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PRINTED: 03/14/2003

ARIZONA DEPARTMENT OF MINES AND MINERAL RESOURCES AZMILS DATA

PRIMARY NAME: PINE NUT

ALTERNATE NAMES:

MOHAVE COUNTY MILS NUMBER: 738

LOCATION: TOWNSHIP 36 N RANGE 4 W SECTION 21 QUARTER  
LATITUDE: N 36DEG 30MIN 17SEC LONGITUDE: W 112DEG 44MIN 02SEC  
TOPO MAP NAME: JUMPUP CANYON - 15 MIN

CURRENT STATUS: EXP PROSPECT

COMMODITY:  
URANIUM

BIBLIOGRAPHY:  
ADMMR PINE NUT FILE



ABSTRACTED FROM ADMMR ACTIVE MINES DIRECTORY, 1992

*Mohave County*

**ENERGY FUELS NUCLEAR INC.**

P.O. Box 36, Fredonia, AZ 86022 - Phone 643-7321  
Manager Mining Operations Roger Smith

**Arizona One T36N R5W Sec. 22**

Employees: 40 - Located 45 miles southwest of Fredonia - Underground uranium mine - Sinking shaft through March 1992.

Mine Superintendent John Stubblefield

**Kanab North T38N R3W Sec. 17**

Employees: 35 - Located 25 miles southwest of Fredonia - Underground uranium mine - Developed - On Standby.

**Hermit T38N R4W Sec. 17**

Located 30 miles southwest of Fredonia - Underground uranium mine - Developed - On standby.

**Pine Nut T36N R4W Sec. 21**

Located 45 miles southwest of Fredonia - Underground uranium mine - Developed - On standby.

**Canyon T29N R3E Sec. 20**

Located 45 miles north of Williams - Underground uranium mine - Development awaiting regulatory approval.



ABSTRACTED FROM ADMMR ACTIVE MINES DIRECTORY, 1991

**ENERGY FUELS NUCLEAR INC.**

P.O. Box 36, Fredonia, AZ 86022 - Phone 643-7321

Manager Mining Operations ..... Roger Smith

**Pine Nut** T36N R4W Sec. 21

Located 45 miles southwest of Fredonia - Underground uranium mine

- Developed - On standby.

ABSTRACTED FROM ADMMR ACTIVE MINES DIRECTORY, 1990

**ENERGY FUELS NUCLEAR INC.**

P.O. Box 36, Fredonia, AZ 86022 - Phone 643-7321

Manager Mining Operations ..... Roger Smith

**Pine Nut** T36N R4W Sec. 21

Located 45 miles southwest of Fredonia - Underground uranium mine

- Developed - On standby.

ABSTRACTED FROM ADMMR ACTIVE MINES DIRECTORY, 1989

**ENERGY FUELS NUCLEAR INC.**

P.O. Box 36, Fredonia 86022 - Phone 643-7321

Manager Mining Operations ..... Roger Smith

**Pine Nut**

T36N R4W Sec. 21

Located 45 miles SW of Fredonia - Underground uranium mine - Developed - On  
Stand by.

ABSTRACTED FROM ADMMR ACTIVE MINES DIRECTORY, 1988

**ENERGY FUELS NUCLEAR INC.**

P.O. Box 36, Fredonia 86022 - Phone 643-7321

Manager Mining Operations ..... Roger Smith

**Pigeon** T38N R2W Sec. 5

Employees 40 - Located 20 miles south of Fredonia - Underground uranium mine - Direct shipping ore - Mill in Blanding, Utah.

Mine Superintendent ..... Dave Lipkowitz

**Kanab North** T38N R3W Sec. 17

Employees 35 - Located 25 miles southwest of Fredonia - Underground uranium mine - Direct shipping ore - Mill in Blanding, Utah.

Mine Superintendent ..... Dan Thebeau

**Hermit** T38N R4W Sec. 17

Employees 32 - Located 30 miles southwest of Fredonia - Underground uranium mine - Under full time development - Production anticipated 1990.

Mine Superintendent ..... John Stubblefield

**Pine Nut** T36N R4W Sec. 21

Located 45 miles SW of Fredonia - Underground uranium mine - Developed - On Stand by.

**Canyon** T29N R3E Sec. 20

Located 45 miles north of Williams - Underground uranium mine - Under full time development.

