jenni Prince Mahoney	Environmental Specialist/Document Preparation

Public Commenters

A total of five interested parties commented on the proposed project; all were various governmental divisions within the State of Nevada. The following interested parties responded to the Scoping Letter request for comments:

- Nevada Department of Transportation
- Nevada Department of Wildlife
- Nevada Division of Water Resources
- Nevada Bureau of Health Protection Services
- Nevada State Historic Preservation Office

Comments are summarized by the below table:

Commenter	Summarized Comment	Change in EA
Nevada Department of Transportation	Encroachment onto SR 169 requires an encroachment permit.	No new access routes off SR 169 would be needed. <i>Addressed at 4.1.1</i>
Nevada Department of Wildlife	Does not anticipate any negative effects.	None.
Nevada Division of Water Resources	Project is mis-located in Township 16 South. Admonishes applicant to stay within the scope of its permit.	Location of project has been verified.
Nevada Bureau of Health Protection Services	Admonished applicant to apply for proper permits before installing new structures that will utilize a sewage system or provide drinking water to the public.	Applicant is not proposing new structures that fit these criteria.
Nevada State Historic Preservation Office	Reminds BLM of its protocol with the State Historic Preservation Office.	None.

These comments are addressed at Section 1.4 “Scoping Issues/Concerns”. The comments are located in full at Appendix A.

Environment Assessment Review

A total of three interested parties commented on the Environmental Assessment; all were various governmental divisions within the State of Nevada. The following interested parties responded to the Bureau of Land Managements request for comments on the Environmental Assessment:

- Nevada State Historic Preservation Office
- Nevada Division of Water Resources
- Nevada Minerals Commission

These comments are located at Appendix A. The Nevada State Historic Preservation Office and the Nevada Division of Minerals support the proposal as written. The Nevada Division of Water Resources comments address issues related to the applicant’s water rights on private property. The Bureau of Land Management has no jurisdiction in regards to water rights or to activities on private lands. No changes were made to the Environmental Assessment based on these comments.

6.0 REFERENCES

- Broadbent and Associates. 1994. Proposed Reclamation Plan for Simplot Silica Products Mine. Overton, Nevada.
- Desert Research Institute. 2003. A Class III Cultural Resources Reconnaissance for the Simplot Silica Products Mine Expansion Project, Overton, Clark County, Nevada Draft BLM Report 5-2475.
- JBR Environmental Consultants (JBR). 2003a. Reclamation and Operating Plan for the Simplot Silica Products Mine Expansion Project. Prepared for Simplot Silica Products, Overton, Nevada. August 2003.
- JBR Environmental Consultants (JBR). 2003b. Proposed Plan of Operations for the Simplot Silica Products Mine Expansion Project. Prepared for Simplot Silica Products, Overton, Nevada. August 2003.
- Moapa Valley Chamber of Commerce. 2003. Personal communication between the Moapa Valley Chamber of Commerce and Ross Rasmussen, JBR Environmental, Inc. on November 14, 2003.
- Nevada State Conservation Commission (NSCC). 1994. Handbook of Best Management Practices.
- Simplot. 1984. General Mine Plan Proposal. Simplot Silica Products. Overton, Clark County, Nevada.
- Simplot 1993. Proposed Plan of Operation for the Simplot Silica Products Mine. Simplot Silica Products. Overton, Clark County, Nevada.
- U.S. Department of the Interior, Bureau of Land Management (USDOI BLM). 1993. Environmental Assessment of the J.R. Simplot Silica Products Mine, Overton, Nevada. EA No. NV-054-93-122. BLM Las Vegas Field Office.
- U.S. Department of the Interior, Bureau of Land Management (USDOI BLM). 1998. Proposed Las Vegas Resource Management Plan and Final Environmental Impact Statement. BLM Las Vegas Field Office, Las Vegas, Nevada.
- U.S. Environmental Protection Agency. 2003. AirData for Nevada 2003. www.epa.gov/air/data/reports.html.

APPENDIX A
PROJECT SCOPING DOCUMENTATION

**NOTICE OF SCOPING
AND MAILING LIST**



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Las Vegas Field Office
4701 N. Torrey Pines Drive
Las Vegas, Nevada 89130-2301

In Reply Refer To:
N-71466
3809
(NV-053)

October 10, 2003

NOTICE OF SCOPING Simplot Silica Products Mine Expansion Project

Dear Interested Party:

The Bureau of Land Management (BLM) is preparing an Environmental Assessment (EA) to assess a proposal by Simplot Silica Products to expand silica mining on public lands within their Silica Products Mine (SPM) approximately 50 miles northeast of Las Vegas, Nevada (Figure 1). Active mining has occurred in the area since 1929. Simplot acquired rights to the original claims and began extracting and processing silica products in 1955. Upgrades and/or expansions at the SPM occurred in 1981 and 1994. All existing disturbances have been permitted under previously approved Plans of Operation and National Environmental Policy Act documents.

The proposed expansion area (Project Area) is located in sections 2, 3 and 11, T.16 S., R.67 E., MDM (Figure 2). The Project Area covers approximately 167 acres of new surface disturbance, which excludes approximately 68 acres of land previously disturbed by an existing open pit mine and overburden dumps. The proposed project would involve construction activities (building support surface facilities, haul roads, access roads, erection of power lines, adding conveyers and pipelines) and operation activities (mining, including drilling/blasting and the establishment of stockpiles and overburden dumps). A Plan of Operations Amendment and a Reclamation Plan for the expansion project and proposed new surface disturbance has been prepared and submitted for approval.

The BLM, Las Vegas Field Office, will be the lead agency for this project.

As part of our EA preparation, we would appreciate receiving written comments regarding any issues and concerns you may have regarding the scope of this proposal. Comments will be accepted until November 10, 2003 and should be sent to:

Bureau of Land Management
Las Vegas Field Office
Attn: Adam Merrill, Geologist
4701 N. Torrey Pines Drive
Las Vegas, Nevada 89130-2301

To ensure that all issues related to this proposed project are addressed and any significant impacts are identified, comments and suggestions are invited from all interested parties. The Amendment to the Plan of Operations and the Reclamation Plan is available for public inspection and can be mailed to interested parties upon request. For further information on this project, contact: Adam Merrill, Bureau of Land Management, Las Vegas Field Office, 4701 N. Torrey Pines Drive, Las Vegas, Nevada 89130-2301, (702) 515-5000.

Comments, including names and street addresses of respondents will be available for public review at the BLM Las Vegas Field Office and will be subject to disclosure under the Freedom of Information Act (FOIA). They will be published as part of the EA and other related documents. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review and disclosure under the FOIA, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

Upon completion of the EA, a Decision Record will be issued by the BLM and sent to parties expressing interest. The decision would not be implemented until 30 days after issuance.

Sincerely,



Mark R. Chatterton
Assistant Field Manager
Non-renewable Resources
Bureau of Land Management

enclosures: Figure 1 - Project General Location Map
Figure 2 - Land Status/Site Map