## &lt;!--StartFragment--&gt;SUMMARY OF MINERALIZED MATERIAL

The following is a summary of the Registrant's estimates of the uranium and vanadium contained in mineral deposits on the Registrant's various properties, as of March 31, 2000:

## Conventional Mines

&lt;Table&gt;

&lt;Caption&gt;

	Project	Mineralized Tons	%U(3)O(8)	%V(2)
	-----	-----	-----	-----
<S>	<C>	<C>	<C>	
	Arizona Strip Mines(1,4)			
	Arizona 1	80,000	0.652	
	Canyon	108,000	0.903	
	Pinenut	110,000	0.427	
		-----	-----	
	Total Arizona Strip	298,000	0.660	
	Colorado Plateau(2,4)	1,506,750	0.206	1
	Bullfrog Project(3,4)	1,937,000	0.334	
		-----	-----	

&lt;/Table&gt;

- 1) The reported mineralized tons for the Arizona Strip mines include extraction dilution losses (which includes mining dilution and mining recovery losses).
- 2) The reported mineralized tons for the Colorado Plateau mines include extraction dilution losses (which includes mining dilution and mining recovery losses).
- 3) The reported mineralized tons for the Bullfrog Project do not include extraction dilution losses.
- 4) Processing of uranium bearing material in a uranium/vanadium recovery mill normally results in recovery of approximately 94% to 98% of the contained uranium and 70% to 80% of the contained vanadium. Milling Recovery losses are not included in the foregoing table.

&lt;!--EndFragment--&gt;

PINE NUT

MOHAVE COUNTY

MG WR 2/7/86: Learned that Energy Fuels Nuclear, Inc., has discovered a new uranium-bearing breccia pipe. This discovery, aided by the use of geophysics, is a blind deposit, i.e., it does not outcrop. It is on BLM ground in Sec. 21, T36N R4W (Mohave County). It is named Pine Nut and it is about 12 miles southeast of the Hack Canyon mine.

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NJN WR 2/28/86: Wayne Seick of Energy Fuels (c) called and reported that they have drilled enough reserves from the surface to go ahead with mining plans for the Pine Nut (f) deposit Mohave Co. They applied for the permits in October and are out for comment now. Currently they are acquiring a headframe for the mine and hope to proceed with development when it arrives.

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NJN WR 2/28/86: Bob Steele with Energy Fuels in Denver, Colorado reported that the Pine Nut (f) deposit Mohave County was actually discovered in 1984 and drilled out in 1985. He believes development will be under way in late 1986. The deposit is typical for the Kanab Plateau breccias but that it is not as large as the Pigeon or Hack Canyon deposits. The grade is also similar to other deposits there running about .5% U308.

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NJN WR 11/20/87: Wayne Seick, Energy Fuels, reported that they are almost finished sinking the shaft at the Pine Nut (file) Mohave County.

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## ARIZONA DEPARTMENT OF MINES AND MINERAL RESOURCES

VERBAL INFORMATION SUMMARY

1. Mine file: 1. HERMIT 2. PINE NUT 3. ARIZONA ONE

2. Mine name if different from above:

3. County: Mohave

4. Information from: Don Kilmore

Company: Energy Fuels Nuclear Inc.

Address: P.O. Box 36

Fredonia, AZ 86022

Phone: 643-7321

5. Summary of information received, comments, etc.:

Low prices for uranium (\$14/lb) are causing Energy Fuels to restructure some of their operations. Development of the Hermit mine continues, while the Pine Nut deposit is developed but has been put on standby. No development is occurring at the Arizona One pipe at this time.

Date: October 23, 1988

Nyal J. Niemuth, Mining Engineer



# United States Department of the Interior

## OFFICE OF HEARINGS AND APPEALS

### INTERIOR BOARD OF LAND APPEALS

4015 WILSON BOULEVARD

ARLINGTON, VIRGINIA 22203

#### SOUTHWEST RESOURCE COUNCIL

IBLA 86-1217

Decided March 10, 1987

Appeal from a decision of the District Manager, Arizona Strip District, Bureau of Land Management, approving a plan of operations for the Pinenut Project. AS 010-86-047.

Affirmed.

1. Mining Claims: Environment—National Environmental Policy Act of 1969: Environmental Statements

A finding that a proposed uranium mining operation will not have a significant impact on the human environment and, therefore, that no environmental impact statement is required, will be affirmed on appeal when the record establishes that relevant areas of environmental concern have been identified and the determination is the reasonable result of environmental analysis made in light of measures to minimize environmental impacts.

2. National Environmental Policy Act of 1969: Environmental Statements

A regional environmental impact statement is required in only two instances: (1) when there is a comprehensive Federal plan for the development of a region, and (2) when various Federal actions in a region have cumulative or synergistic impacts on a region.