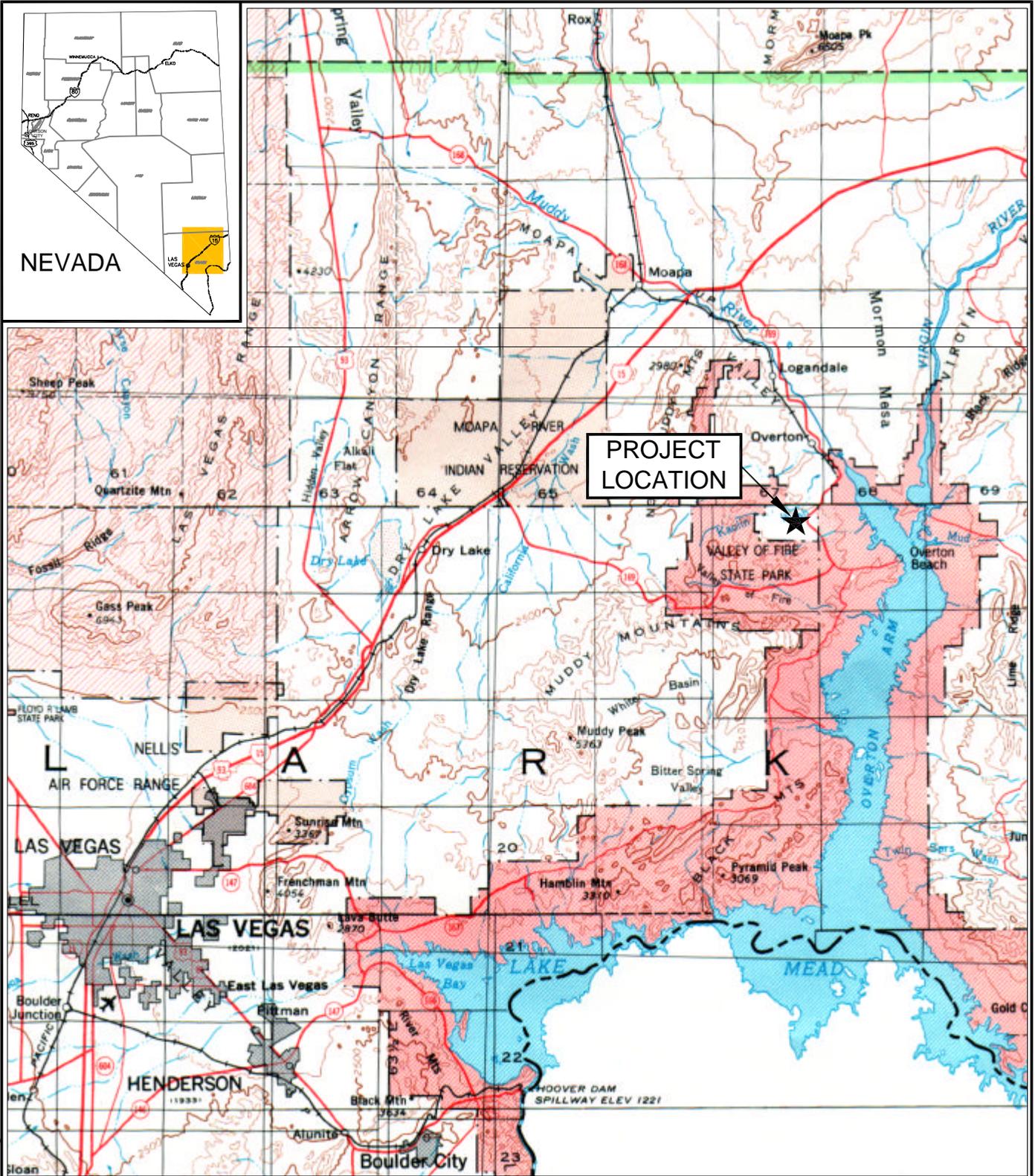
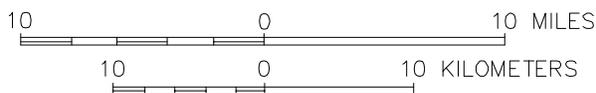


IMAGE SCANNED FROM USGS 1:500,000—SCALE NEVADA STATE MAP

SIMPLOT

SILICA MINE PROJECT

FIGURE 1
PROJECT LOCATION MAP



jbr
environmental consultants, inc.

Salt Lake City, Utah Cedar City, Utah Reno, Nevada Elko, Nevada Boise, Idaho
 DESIGN BY GB DRAWN BY CP CH'D BY [] SCALE: 1:1,000,000

DATE DRAWN 2/6/03

REVISION

drawings\simplot-09\Landstatus.dwg

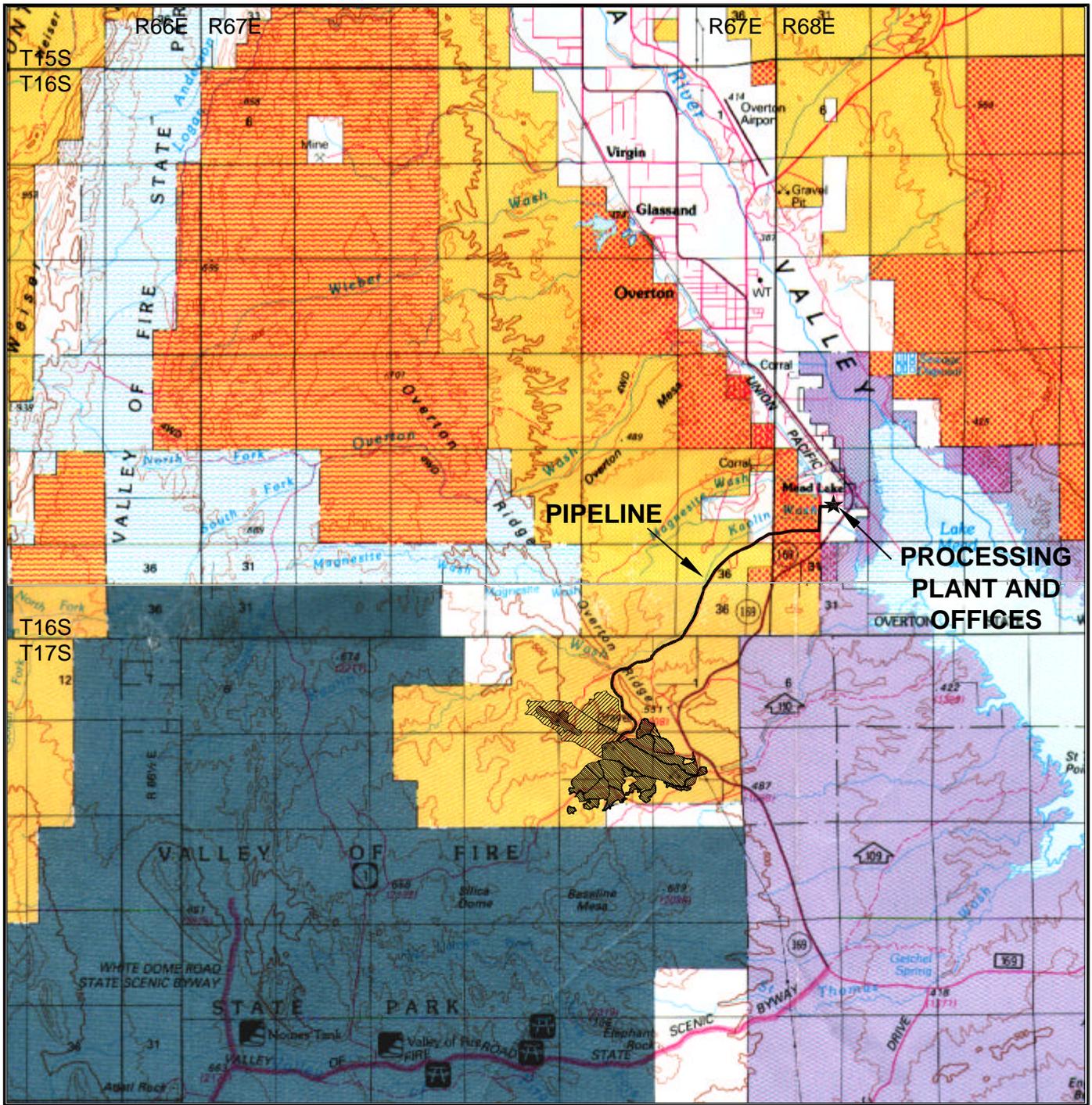


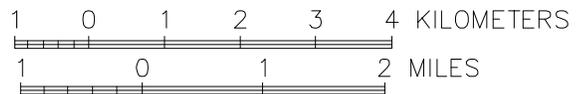
IMAGE SCANNED FROM 1:100,000-SCALE TOPOGRAPHIC MAPS, BLM EDITION: LAKE MEADE, NEVADA, 2000 AND OVERTON, NEVADA, 1989.