3. Federal Land Policy and Management Act of 1976: Surface Management—Mining Claims: Surface Uses

Application of the "unnecessary or undue degradation" standard presumes the validity of the use which is causing the impact and seeks to determine whether the

The Pinenut Project is one of a number of uranium properties being developed by EFN on the Arizona Strip. The Arizona Strip consists of those lands in Arizona lying north of the Colorado River as it descends to its outlet in the Gulf of California. Total acreage of the Arizona Strip is approximately 3,400,000 acres. Included in this figure, however, are substantial areas within Grand Canyon National Park, Grand Canyon National Game Preserve, various wilderness areas, and Indian reservations. Thus, the amount of land open to mineral exploration and development is substantially less than the total acreage in the Arizona Strip.

A total of five mines are presently being operated by EFN on the Arizona Strip. These five, together with the Pinenut mine, are all located within a 20-mile radius in an area north of the Grand Canyon National Park and west of the Kanab Creek wilderness area. The Pinenut mine, which is closest to the park boundaries, is roughly 3.6 miles from the north boundary of the park. In addition to these facilities, EFN has a considerable exploration program ongoing in the general area.

The uranium deposits in this area are typically found in structures known as "breccia pipes." These breccia pipes were created by the action of water dissolving parts of the deep Redwall Limestone formation millions of years ago. Over the passage of time, stratigraphically higher formations have collapsed forming narrow cylinders, which have been shown to be favorable areas for mineral deposition. One of the results of this phenomenon, however, is that while high-grade mineral deposits can often be found in these pipe structures, the mineralized body is normally quite small. This is borne out by the EFN experience in the area. Thus, all production from

were to be disturbed. 1/ An Environmental Assessment (EA) was prepared at that time. Upon discovery of what EFN considered to be a commercially valuable uranium deposit, it submitted a major modification of the existing plan on January 10, 1986. Accordingly, BLM proceeded to examine the new proposal. In doing so, BLM prepared a new EA (EA No. AZ-010-86-015), based upon its own analysis and those submitted by EFN and interested third parties. The resulting document contains over 117 pages of text, including maps and charts. Particular attention was paid to possible air quality and acoustical impacts on Grand Canyon National Park, as well as any radiological effects which might result from the mining and transportation of the uranium ore. In addition, BLM examined the impacts that might occur as the result of upgrading 17 miles of existing access, including the possibility that this might lead to an increase in vandalism to cultural resources made more accessible. BLM also analyzed the visual impact that would result from the construction of a 8.3-mile power line running from Hack Canyon to the Pinenut site. BLM also consulted with the State Historic Preservation Officer (SHPO), who agreed that there would be no adverse impact on a recently discovered archaeological site, AZ B:6:44 (BLM), provided a recovery plan was implemented. Based on these analyses, BLM concluded that approval of the modified plan of operations, subject to various mitigating measures, 2/ would result in no

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1/ Since less than 5 acres were to be disturbed, EFN was not required to file a plan of operations. Under 43 CFR 3809.1-3, a "notice of intent" would have sufficed. See generally Bruce W. Crawford, 86 IBLA 350, 92 I.D. 208 (1985).

2/ Among the many mitigating measures imposed were requirements that the workers be bussed to the site to avoid impacts that might be generated were they allowed to individually drive their cars, that the powerline be dismantled upon completion of mining at the request of the authorized officer, and that EFN institute a dust abatement program during any period of prolonged drought.

stated development plans for the area 3/ as well as concerns expressed by the Park Service relating to the problems which were being generated as additional areas on the North Rim were being made more accessible. Appellant also claims BLM's analysis of cumulative impacts associated with access roads was "utterly inadequate" (Statement of Reasons at 9).

In its answer, BLM takes issue with all of appellant's arguments. BLM notes that its entire discussion of the existing environment necessarily included consideration of cumulative past activities and their effect on the environment. Concerning reasonably foreseen future impacts, BLM notes that, for both minesite activities and general exploration, no such cumulative or synergistic impacts could be identified. This was a result of both the limited area of surface disturbance, and the fact that as all of the studies BLM had performed or commissioned had shown, such impacts as did exist dissipated dramatically over very short distances. Thus, BLM argues, only the addition of a minesite extremely proximate to the Pinenut site could be shown to have any synergistic effect. A view of the terrain and EFN's past exploration activities convinced BLM that there was no reasonable possibility of development of such a minesite in any meaningful time frame. 4/

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3/ Appellant referred to a 1983 statement by the Vice-President of EFN declaring the company's hope of finding one new mine a year and also referenced a statement by the Park Service alluding to 30 to 40 additional ore deposits which EFN was said to have identified.

4/ BLM noted in its EA that the lowest probabilities for additional mining occurred south and east because of the existence of Grand Canyon Park and Game Preserve and the Kanab Creek wilderness area, areas which are closed to mineral location. Other factors, such as past exploration activities, indicated that the closest possible mining facility would be at least 3 miles west of Pinenut, a distance substantially greater than the range of effects for impacts emanating from Pinenut.

in prior Board decisions such as Tulkisarmute Native Community, 88 IBLA 210 (1985), and John A. Nejedly, 80 IBLA 14 (1984).

[1] At the outset of our review, it is useful to set forth the standard which the Board has developed for reviewing challenges to FONSI declarations. Thus, in William E. Tucker, 82 IBLA 324 (1984), this Board stated that:

The reasonableness of a finding of no significant impact has been upheld where the agency has identified and considered the environmental problems; identified relevant areas of environmental concern; and made a convincing case that the impact is insignificant, or if there is significant impact, that changes in the project have sufficiently minimized such impact. Como-Falcon Coalition, Inc. v. United States Department of Labor, 465 F. Supp. 850 (D. Minn. 1978), aff'd as modified, 609 F.2d 342 (8th Cir. 1979), cert. denied, 446 U.S. 936 (1980). In such circumstances, we will affirm a finding of no significant impact. John A. Nejedly, 80 IBLA 14 (1984).

Id. at 327.

In the instant case, appellant has failed to challenge any of the site-specific studies which served as a predicate for BLM's finding of no significant impact. Rather, it has relied solely upon what it perceives as a failure to include analysis of cumulative impacts resulting from existing and reasonably foreseeable future developments. 5/ Insofar as impacts related to

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5/ We recognize that appellant has also objected to the failure of BLM to consider the cumulative impact of five operating mines on surface water. The EA, however, noted that EFN had agreed to increase the capacity of its holding pond to withstand a 500-year event and further concluded that even if a discharge were to occur no significant impact could be expected because of the dilution of mineralized materials. Given the localized nature of a downpour necessary to trigger a 500-year event, the likelihood that one would occur simultaneously at all operating minesites must be considered extremely remote. Even should such a diluvian event come to pass, the dilution of minerals that would necessarily result underlines BLM's conclusion that no adverse cumulative impact will occur.



to the Pinerut mine. Appellant may disagree with the conclusions which BLM reached, but simple disagreement, absent a showing of error in BLM's analysis, is insufficient to overcome BLM's determination. 6/ See In re Otter Slide Timber Sale, 75 IBLA 380, 384 (1983).

While appellant argues that BLM failed to adequately consider the effect of future roads, appellant has not advanced any means by which BLM could have attempted such an endeavor. In the absence of any indication as to the situs of future mines, it would be totally speculative and conjectural to attempt to estimate how roads to such mines might impact upon the environment. Any such analysis would be so speculative that it would serve no useful purpose, even if it could be attempted. See Glacier-Two Medicine Alliance, 88 IBLA 133, 143 (1985). In view of the above, we must reject appellant's assertions that BLM failed to adequately consider cumulative and synergistic effects of uranium mining in the area.

Appellant also argues that BLM is required to prepare a comprehensive EIS covering uranium development on the Arizona Strip, 7/ a position which

6/ We also note that while any powerline would certainly constitute a visual intrusion, the powerline from Hacks Canyon to the Pinerut mine will not be visible from the Park. See EA at 48. Furthermore, as a mitigation measure, the plan of operations was amended to include a provision authorizing BLM to direct dismantling of the line upon completion of operations. See EA at 93. We are unable to discern any significant impact from this aspect of the plan of operations.

7/ There is a clear inconsistency involved in appellant's delineation of the "region" for which it argues that an EIS is required. Thus, at times it argues that there is "a well-defined geographic area bordering the Park, Kaibab National Forest, Grand Canyon National Game Preserve and the Kanab Creek Wilderness Area" (Statement of Reasons at 19). This specific area, shown on its Exhibit C, embraces approximately one-tenth the total Arizona Strip. Yet, when it seeks to discuss impacts, it includes activities throughout the entire Arizona Strip. See Exh. L. It is by no means clear just what "region" appellant contends the EIS should cover.

environmental impact statements are required in two and only two instances:

(1) when there is a comprehensive federal plan for the development of a region, and (2) when various federal actions in a region have cumulative or synergistic environmental impacts on a region." Id. at 1258.

Clearly, there is no comprehensive Federal plan for the development of the uranium resources located on the Arizona Strip. Nor has appellant shown that various Federal actions have had cumulative or synergistic environmental impacts on the region. We have previously discussed why the nature of the uranium developments within the vicinity of the Pinenut mine have minimal cumulative and synergistic effects. We will not repeat that discussion here. What we will focus on, however, is the nature of the "federal action" which occurs in the context of approval of mining plans of operations for unpatented mining claims.