LANDSTATUS

-  EXISTING PROJECT DISTURBANCE
-  PROPOSED PROJECT DISTURBANCE

LANDSTATUS

-  PUBLIC LANDS (ADMINISTERED BY BLM)
-  NATIONAL PARKS AND MONUMENTS
-  PATENTED LANDS
-  BUREAU OF RECLAMATION
-  FEDERAL AGENCY PROTECTIVE WITHDRAWALS
-  STATE, COUNTY, CITY, WILDLIFE, PARK AND OUTDOOR RECREATION AREAS



SIMPLOT
SILICA MINE PROJECT

FIGURE 2
LAND STATUS MAP

jbr environmental consultants, inc.		DATE DRAWN 2/6/03
Salt Lake City, Utah Cedar City, Utah Reno, Nevada Elko, Nevada Boise, Idaho		REVISION 4/4/03
DESIGN BY GB	DRAWN BY CP	CH'D BY
SCALE 1:100,000		

drawings\simpplot-09\Landstatus.dwg

LAS VEGAS ROCK, INC.
C/O MIKE KIDDY
11635 BERMUDA ROAD
LAS VEGAS, NV 89123

AMERICAN CEMENT AND AGGREGATE, INC.
C/O KENT FITCH
639 E. BROOKS AVE., #203
LAS VEGAS, NV 89030

MOAPA VALLEY COMMUNITY CENTER
C/O HENRIETTA BEALS
320 NORTH MOAPA VALLEY BLVD.
OVERTON, NV 89040

MOAPA COMMUNITY CENTER
RACHEL WRIGHT
1340 EAST HIGHWAY 168
MOAPA, NV 89025

CRYSTAL PASS CEMENT CO., LLC
JOHN STOSS
4425 W. SPRING MOUNTAIN RD.
LAS VEGAS, NV 89102

NATURE CONSERVANCY
SOUTHERN NEVADA OFFICE
C/O CONSERVATION PLANNING
3380 W. SAHARA AVE., SUITE 120
LAS VEGAS, NV 89102

MOAPA BUSINESS COUNCIL
C/O WILLIAM ANDERSON, CHAIRMAN
P.O. BOX 340
MOAPA, NV 89025

CLARK COUNTY DEPARTMENT COMPREHENSIVE PLANNING
C/O RON GREGORY
P.O. BOX 551741
LAS VEGAS, NV 89155-1741

NEVADA STATE CLEARINGHOUSE
C/O HEATHER K. ELLIOTT
209 E. MUSSER STREET, ROOM 200
CARSON CITY, NV 89710

DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
ATTN: REALTY DIVISION
P.O. BOX 61470
BOULDER CITY, NV 89006-9970

DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
LAKE MEAD NATIONAL RECREATION AREA
ATTN: REALTY DIVISION
601 NEVADA WAY
BOULDER CITY, NV 89005

SCOTT MELDER
6105 EAST SAHARA AVE. #118
LAS VEGAS, NV 89142

JERRY HELTON
RESOURCE ADVISORY COUNCIL, CHAIR
DEVELOPMENT CONSULTANTS, INC.
8275 SOUTH EASTERN AVE.
SUITE 200
LAS VEGAS, NV 89123

STEVE MELLINGTON
RESOURCE ADVISORY COUNCIL, VICE CHAIR
7300 LAKE FARM AVE.
LAS VEGAS, NV 89131

LAS VEGAS PAIUTE TRIBE
GLORIA HERNANDEZ, CHAIRPERSON
ONE PAIUTE DRIVE
LAS VEGAS, NV 89106

CLARK COUNTY AIR QUALITY
C/O STEVE DEYO
500 S. GRAND CENTRAL PARKWAY
LAS VEGAS, NV 89115

GREAT BASIN MINE WATCH
C/O TOM MEYERS
P.O. BOX 10262
RENO, NEVADA 89510

CONSERVATION CHAIRPERSON
SOUTHERN NEVADA GROUP, SIERRA CLUB
P.O. BOX 19777
LAS VEGAS, NV 89132

ROBERT HALL
NEVADA ENVIRONMENTAL COALITION, INC.
10720 BUTTON WILLOW DRIVE
LAS VEGAS, NV 89134

ASH GROVE CEMENT COMPANY
ATTN: CHARLIE NICHOLS
8900 INDIAN CREEK PARKWAY SUITE 600,
OVERLAND PARK, KANSAS 66210
ATTN: CHARLIE NICHOLS

INTER-TRIBAL COUNCIL OF NEVADA
DARYL CRAWFORD, EXECUTIVE DIRECTOR
680 GREENBRAE DR., SUITE 265
SPARKS, NV 89431

KEITH ROGERS
EDITORIAL DEPT.
LAS VEGAS REVIEW JOURNAL
P.O. BOX 70
LAS VEGAS, NV 89125

DESERT TORTOISE COUNCIL
P.O. BOX 3141
WRIGHTWOOD, CA 92397

STEVE TABOR, PRESIDENT
DESERT SURVIVORS
P.O. BOX 20991
OAKLAND, CA 94620-0991

CLARK COUNTY REGIONAL FLOOD CONTROL
ATTN: MR. TIM SUTKO
STE. 300
600 S. GRAND CENTRAL PARKWAY
LAS VEGAS, NV 89106

LOST CITY MUSEUM
721 S. MOAPA VALLEY BOULEVARD
P.O. BOX 807
OVERTON, NV 89040

VALLEY OF FIRE STATE PARK
P.O. BOX 515
OVERTON, NV 89040

OUTSIDE LAS VEGAS
C/O ALAN O'NEIL
2252 MORNING MESA AVENUE
HENDERSON, NV 89052

MOAPA VALLEY CHAMBER OF COMMERCE
P.O. BOX 361
OVERTON, NEVADA 89040

MOAPA VALLEY WATER DISTRICT
VAN ROBINSON, GENERAL MANAGER
P. O. BOX 257
LOGANDALE, NV 89021

**NOTICE OF SCOPING
COMMENT LETTERS**



REC'D NOV 24 2003

RECEIVED
Nov 10 7 30 AM '03

DEPARTMENT OF ADMINISTRATION

209 E. Musser Street, Room 200
Carson City, Nevada 89701-4298
Fax (775) 684-0260
(775) 684-0209

November 7, 2003

Adam Merrill, Geologist
Bureau of Land Management
Las Vegas Field Office
4701 N. Torrey Pines Drive
Las Vegas, NV 89130-2301

Re: SAI NV #E2004-064
Project: SCOPING – Simplot Silica Products Mine Expansion

Dear Mr. Merrill :

Enclosed is an additional comment from the Nevada Department of Transportation that was received after our previous letter to you. Please incorporate this comment into your decision making process. If you have any questions, please contact me at (775) 684-0227.

Sincerely,

A handwritten signature in cursive script that reads "Julie A. Butler".

Julie A. Butler
Acting Nevada State Clearinghouse Coordinator/SPOC

Enclosure



STATE OF NEVADA
 DEPARTMENT OF TRANSPORTATION
 1263 S. Stewart Street
 Carson City, Nevada 89712

KENNY C. GUINN
 Governor

TOM STEPHENS, P.E., Director

November 5, 2003

In Reply Refer to:

PSD 7.01

Ms. Julie Butler
 Department of Administration
 Budget and Planning
 209 East Musser Street Room 200
 Carson City NV 89701

RECEIVED
 NOV 7 2003
 DEPARTMENT OF ADMINISTRATION
 OFFICE OF THE DIRECTOR
 BUDGET AND PLANNING DIVISION

Dear Ms. Butler;

I am writing this letter in response to your request for comments on Scoping – Simplot Silica Products Mine Expansion (E2004-064).

Based on the information submitted, the Department has the following comment. Any access to SR 169 will require an encroachment permit from NDOT.

If you have any questions, please do not hesitate to contact me at (775) 888-7002.

Sincerely,

Kent Cooper
 Assistant Director of Planning

cc: Gene Weight, District Engineer
 KC: cc



RECEIVED
Nov 10 7 30 AM '03

DEPARTMENT OF ADMINISTRATION

209 E. Musser Street, Room 200
Carson City, Nevada 89701-4298
Fax (775) 684-0260
(775) 684-0209

November 6, 2003

Adam Merrill, Geologist
Bureau of Land Management
Las Vegas Field Office
4701 N. Torrey Pines Drive
Las Vegas, NV 89130-2301

Re: SAI NV # E2004-064
Project: SCOPING – Simplot Silica Products Mine Expansion

Dear Mr. Merrill:

Enclosed are the comments from the Nevada Department of Wildlife, the Division of Water Resources, the Bureau of Health Protection Services, and the State Historic Preservation Office concerning the above-referenced document. These comments constitute the State Clearinghouse review of this proposal as per Executive Order 12372. Please address these comments or concerns in your final decision. If you have questions, please contact me at (775) 684-0227.

Sincerely,

A handwritten signature in cursive script that reads "Julie A. Butler".

Julie A. Butler
Acting Nevada State Clearinghouse Coordinator/SPOC

Enclosures

Julie Butler

From: Brad Hardenbrook
Sent: Thursday, November 06, 2003 9:31 AM
To: Julie Butler
Subject: E2004-064: BLM SCOPING of SIMPLOT Expansion; due date 6 November 2003

Julie,

Please see the attached file re: NDOW's comments on this land use proposal.

Brad

11/6/03

NEVADA STATE CLEARINGHOUSE

Department of Administration
Budget and Planning Division
209 East Musser Street., Room 200
Carson City, Nevada 89701-4298
(775) 684-0209
Fax (775) 684-0260

DATE: October 14, 2003

Governor's Office
Agency for Nuclear Projects
Energy
 Agriculture
Business & Industry
Minerals
Economic Development
Tourism
Fire Marshal
Human Resources
Aging Services
Health Division
Indian Commission
Colorado River Commission

Legislative Counsel Bureau
Information Technology
Emp. Training & Rehab Research Div.
PUC
 Transportation
UNR Bureau of Mines
UNR Library
UNLV Library
 Historic Preservation
Emergency Management
Office of the Attorney General
Washington Office
Nevada Assoc. of Counties
Nevada League of Cities

Conservation-Natural Resources
 Director's Office
State Lands
 Environmental Protection
Forestry
 Wildlife
Region 1
Region 2
 Region 3 X
Conservation Districts
 State Parks
 Water Resources
 Natural Heritage
Wild Horse Commission

Nevada SAI # **E2004-064**
Project: **SCOPING – Simplot Silica Products Mine Expansion**

Yes No **Send more information on this project as it becomes available.**

CLEARINGHOUSE NOTES:

Enclosed, for your review and comment, is a copy of the above mentioned project. Please evaluate it with respect to its effect on your plans and programs; the importance of its contribution to state and/or local areawide goals and objectives; and its accord with any applicable laws, orders or regulations with which you are familiar.

Please submit your comments no later than **November 6, 2003**. Use the space below for short comments. If significant comments are provided, please use agency letterhead and include the Nevada SAI number and comment due date for our reference. Questions? Julie Butler, Acting Clearinghouse Coordinator, (775) 684-0227 or jbutler@budget.state.nv.us.

THIS SECTION TO BE COMPLETED BY REVIEW AGENCY:

- No comment on this project
 Proposal supported as written
 Additional information below
- Conference desired (See below)
 Conditional support (See below)
 Disapproval (Explain below)

AGENCY COMMENTS: The Department does not anticipate any negative effects from this project upon the adjacent Overton Wildlife Management Area. However, the mine expansion area is within habitat for desert tortoise and gila monster. Any mining plan should consider dealing with these species. Should there be any questions about standard operating procedures for these species, please contact Craig Stevenson, Habitat Biologist at (702) 486-5127.

Signature _____

s:\shardat\clear\clear.doc

Agency _____

Date _____

NEVADA STATE CLEARINGHOUSE

Department of Administration
Budget and Planning Division
209 East Musser Street., Room 200
Carson City, Nevada 89701-4298
(775) 684-0227
Fax (775) 684-0260

Rob
H

DATE: October 14, 2003

Governor's Office
Agency for Nuclear Projects
Energy Office
Agriculture Department
Minerals Commission
UNR Bureau of Mines
Economic Development
Tourism
Fire Marshal
Human Resources
Health Division
Indian Commission
Colorado River Commission
Animal Damage Control

Legislative Counsel Bureau
PUC
Transportation (General)
Transportation (Airspace)
Office of Traffic Safety
UNR Library
UNLV Library
Historic Preservation
Emergency Management
Office of the Attorney General
Washington Office
Nevada Assoc. of Counties
Nevada League of Cities

Conservation & Natural Resources -
Director's Office
State Lands
Environmental Protection
Forestry
Conservation Districts
State Parks
Water Resources
Natural Heritage Program
Wild Horse Commission
Wildlife Department - Director's Office
Region 1 - Fallon
Region 2 - Elko
Region 3 - Las Vegas

Nevada SAI # **E2004-064**
Project: **SCOPING - Simplot Silica Products Mine Expansion**

Yes No Send more information on this project as it becomes available

CLEARINGHOUSE NOTES

Enclosed, for your review and comment, is a copy of the above mentioned project. Please evaluate it with respect to its effect on your plans and programs; the importance of its contribution to state and/or local areawide goals and objectives; and its accord with any applicable laws, orders or regulations with which you are familiar.

Please submit your comments no later than **November 6, 2003**. Use the space below for short comments. If significant comments are provided, please use agency letterhead and include the Nevada SAI number and comment due date for our reference. Questions? Julie Butler, Acting Clearinghouse Coordinator, (775) 684-0227 or jbutler@budget.state.nv.us.

THIS SECTION TO BE COMPLETED BY REVIEW AGENCY:

- No comment on this project
- Proposal supported as written
- Additional information below
- Conference desired (See below)
- Conditional support (See below)
- Disapproval (Explain below)

RECEIVED

OCT 29 2003

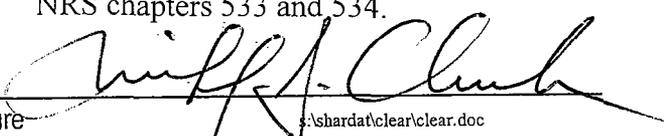
DEPARTMENT OF ADMINISTRATION
OFFICE OF THE DIRECTOR
BUDGET AND PLANNING DIVISION

AGENCY COMMENTS:

E2004-064

The project is mis-located in Township 16 South. Simplot Silica Products is currently operating their tailings facility under safety of dams permit J-494 and water permit 51749. A raise of the tailings facility is in the design process. The place of use of the water permit 51749 is the NW¼NE¼ section 11, T.17S., R.67E. M.D.B.&M. for operation of the mill only. Use of water outside this area or for any other purpose will require a separate permit for the diversion and use of the public waters of the State of Nevada pursuant to Nevada Revised Statutes (NRS) chapters 533 and 534. The proposed disturbance is entirely outside of the place of use of Moapa Valley Water District. Water for the slurry to be transported by pipeline (if correctly understood) or for fugitive dust control is also subject to appropriation pursuant to NRS chapters 533 and 534.

Signature



MICHAEL J. ANDERSON P.E.

shardatclearclear.doc

Agency

DWR

October 24, 2003

Date

NEVADA STATE CLEARINGHOUSE

Department of Administration
Budget and Planning Division
209 East Musser Street., Room 200
Carson City, Nevada 89701-4298
(775) 684-0227
Fax (775) 684-0260

DATE: October 14, 2003

Governor's Office
Agency for Nuclear Projects
Energy Office
Agriculture Department
 Minerals Commission
 UNR Bureau of Mines
Economic Development
Tourism
Fire Marshal
Human Resources
 Health Division
Indian Commission
Colorado River Commission
Animal Damage Control

Legislative Counsel Bureau
 PUC
 Transportation (General)
Transportation (Airspace)
Office of Traffic Safety
UNR Library
UNLV Library
 Historic Preservation
Emergency Management
Office of the Attorney General
Washington Office
Nevada Assoc. of Counties
Nevada League of Cities

Conservation & Natural Resources -
Director's Office
 State Lands
 Environmental Protection
Forestry
Conservation Districts
 State Parks
 Water Resources
 Natural Heritage Program
Wild Horse Commission
 Wildlife Department - Director's Office
Region 1 - Fallon
Region 2 - Elko
 Region 3 - Las Vegas

Nevada SAI # **E2004-064**
Project: **SCOPING -- Simplot Silica Products Mine Expansion**



CLEARINGHOUSE NOTES

Enclosed, for your review and comment, is a copy of the above mentioned project. Please evaluate it with respect to its effect on your plans and programs; the importance of its contribution to state and/or local areawide goals and objectives; and its accord with any applicable laws, orders or regulations with which you are familiar.

Please submit your comments no later than **November 6, 2003**. Use the space below for short comments. If significant comments are provided, please use agency letterhead and include the Nevada SAI number and comment due date for our reference. Questions? Julie Butler, Acting Clearinghouse Coordinator, (775) 684-0227 or jbutler@budget.state.nv.us.

THIS SECTION TO BE COMPLETED BY REVIEW AGENCY:

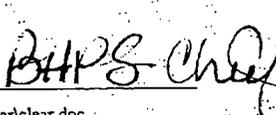
- No comment on this project
- Proposal supported as written
- Additional information below
- Conference desired (See below)
- Conditional support (See below)
- Disapproval (Explain below)

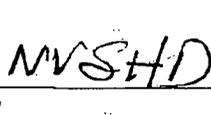
AGENCY COMMENTS:

If the Simplot Silica Products Company install any buildings that provide drinking water to the public and proposes to install an individual sewage disposal system, the Simplot Silica Products Company must provide the proper design specifying the water and sewer improvements to the Nevada State Health Division, Bureau of Health Protection Services, for review and approval before any construction may commence on the water and sewer improvements.