Insofar as the location of mining claims is concerned there is, quite simply, no Federal action. Since 1866, it has been the policy of the United States that its public domain mineral lands are generally open to the initiation of claims by its citizens. Over the years, of course, Congress has seen fit both to limit the minerals which are subject to appropriation, as well as to restrict the areas in which the mining laws operate. But, the essential nature of the mining laws has remained constant, viz. individual citizens initiate rights by the discovery of valuable mineral deposits.

Soon after the passage of NEPA, this Board examined the question whether issuance of a mineral patent could constitute a "major federal action" such

mining claim were all acts performed by the mining claimant, none of which constituted Federal action, the Board declared that issuance of a patent in response to these activities (an action which admittedly was a Federal action) was not discretionary within the meaning of NEPA, and, thus, an EIS could not be required. The Board's analysis was ultimately upheld in South Dakota v. Andrus, 614 F.2d 1190 (8th Cir.), cert. denied 449 U.S. 822 (1980).

We have spent considerable time reviewing the Kosanke decision because it brings into focus two considerations which impinge upon the issue whether a regional EIS is required: the question of what "federal action" is involved and, assuming some Federal action can be delineated, the scope of discretion which may properly be exercised by the Department.

It is clear that no Federal action is involved in the act of prospecting for minerals or locating claims. These activities occur through the volition of private entities acting under statutory authority. Nor do we perceive that any "federal action" within the meaning of section 102 of NEPA occurs when BLM receives a "notice of intent" filed pursuant to 43 CFR 3809.1-3, where less than 5 acres of land are being disturbed in any calendar year. 8/ As we noted in Bruce W. Crawford, 86 IBLA 350, 391, 92 I.D. 208, 230-31 (1985), BLM neither approves nor disapproves a notice. Accord, Sierra Club v. Penfold, A-86-083 Civil (D. Alaska, Jan. 9, 1987). It may consult with a mining claimant over aspects of his activities but, under the present regulatory scheme, it may not bar his planned activities, absent a

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8/ We note that a plan of operations rather than a notice of intent must be filed for any activities other than casual use involving certain categories of land, enumerated at 43 CFR 3809.1-4(b). The lands involved in the instant appeal are not such special category lands.

Whether or not such approval constitutes "major federal action significantly affecting the quality of the human environment," however, is a question of fact determinable only within the confines of a specific case. It is to be expected that some plans of operations might have impacts of such a nature so as to compel the preparation of an EIS, even given the fact that BLM lacks authority to totally prevent mining in the context of approving a plan of operations. Indeed, the regulations clearly contemplate such an eventuality. See 43 CFR 3809.1-6(a)(4). We agree with appellant that there may be situations in which Federal-approval of discrete mining plans of operations ultimately necessitate the preparation of a regional EIS because the mining activities result in synergistic or cumulative impacts which are best considered in a unified document. However, under the guidelines established by the United States Supreme Court in Kleppe v. Sierra Club, supra, the existence of such impacts is the mechanism which triggers the necessity of filing a regional EIS, and it is on this issue that appellant has failed to carry the day. The record establishes that there is no realistic possibility of cumulative or synergistic effects related to the actual mining operations. And, insofar as access problems are concerned, BLM's imposition of mitigating measures clearly limits any short-term impacts and provides mechanisms for totally eliminating any long-term ones. It may be that, sometime in the future, the nature or pace of uranium mining on the Arizona Strip may change to such an extent that the cumulative or synergistic impacts of proposed plans of operations might be adequately examined only within the confines of a regional EIS. However, in view of the projects actually proposed at the present time, we agree with BLM's conclusion that a regional EIS is not now required.

was "reasonably incident" to mining and the determination that a use resulted in "unnecessary or undue degradation." Therein, we concluded:

The key distinction to keep in mind is that the "reasonably incident" standard resolves questions as to the permissibility of a use by determining whether or not the use is reasonably incident to the mining activities actually occurring. The "unnecessary or undue degradation" standard comes into play only upon a determination that degradation is occurring. Upon such an initial determination, the inquiry then becomes one of determining whether the degradation occurring is unnecessary or undue assuming the validity of the use which is causing the impact. For, if the use is, itself, not allowable, it is irrelevant whether or not any adverse impact is occurring since that use may be independently prohibited as not reasonably incident to mining. [Emphasis in original, footnote omitted.]

Id. at 396, 92 I.D. at 233. This analysis comports with the regulatory definition of "unnecessary or undue degradation," as being any


surface disturbance greater than what would normally result when an activity is being accomplished by a prudent operator in usual, customary, and proficient operations of similar character and taking into consideration the effects of operations on other resources and land uses, including those resources and uses outside the area of operations.