Signature

s:\bardat\clear\clear.doc

 Agency



11/5/03
Date

NEVADA STATE CLEARINGHOUSE

Department of Administration
 Budget and Planning Division
 209 East Musser Street., Room 200
 Carson City, Nevada 89701-4298
 (775) 684-0227
 Fax (775) 684-0260

Hist. Pres.
received
 10/22/03
RdPal

DATE: October 14, 2003

- Governor's Office
- Agency for Nuclear Projects
- Energy Office
- Agriculture Department
- Minerals Commission
- UNR Bureau of Mines
- Economic Development
- Tourism
- Fire Marshal
- Human Resources
- Health Division
- Indian Commission
- Colorado River Commission
- Animal Damage Control

- Legislative Counsel Bureau
- PUC
- Transportation (General)
- Transportation (Airspace)
- Office of Traffic Safety
- UNR Library
- UNLV Library
- Historic Preservation
- Emergency Management
- Office of the Attorney General
- Washington Office
- Nevada Assoc. of Counties
- Nevada League of Cities

- Conservation & Natural Resources -
- Director's Office
- State Lands
- Environmental Protection
- Forestry
- Conservation Districts
- State Parks
- Water Resources
- Natural Heritage Program
- Wild Horse Commission
- Wildlife Department - Director's Office
- Region 1 - Fallon
- Region 2 - Elko
- Region 3 - Las Vegas

Nevada SAI # **E2004-064**
 Project: **SCOPING - Simplot Silica Products Mine Expansion**

Yes No Send more information on this project as it becomes available

CLEARINGHOUSE NOTES

Enclosed, for your review and comment, is a copy of the above mentioned project. Please evaluate it with respect to its effect on your plans and programs; the importance of its contribution to state and/or local areawide goals and objectives; and its accord with any applicable laws, orders or regulations with which you are familiar.

Please submit your comments no later than **November 6, 2003**. Use the space below for short comments. If significant comments are provided, please use agency letterhead and include the Nevada SAI number and comment due date for our reference. Questions? Julie Butler, Acting Clearinghouse Coordinator, (775) 684-0227 or jbutler@budget.state.nv.us.

THIS SECTION TO BE COMPLETED BY REVIEW AGENCY:

- No comment on this project
- Proposal supported as written
- Additional information below
- Conference desired (See below)
- Conditional support (See below)
- Disapproval (Explain below)

RECEIVED
 NOV 8 2003

AGENCY COMMENTS:

The SHPO reminds the Bureau of Land Management of its responsibilities under the Statewide Protocol between this office and the Bureau of Land Management. If you need any assistance in this effort, please don't hesitate to contact this office by phone at (775) 684-3443 or by E-mail at rlpalmer@clan.lib.nv.us.

Rebecca Palmer

 Signature s:\sharda\clear\clear.doc

Historic Preservation 10/29/03

 Agency Date

**ENVIRONMENTAL ASSESSMENT
COMMENT LETTERS**

KENNY C. GUINN
Governor

STATE OF NEVADA

JOHN P. COMEAUX
Director



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APR 17 7 51 AM '04

DEPARTMENT OF ADMINISTRATION

209 E. Musser Street, Room 200
Carson City, Nevada 89701-4298
Fax (775) 684-0260
(775) 684-0209

April 13, 2004

Mark Chatterton, Assistant Field Manager
Non-Renewable Resources
Bureau of Land Management
4701 North Torrey Pines Drive
Las Vegas, Nevada 89130-2301

Re: SAI NV # E2004-148
N-71466 3809 (NV-053)
Project: Simplot Silica Mine Expansion Project

Dear Mr. Chatterton:

Enclosed are the comments from the Nevada Divisions of Water Resources and Minerals, and the State Historic Preservation Office regarding the above referenced document. These comments constitute the State Clearinghouse review of this proposal as per Executive Order 12372.

Please address these comments or concerns in your final decision. If you have questions, please contact me at (775) 684-0209.

Sincerely,

Michael J. Stafford
for Michael J. Stafford
Nevada State Clearinghouse Coordinator/SPOC

Enclosure

NEVADA STATE CLEARINGHOUSE

Department of Administration
Budget and Planning Division
209 East Musser Street., Room 200
Carson City, Nevada 89701-4298
(775) 684-0209
Fax (775) 684-0260

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MAR 22 AM 10:10
STATE PLANNING OFFICE

DATE: March 18, 2004

Governor's Office
Agency for Nuclear Projects
Energy Office
Agriculture Department
Minerals Commission
UNR Bureau of Mines
Economic Development
Tourism
Fire Marshal
Human Resources
Health Division
Indian Commission
Colorado River Commission
Animal Damage Control

Legislative Counsel Bureau
PUC
Transportation (General)
Transportation (Airspace)
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UNR Library
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Emergency Management
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Washington Office
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Nevada League of Cities
Public Safety

Conservation & Natural Resources -
Director's Office
State Lands
Environmental Protection
Forestry
Conservation Districts
State Parks
Water Resources
Natural Heritage Program
Wild Horse Commission
Wildlife Department - Director's Office
Region 1 - Fallon
Region 2 - Elko
Region 3 - Las Vegas

Nevada SAI # E2004-148
Project: EA Simplot Silica Mine Expansion Project

Yes No Send more information on this project as it becomes available.

CLEARINGHOUSE NOTES Also Reference SAI#E2004-064

Enclosed, for your review and comment, is a copy of the above-mentioned project. Please evaluate it with respect to its effect on your plans and programs; the importance of its contribution to state and/or local areawide goals and objectives; and its accord with any applicable laws, orders or regulations with which you are familiar.

Please submit your comments no later than **April 13, 2004**. Use the space below for short comments. If significant comments are provided, please use agency letterhead and include the Nevada SAI number and comment due date for our reference. Questions? Michael Stafford, Clearinghouse Coordinator, (775) 684-0209 or mstafford@budget.state.nv.us.

THIS SECTION TO BE COMPLETED BY REVIEW AGENCY:

- No comment on this project
- Proposal supported as written
- Additional information below
- Conference desired (See below)
- Conditional support (See below)
- Disapproval (Explain below)

AGENCY COMMENTS:

The applicant's water right (permit 51749) was issued for a limited place of use that does not include the processing plant in T. 16 S., R. 68 E., section 30, nor the disposal/reclamation area encompassed by the tailings disposal facility. Purchase of "shares" in the local irrigation company is inadequate to allow use of the water for a purpose other than irrigation or use of the water outside of the delineated place of use for the water as permitted. Changes must be made to the water rights utilized pursuant to Nevada Revised Statutes (NRS), chapters 533 and 534 in order to accommodate the full manner and place of use of the water appropriated for beneficial use by Simplot Silica Products. Use of water for fugitive dust control, slurry transport, processing and reclamation must all be encompassed within the permits held by the applicant. No applications in the applicant's name are currently pending in the Office of the State

Engineer


Signature
MICHAEL J. ANDERSON P.E.

DWR
Agency

March 23, 2004
Date

RECEIVED

MAR 25 2004

DEPARTMENT OF ADMINISTRATION
OFFICE OF THE DIRECTOR
BUDGET AND PLANNING DIVISION

NEVADA STATE CLEARINGHOUSE

Department of Administration
Budget and Planning Division
209 East Musser Street., Room 200
Carson City, Nevada 89701-4298
(775) 684-0209
Fax (775) 684-0260

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MAR 22 2004

State Historic
Preservation Office

DATE: March 18, 2004

Governor's Office
 Agency for Nuclear Projects
 Energy Office
 Agriculture Department
 Minerals Commission
 UNR Bureau of Mines
 Economic Development
 Tourism
 Fire Marshal
 Human Resources
 Health Division
 Indian Commission
 Colorado River Commission
 Animal Damage Control

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Conservation & Natural Resources -
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 Region 1 - Fallon
 Region 2 - Elko
 Region 3 - Las Vegas

Nevada SAI # E2004-148
Project: EA Simplot Silica Mine Expansion Project

Yes No Send more information on this project as it becomes available.

CLEARINGHOUSE NOTES Also Reference SAI#E2004-064

Enclosed, for your review and comment, is a copy of the above-mentioned project. Please evaluate it with respect to its effect on your plans and programs; the importance of its contribution to state and/or local areawide goals and objectives; and its accord with any applicable laws, orders or regulations with which you are familiar.

Please submit your comments no later than **April 13, 2004**. Use the space below for short comments. If significant comments are provided, please use agency letterhead and include the Nevada SAI number and comment due date for our reference. Questions? Michael Stafford, Clearinghouse Coordinator, (775) 684-0209 or mstafford@budget.state.nv.us.

THIS SECTION TO BE COMPLETED BY REVIEW AGENCY:

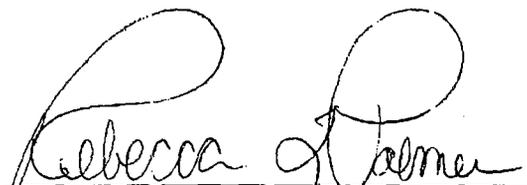
- No comment on this project
- Proposal supported as written
- Additional information below
- Conference desired (See below)
- Conditional support (See below)
- Disapproval (Explain below)

AGENCY COMMENTS:

RECEIVED

APR 08 2004

DEPARTMENT OF ADMINISTRATION
OFFICE OF THE DIRECTOR
BUDGET AND PLANNING DIVISION


 Signature _____
 s:\sharda\clear\clear.doc


 Agency _____
 Date 4/5/04

NEVADA STATE CLEARINGHOUSE

Department of Administration
Budget and Planning Division
209 East Musser Street., Room 200
Carson City, Nevada 89701-4298
(775) 684-0209
Fax (775) 684-0260

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MAR 22 2004

Division of Minerals

DATE: March 18, 2004

Governor's Office
 Agency for Nuclear Projects
 Energy Office
 Agriculture Department
 Minerals Commission
 UNR Bureau of Mines
 Economic Development
 Tourism
 Fire Marshal
 Human Resources
 Health Division
 Indian Commission
 Colorado River Commission
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 Wild Horse Commission
 Wildlife Department - Director's Office
 Region 1 - Fallon
 Region 2 - Elko
 Region 3 - Las Vegas

Nevada SAI # E2004-148
Project: EA Simplot Silica Mine Expansion Project

Yes No Send more information on this project as it becomes available.

CLEARINGHOUSE NOTES Also Reference SAI#E2004-064

Enclosed, for your review and comment, is a copy of the above-mentioned project. Please evaluate it with respect to its effect on your plans and programs; the importance of its contribution to state and/or local areawide goals and objectives; and its accord with any applicable laws, orders or regulations with which you are familiar.

Please submit your comments no later than April 13, 2004. Use the space below for short comments. If significant comments are provided, please use agency letterhead and include the Nevada SAI number and comment due date for our reference. Questions? Michael Stafford, Clearinghouse Coordinator, (775) 684-0209 or mstafford@budget.state.nv.us.

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- Proposal supported as written
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- Conditional support (See below)
- Disapproval (Explain below)

AGENCY COMMENTS:

RECEIVED

MAR 25 2004

DEPARTMENT OF ADMINISTRATION
OFFICE OF THE DIRECTOR
BUDGET AND PLANNING DIVISION

Doug Driesner
Signature

s:\sharda\clear\clear.doc

MINERALS
Agency

3-24-04
Date

APPENDIX B
USFWS DESERT TORTOISE BIOLOGICAL OPINION
TERMS/CONDITIONS

Terms and Conditions

In order to be exempt from the prohibitions of section 9 of the Act, the Bureau must comply with the following terms and conditions, which implement the reasonable and prudent measures described above. These terms and conditions are non-discretionary.

1. To implement Reasonable and Prudent Measure Number 1, the Bureau shall fully implement the following measures:
 - a. **Within Areas B and C:** The Bureau, or their designee, shall present a tortoise-education program to all foremen, workers, and other employees working on projects covered under this biological opinion. In **Area B**, the program will consist of a presentation by a tortoise biologist, and in **Area C**, the program will consist of either a presentation or a fact sheet. The program or fact sheet will include information on the life history of the desert tortoise, legal protection for desert tortoises, penalties for violations of Federal and State laws, general tortoise activity patterns, reporting requirements, measures to protect tortoises, terms and conditions of this biological opinion, and personal measures employees can take to promote the conservation of desert tortoises. The definition of "take" will also be explained. Specific and detailed instructions will be provided on the proper techniques to capture and move tortoises which appear onsite, in accordance with Service-approved protocol. Currently, the Service-approved protocol is Desert Tortoise Council 1994, revised 1996. The presentation and fact sheet shall be approved by the Service prior to implementation. Workers will be encouraged to carpool to and from project sites.
 - b. **Within Areas B and C:** A speed limit of 25 miles per hour shall be required for all vehicles on the project site and unposted dirt access roads.
 - c. **Within Areas B and C:** During construction activities, tortoise burrows should be avoided whenever possible. If a tortoise is found onsite during project activities which may result in take of the tortoise (e.g., in harms way), such activities shall cease until the tortoise moves, or is moved, out of harms way. If found in **Area B**, or an area that requires an onsite tortoise biologist, the tortoise shall be moved by a qualified tortoise biologist. If found in **Area C**, and no tortoise biologist is required, the tortoise shall be moved by either a tortoise biologist or individual trained in the proper technique of handling and moving desert tortoises, as

instructed in the tortoise education program in Terms and Conditions **1.a.** above and **1.m.** below. All workers will also be instructed to check underneath all vehicles before moving such vehicles. Tortoises often take cover under vehicles.

- d. **Within Area B:** Projects shall require a tortoise biologist onsite during construction activities unless determined by the Bureau and Service that an onsite biologist is not necessary. Unless fenced and cleared, projects will require an onsite biologist during construction of the project during the tortoise active period (March 1 through October 31), and a biologist on call during the tortoise inactive period (November 1 through February 28/29), unless exempted by mutual concurrence from the Bureau and Service.

Within Area C: A tortoise biologist shall not be required onsite during construction activities unless determined by the Bureau, or Bureau and Service, that an onsite biologist is necessary.

- e. **Within Areas B and C:** The Bureau must approve the selected consulting firm/biologist to be used by the applicant to implement the terms and conditions of this biological opinion or permit issued by the Bureau. Any biologist and/or firm not previously approved must submit a curriculum vitae and be approved by the Bureau before authorized to represent the Bureau in meeting compliance with the terms and conditions of this biological opinion. Other personnel may assist with implementing mitigation measures, but must be under direct field supervision by the approved qualified biologist.

In accordance with *Procedures for Endangered Species Act Compliance for the Mojave Desert Tortoise* (Service 1992), a qualified desert tortoise biologist should possess a bachelor's degree in biology, ecology, wildlife biology, herpetology, or closely related fields as determined by the Bureau. The biologist must have demonstrated prior field experience using accepted resource agency techniques to survey for desert tortoises and tortoise sign, which should include a minimum of 60 days field experience. All tortoise biologists shall comply with the Service-approved handling protocol (Desert Tortoise Council 1994, revised 1996) prior to conducting tasks in association with terms and conditions of this biological opinion. In addition, the biologist shall have the ability to recognize and accurately record survey results.

- f. **Within Area B (always) and Area C (when required or voluntarily implemented):** All project areas including construction sites, access routes, staging areas, and fencelines, will be cleared by a qualified biologist before the start of construction or ground disturbance. The parcel shall be surveyed for desert tortoise using survey techniques which provide 100-percent coverage. During the tortoise active season, the preconstruction clearance shall be no more than 3 days before initiation of construction. During the tortoise inactive season, the preconstruction clearance shall be within 5 days before work begins.

Within Area C, search for, and removal of, tortoises (i.e., clearance) is voluntary, unless required by the Bureau, or Bureau and Service. If tortoise clearance is not required, applicants or project proponents may voluntarily choose to search for and remove tortoises from lands to be disturbed within the project area. However, applicants/project proponents that voluntarily choose to clear project areas of desert tortoises, shall follow measures required in Terms and Conditions **1.e., 1.g., 1.h., 1.i., and 1.j.,** in addition to other terms and conditions required for **Area C** in this biological opinion.