43 CFR 3809.0-5(k). We reiterate our earlier conclusion that application of the "unnecessary or undue degradation" standard presumes the validity of the use.

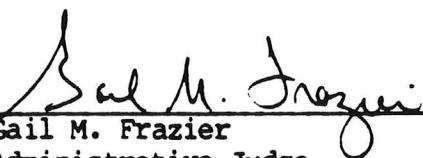
[4] However, independent of any question of degradation, BLM always retains the authority to examine the validity of claims to Federal land and, if convinced that they are not well-founded, to take steps to nullify them. As an example, if the claims involved in the instant case were determined

We conclude, therefore, that appellant has failed to show that any unnecessary or undue degradation, as defined by 43 CFR 3809.0-5(k), will occur, or to provide any evidence in support of its allegation that these claims are not supported by a discovery.

Accordingly, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed for the reasons stated herein.

  
James L. Burski  
Administrative Judge

We concur:

  
Gail M. Frazier  
Administrative Judge

  
R. W. Mullen  
Administrative Judge





# United States Department of the Interior

## OFFICE OF HEARINGS AND APPEALS INTERIOR BOARD OF LAND APPEALS

4015 WILSON BOULEVARD

ARLINGTON, VIRGINIA 22203

AUG 3 1987



IN REPLY REFER TO:

IBLA 86-1217; 96 IBLA 105 (1987)

SOUTHWEST RESOURCE COUNCIL

AS 010-86-047

Mining Plan of Operations

Petition for Reconsideration

Denied

AUG 10 1987

ENERGY FUELS

### ORDER

By decision dated March 10, 1987, reported at 96 IBLA 105, the Board denied an appeal filed by Southwest Resource Council (SRC) from a decision of the District Manager, Arizona Strip District Office, Bureau of Land Management, approving a major modification of a plan of operations submitted by Energy Fuels Nuclear, Inc. (EFN), for the Pinenut Project (AS-010-86-10P). On May 5, 1987, SRC filed a petition seeking reconsideration of that decision. For reasons which we set forth below, we hereby deny the petition.

In our decision, we rejected appellant's contention that BLM had failed to adequately consider the cumulative and synergistic effects of uranium mining in the area of the Pinenut mine. Id. at 113-15. Appellant had also argued that a regional Environmental Impact Statement (EIS) was needed to assess the effects of uranium development on the Arizona Strip. We noted, however, that under the decision of the United States Supreme Court in Kleppe v. Sierra Club, 427 U.S. 390 (1976), a regional EIS was required only in two situations: "(1) when there is a comprehensive federal plan for the development of a region, and (2) when various federal actions in a region have cumulative or synergistic environmental impacts on a region." Id. at 1258. We concluded that there was no comprehensive Federal plan for the development of the uranium resources located on the Arizona Strip, nor had appellant shown that various Federal actions had had cumulative or synergistic environmental impacts in the region. 96 IBLA at 117. Thus, we noted:

The record establishes that there is no realistic possibility of cumulative or synergistic effects related to the actual mining operations. And, insofar as access problems are concerned, BLM's imposition of mitigating measures clearly limits any short-term impacts and provides mechanisms for totally eliminating any long-term ones. It may be that, sometime in the future, the nature or pace of uranium mining on the Arizona Strip may change to such an extent that the cumulative or synergistic impacts of proposed plans of operations might be

adquately examined only within the confines of a regional EIS. However, in view of the projects actually proposed at the present time, we agree with BLM's conclusion that a regional EIS is not now required.

Id. at 121.

In its petition for reconsideration, SRC references the above-quoted language and argues that "it has come to light since then, however, that EFN intends a major increase in its operations at an additional mine site, the Hermit mine, within the area which was evaluated for cumulative impacts as a result of the Pinenut proposal." Petition at 1. SRC also notes that Pathfinder Company had begun exploration at what it referred to as "another mine" located only 400 feet from Grand Canyon National Park. SRC objects to the fact that, while the notice of intent was filed by Pathfinder in the summer of 1986, while the parties were briefing the instant case, BLM did not disclose this fact until February, 1987. Finally, petitioner suggests that the Board failed to given any consideration to a memorandum from the Superintendent, Grand Canyon, to the District Manager, Arizona Strip, dated December 18, 1986, in which the Superintendent stated that "We \* \* \* continue in our belief that an effort should be made to evaluate the cumulative impacts of both active and potential uranium mines on the Arizona Strip through the preparation of a comprehensive Environmental Impact Statement."