- g. **Within Areas B and C:** Desert tortoises encountered experiencing heat stress will be placed in a tub, by a qualified tortoise biologist, with one inch of water in an environment with a temperature between 76 degrees F and 95 degrees F for several hours, until heat stress symptoms are no longer evident.
- h. **Within Areas B and C:** Tortoises and nests found shall be relocated by a qualified tortoise biologist in accordance with Service-approved protocol (Desert Tortoise Council 1994, revised 1996). Burrows containing tortoises or nests will be excavated by hand, with hand tools, to allow removal of the tortoise or eggs.
- i. **Within Areas B and C:** Tortoises that are moved offsite and released into undisturbed habitat on public land, must be placed in the shade of a shrub, in a natural unoccupied burrow similar to the hibernaculum in which it was found, or in an artificially constructed burrow in accordance with Desert Tortoise Council (1994, revised 1996).
- j. **Within Areas B and C:** Desert tortoises moved during the tortoise inactive season or those in hibernation, regardless of date, must be placed into an adequate burrow; if one is not available, one will be constructed in accordance with Desert

Tortoise Council (1994, revised 1996). During mild temperature periods in the spring and early fall, tortoises removed from the site will not necessarily be placed in a burrow.

- k. **Within Area B:** Projects will require fencing, unless determined by the Bureau and Service that the project should not be fenced (e.g., some powerlines, pipelines, and roads). The fence may be permanent or temporary, as determined on a case by case basis. Fenced projects will require an initial tortoise clearance of the fenceline prior to fence construction, and a tortoise clearance following fence construction. Project sites to be fenced with permanent tortoise-proof fencing must be fenced prior to the commencement of surface disturbance activities within the project site. Fencing will consist of 1-inch horizontal by 2-inch vertical mesh. The mesh will extend at least 18 inches above ground and, where feasible, 6 inches below ground. In situations where it is not feasible to bury the fence, the lower 6-12 inches of the fence shall be bent at a 90-degree angle towards the potential direction of encounter with tortoise and covered with cobble or other suitable material to ensure that tortoise or other animals cannot dig underneath, thus creating gaps through which tortoises may traverse. The height of tortoise-proof fencing will be a minimum of 18 inches above ground. The fence shall be inspected, and zero clearance maintained between the bottom of the fence and the ground as stated in Terms and Conditions 1.l. and 1.n. below.
- l. **Within Areas B and C (where tortoise-proof fencing is installed):** If fence construction occurs during the tortoise active season, a qualified tortoise biologist shall be onsite during construction of the tortoise-proof fence to ensure that no tortoises are harmed. If the fence is constructed during the tortoise inactive season, a biologist will thoroughly examine the proposed fenceline and burrows for the presence of tortoises no more than 5 days before construction. Any desert tortoises or eggs found in the fenceline will be relocated offsite by a qualified tortoise biologist in accordance with approved protocol. Tortoise burrows that occur immediately outside of the fence alignment that can be avoided by fence construction activities shall be clearly marked to prevent crushing.

Following Fence Construction: Prior to the commencement of project activities, all desert tortoises shall be removed from the site. A qualified biologist shall oversee the survey for and removal of tortoises using techniques providing 100-percent coverage of all areas. Two complete passes of 100-percent coverage will be accomplished. All desert tortoise burrows, and other species burrows

which may be used by tortoises, will be examined to determine occupancy of each burrow by desert tortoises. Tortoise burrows shall be cleared of tortoises and eggs, and collapsed. Any desert tortoises or eggs found in the fenced area will be removed under the supervision of a qualified tortoise biologist in accordance with Service protocol.

- m. **Within Areas B and C (where tortoise-proof fencing is installed):** After a project has been fenced and a tortoise clearance completed, if the operator encounters a desert tortoise in imminent danger, the operator shall move the tortoise out of harm's way and on to adjacent Bureau land. If the tortoise cannot be avoided or moved out of harm's way onto Bureau land, it shall be placed in a cardboard box or other suitable container and held in a shaded area until the Clark County pickup service or Bureau personnel can retrieve the tortoise.

On phased development projects, the operator will have the option of initially fencing less than the total project acreage. The fenced area will be enlarged as the disturbance expands. To ensure that no tortoises are harmed, each new segment of fence will be constructed under the provision described in Terms and Conditions 1.k. and 1.l. above. Payment of the mitigation fee identified in Term and Condition 3 below, will be required prior to surface disturbance of each phase.

- n. **Within Areas B and C (where tortoise-proof fencing is installed):** The operator shall inspect the fencing at least on a quarterly basis, to insure that it is in compliance with the standards described in Term and Condition 1.k. above, and shall perform maintenance when needed including removing trash, sediment accumulation, and other debris. Temporary fencing shall be removed at the end of the construction activity. Permanent fencing may be removed upon termination and reclamation of the project, or when it is determined by the Bureau and Service that the fence is no longer necessary. Monitoring and maintenance shall include regular removal of trash and sediment accumulation and restoration of zero ground clearance between the ground and the bottom of the fence, including re-covering the bent portion of the fence if not buried.
- o. **Within Areas B and C (where tortoise-proof fencing is installed):** Where the Bureau allows or requires the installation of a temporary tortoise-proof fence, the fence shall include as much of the proposed construction site as feasible. This may
h in some cases require the installation of temporary fencing along access routes.

Typical fence design should consist of 1-inch mesh or 1-inch horizontal by 2-inch vertical mesh (hardware cloth or plastic) and be installed flush with ground and extend at least 18 inches above ground. Temporary tortoise-proof fencing should not be buried.

2. To implement Reasonable and Prudent Measure Number 2, the Bureau shall fully implement the following measure in **Areas B and C**:

A litter-control program shall be implemented, by the applicant, to minimize predation on tortoises by ravens drawn to the project site. This program will include the use of covered, raven-proof trash receptacles, removal of trash from the construction site to the trash receptacles following the close of each work day, and proper disposal of trash in a designated solid waste disposal facility. Vehicles hauling trash to the landfill and leaving the landfill must be secured to prevent litter from blowing out along the road.

3. To implement Reasonable and Prudent Measure Number 3, the Bureau shall fully implement the following measures:

- a. **Within Areas B and C:** If possible, overnight parking and storage of equipment and materials, including stockpiling, shall be in previously disturbed areas or areas to be disturbed which have been cleared by a tortoise biologist. If not possible, areas for overnight parking and storage of equipment shall be designated by the tortoise biologist which will minimize habitat disturbance.
- b. **Within Areas B and C:** All vehicle traffic will be restricted to existing access roads where possible. New access roads will be created only when absolutely necessary and only when approved by the Bureau. In **Area B**, routes for new access roads will be flagged by the tortoise biologist prior to surface disturbance.
- c. **Within Areas B and C:** Project activity areas will be clearly marked or flagged at the outer boundaries before the onset of construction. All activities shall be confined to designated areas. Blading of vegetation will occur only to the extent necessary and shall be limited to areas designated for that purpose by the Bureau or tortoise biologist.

- d. **Within Areas B and C:** Remuneration fees only apply to future disturbance in tortoise habitat. Past disturbance or disturbance on land not considered to be tortoise habitat are not assessed a tortoise remuneration fee. Remuneration fees will be used to fund management actions which are expected to benefit the desert tortoise. Actions may involve: Habitat acquisition; population or habitat enhancement or protection; research that increases our knowledge of desert tortoise biology, habitat requirements, or factors affecting habitat attributes; reducing loss of individual animals, documenting the species' current status and trend, and preserving distinct population attributes or any other action described in the Management Oversight Group's report titled *Compensation for the Desert Tortoise* (Hastey, et al. 1991) or Recovery Plan.
- e. **Within Areas B and C:** Payment of a remuneration fee, currently set at \$568.00 per acre, will be required for all projects prior to issuance of the lease, permit, notice to proceed, or other Bureau authorization, with the following exceptions:
- (1) R&PP leases may be issued prior to payment of remuneration fees. Payment of fees on R&PP leases may be deferred until immediately prior to surface disturbance. If the R&PP project consists of phased development of the lease area, fees will be paid for each phase immediately prior to surface disturbance.
 - (2) Because many mining plans of operation are phased in over a number of years, remuneration fees may be collected prior to the beginning of each phase.
 - (3) Other projects, such as parks, that are built in phases will be assessed the remuneration fee at the beginning of each phase.
 - (4) Projects impacting less than 0.25-acres will not be assessed a remuneration fee. The 0.25-acres refers to the total project area and does not apply to each phase of a project.
 - (5) Mineral material sales and leases will be charged a fee of 25 cents per yard up to the equivalent of \$568.00 per acre of disturbance, or will be assessed \$568.00 per acre for each phase of disturbance, at the discretion of the Bureau.

- (6) Range and wildlife projects impacting less than 0.25-acres per allotment will be exempt from fees. The Bureau and Service shall decide on appropriate offsite habitat enhancement activities on a case-by-case basis for projects impacting more than 0.25-acres. All activities on an allotment count toward the cumulative acreage total for the allotment or wildlife project. Range projects will include fences, pipelines, water hauls, and spring developments.
- (7) Unless the Bureau determines that lands proposed for disposal are exempt from mitigation fees under the CCDCP, remuneration fees for land disposal actions will not be required under this biological opinion; consequently, no incidental take will be authorized in association with such actions. Once transferred out of Federal ownership, the owner must comply with the terms of the CCDCP in order to be covered under the incidental take permit issued to Clark County (PRT-801045), or apply for their own incidental take permit under section 10(a)(1)(B) of the Act. Consistent with Bureau policy, the legal title of lands leased under the R&PP Act shall not be transferred out of Federal ownership until appropriate remuneration fees have been collected as specified in Terms and Conditions 3.f. and 3.g. below.

The current rate of \$568.00 per acre will be indexed for inflation as described in Term and Condition 3.g. below.

- f. **Within Areas B and C: For Community Sand And Gravel Sales:** Fees will be assessed on the basis of cubic yards of material removed from project site. A fee of 25 cents per cubic yard will be applied until such time as the fees collected are equal to \$568.00 per acre for each acre of surface disturbance, or the equivalent rate as indexed for inflation. The fee shall be paid directly to the Bureau while purchasing mineral materials at the Las Vegas District Office. The fee shall be deposited directly into the Bureau's 5320 account.
- g. **Within Areas B and C: For Projects Other Than Community Sand And Gravel Pits** (including mineral material sales): Prior to issuance of the permit, right-of-way grant, lease (except R&PP leases), notice to proceed, or approval of any action to be covered under this biological opinion, and prior to any surface-disturbing activity associated with the proposed project, including R&PP leases, the project proponent shall pay a remuneration fee of \$568.00 for each acre of

surface disturbance. For phased projects (e.g., mineral material sales), fees will be paid prior to surface disturbance associated with each phase. This rate will be indexed for inflation based on the Bureau of Labor Statistics Consumer Price Index for All Urban Consumers (CPI-U) on January 31 of each year, beginning January 31, 1998. Fees assessed or collected for projects covered under this biological opinion after January 31st of each year will be adjusted based on the CPI-U. Information on the CPI-U can be found on the Internet at: <http://stats.bls.gov/news.release/cpi.nws.htm>. The CPI-U for 1996 was 3.3 percent, which was used to adjust fees assessed and collected in 1997. The rate of \$568.00 per acre of disturbance has been indexed for inflation for 1997 by increasing the previous rate of \$550.00 per acre, 3.3 percent (\$18).

This fee will be paid directly to the Desert Tortoise Public Lands Conservation Fund Number 730-9999-2315, administered by Clark County or any other administrator approved by the Bureau and Service. The administrator serves as the banker of these funds and receives no benefit from administering these funds. These funds are independent of any other fees collected by Clark County for desert tortoise conservation planning.

The payment shall be accompanied by the **Section 7 Fee Payment Form**, (Attachment B) and completed by the payee. The project proponent or applicant may receive credit for payment of such fees and deduct such costs from desert tortoise impact fees charged by local government entities. Payment shall be by certified check or money order payable to Clark County (or other administrator named by the Bureau and Service), and delivered to:

Clark County
Department of Administrative Services
500 South Grand Central Parkway, Sixth Floor
Las Vegas, Nevada 89155-1712

- d. The project proponent must submit a document to the Bureau within 30 days of completion of the project showing the number of acres disturbed; remuneration fees paid; and number of tortoises taken, which includes capture and displacement, killed, injured, and harassed by other means, during implementation of programmatic actions.
- e. All projects to be covered under this biological opinion shall be reviewed by the Bureau's wildlife staff to ensure that appropriate measures have been incorporated into the Bureau authorization (e.g., right-of-way, lease, or sale) to minimize the potential take of desert tortoise and loss of habitat. If determined appropriate by the wildlife staff, the Bureau shall impose additional minimization measures beyond those required in other terms and conditions of this biological opinion, prior to approval or authorization of the proposed action.
- f. For tortoise removals in Clark County, the applicant shall make prior arrangements with Clark County's tortoise pickup service (702/593-9027) at least 10 days prior to the commencement of tortoise collection. Outside Clark County, initial notification shall be made to the Bureau as stated in Term and Condition 4.b. above.
- g. The Bureau will keep an up-to-date log of all actions taken under this consultation; number of acres affected; results of tortoise survey and removal activities (including reported number of desert tortoises injured, killed, or removed from the project site); and date, rate (per acre adjusted for inflation) and amount of fees paid for each project. The Bureau will provide the above information to the Service's Las Vegas Office quarterly for the first year and annually thereafter, beginning 1 year from the date of this biological opinion. Annual reports will be due on February 1st, for the previous calendar year in which actions were covered under this biological opinion. Information will be cumulative throughout the life of this consultation.
- h. For those actions identified in this biological opinion that require concurrence between the Bureau and Service, written notification of proposed changes or actions will be made a minimum of 30 days in advance. Both agencies will coordinate to the maximum extent practicable to achieve resolution. This may include informal meetings to discuss proposed actions and reach concurrence, or written correspondence. With the exception of mitigation, if concurrence is not reached, no change will take effect.

APPENDIX C
NEVADA NATURAL HERITAGE PROGRAM
CONSULTATION LETTER

Nevada Natural Heritage Program

Department of Conservation and Natural Resources

1550 East College Parkway, Suite 137 * Carson City, Nevada 89706-7921

voice: (775) 687-4245 fax: (775) 687-1288 web: www.heritage.nv.gov/

24 November 2003

Ross Rasmussen
JBR Environmental Consultants, Inc.
8160 South Highland Drive
Sandy, UT 84093

RE: Data request received 24 November 2003

Dear Mr. Rasmussen:

We are pleased to provide the information you requested on endangered, threatened, candidate, and/or sensitive plant and animal taxa recorded within or near the Simplot Silica Mine Expansion project area. We searched our database and maps for the following, a three mile radius around:

Township 17S Range 67E Sections 2, 3, and 11

The enclosed printout lists the taxa recorded within the given area. Please be aware that habitat may also be available for: the desert tortoise, *Gopherus agassizii*, a Federally Threatened Taxon; the chuckwalla, *Sauromalus ater*, a Nevada Bureau of Land Management (BLM) Sensitive Species; the Virgin River thistle, *Cirsium virginense*, a Taxon determined to be Critically Imperiled by the Nevada Natural Heritage Program (NNHP); the Gold Butte moss, *Didymodon nevadensis*, a Nevada BLM Sensitive Species; the silverleaf sunray, *Enceliopsis argophylla*, a Nevada BLM Sensitive Species; the Mojave gypsum bee, *Andrena balsamorhizae*, a Nevada BLM Sensitive Species; the Red-tailed blazing star bee, *Megandrena mentzeliae*, a Taxon determined to be Imperiled by the NNHP; the Mojave poppy bee, *Perdita meconis*, a Nevada BLM Sensitive Species; the Western Yellow-billed Cuckoo, *Coccyzus americanus occidentalis*, a Federal Candidate Species; the Western Least Bittern, *Ixobrychus exilis hesperis*, a Nevada BLM Sensitive Species; the Phainopepla, *Phainopepla nitens*, a Nevada BLM Sensitive Species; and the Yuma Clapper Rail, *Rallus longirostris yumanensis*, a Federally Endangered Species. We do not have complete data on various raptors that may also occur in the area; for more information contact Ralph Phenix, Nevada Division of Wildlife at (775) 688-1565. Please note that all cacti, yuccas, and Christmas trees are protected by Nevada state law (NRS 527.060-.120), including taxa not tracked by this office.

Please note that our data are dependent on the research and observations of many individuals and organizations, and in most cases are not the result of comprehensive or site-specific field surveys. Natural Heritage reports should never be regarded as final statements on the taxa or areas being considered, nor should they be substituted for on-site surveys required for environmental assessments.

Thank you for checking with our program. Please contact us for additional information or further assistance.

Sincerely,



Eric S. Miskow
Biologist III/Data Manager