On June 3, 1987, EFN filed a response to SRC's petition. With reference to the Hermit mine, EFN argues that the Board, in analyzing the cumulative and synergistic impacts that might be expected from reasonably foreseeable future developments, clearly considered the possibility of additional minesites in the general vicinity. Moreover, EFN contends that "by the time Hermit is in the production stage, the three Hack Canyon Mines and the Pigeon Mine will be closed and reclamation will have begun," further eliminating the likelihood of any cumulative or synergistic effects. Answer at 8.

With respect to the Pathfinder operation, EFN notes that it was located twenty miles away from the Pinenut Mine and, in any event, consisted only of exploratory operations consisting of the drilling of two holes. Furthermore, EFN points out that the drilling has already been completed and Pathfinder had already reclaimed the access road leading to the site. Answer at 10. Finally, EFN argues that there was no indication that the Board failed to take into consideration the position of the Superintendent, Grand Canyon National Park, in reaching its earlier conclusions.


We find ourselves in substantial agreement with EFN. The entire thrust of our earlier decision was predicated on the fact that operations on the Arizona Strip, because of the nature of the breccia pipe uranium deposits found in the area, tended to be both of limited duration and of localized physical effects. We noted that all of the studies showed that minesite impacts dissipated dramatically over very short distances and thus, unless sites were fairly proximate to each other, no synergistic impacts from actual mining were identifiable. Moreover, it was clear from the record before us that EFN was engaged in activities which resulted in a number of different minesites being in differing stages of development so as to maintain its

production activities at a relatively even level. Thus, while the Board was not specifically aware of the progress of development activities at the Hermit site, the fact that future such actions would occur was clearly a matter which the Board did consider.


Insofar as the Pathfinder operations are concerned, it is unclear whether any development will take place at that site. Should Pathfinder submit a plan of operations, we would expect, considering the fact that it is virtually adjacent to Grand Canyon National Park, that any plan of operations would consider, in detail, impacts upon the Park flowing from any development activities. However, insofar as the specific operations examined at Pinenut are concerned, we do not believe that the possibility that Pathfinder may, at some future time, seek to develop land located over twenty miles distant, has any effect on our analysis of the impacts associated with the Pinenut mine.

Finally, with reference to the statement of the Superintendent of Grand Canyon National Park concerning his desire to have a regional impact statement prepared covering uranium development activities on the Arizona Strip, we would point out that he also stated, in this memorandum, that he agreed with the assertion that the Environmental Assessment prepared for Pinenut completely addressed the concerns identified by the Park Service insofar as activities at Pinenut were concerned. With respect to his reiteration of his desire for a comprehensive regional EIS, it is sufficient to note that the Board considered the parameters established by the Supreme Court in determining whether or not a regional EIS must be prepared and held that, at the present time, one was not required. The mere fact that the Superintendent would like to see one prepared does not change the legal result. This is not to say that BLM could not, of its own volition, decide to prepare a comprehensive regional EIS at the present time or that, sometime in the future, one might be required should "the nature or pace of uranium mining on the Arizona Strip" change. All we hold is that, at this point of time, BLM was not required to prepare a regional EIS as a precondition for approving the modification of the plan of operations previously submitted by EFN.

Accordingly, for the reasons set forth above, we deny the instant petition for reconsideration.

  
James L. Burski  
Administrative Judge

We concur:

  
Gail M. Frazier  
Administrative Judge

  
R. W. Millen  
Administrative Judge

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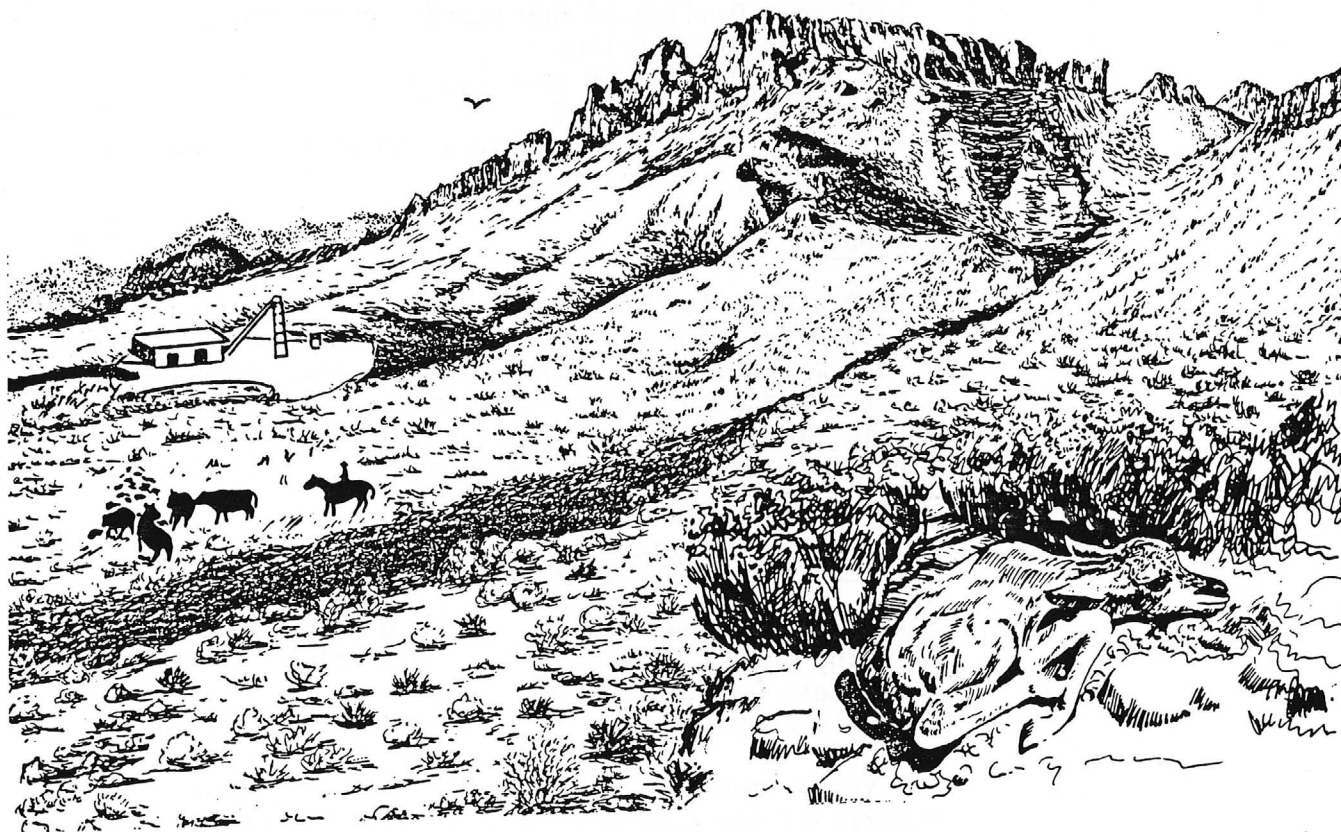
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# HERMIT (A)



*source:*

EA No. AZ-010-87-013

## THE HERMIT PROJECT DRAFT ENVIRONMENTAL ASSESSMENT

A Major Modification to the Hunt Project  
Plan of Operations for Uranium Ore Extraction



Bureau of Land Management



### Kanab North (F)

- 28.0 (includes 10 acre buffer zone)
- 6.5 miles of existing access upgraded to accomodate ore haulage, 2.0 miles of new access constructed.
- 8.0 miles of powerline
- Ore haulage will not take place until 1988.
- 42 people are employed.
- Life expectancy 1992, reclamation is scheduled immediately afterwards..

### Pinenut (F)

- 20.8 acres (for the mine yard)
- 17.0 miles of existing access upgraded (approximately 0.5 miles of new access resulting from realignment).
- Ore haulage not anticipated until 1989.
- Life expectancy approximately 9 years.
- Approximately 38 people employed.
- 8.3 miles of proposed powerlines

### Total Disturbance Resultant from Production

Mine Yard Acreage	115.0 acres
Existing Access Upgraded	39.0 miles
New Access Constructed	3.5 miles
Miles of Powerline	30.5 (on Public Lands)

The total impact of mining disturbances is less than 0.0027% of the entire Strip District. Of special importance is that the three Hacks Canyon Mines will begin reclamation activities during the second quarter of 1987. Therefore, by Mid-1987, there will be no further ore hauling on Mt. Trumbull Road until the Kanab North Mine comences ore production by mid 1988. In 1990, the Pigeon Mine will begin reclamation. The Pinenut Mine will haul on Mt. Trumbull road from mid 1989 through 1994. Thus there soon will be a significant net decrease in the amount of ore hauling in the area that will persist for at least 3 to 5 years, given the staggered rate of production (assuming no additional mines).

By the time the Hermit Mine is producing, the Hack Canyon Mines will be fully reclaimed, the Pigeon Mine will also be under reclamation, the Kanab North mine will be gearing down for reclamation and the Pinenut Mine will still have several years of production left.

The Environmental Impact Statement (EIS) on the Canyon Mine proposal was prepared by the U.S. Forest Service and