

U.S. DEPARTMENT OF ENERGY

DRAFT FINDING OF NO SIGNIFICANT IMPACT FOR THE FINAL ENVIRONMENTAL ASSESSMENT FOR RECLAMATION OF THE BURRO MINES COMPLEX IN SAN MIGUEL COUNTY, COLORADO (DOE/EA-2121)

U.S. Department of Energy, Office of Legacy Management

ACTION: Finding of No Significant Impact

SUMMARY: The U.S. Department of Energy’s (DOE) Office of Legacy Management (LM) has prepared the *Final Environmental Assessment for Reclamation of the Burro Mines Complex in San Miguel County, Colorado* (DOE/EA-2121), which analyzed the potential environmental impacts of the Proposed Action. The Proposed Action involves the reclamation of three “legacy” mine sites associated with the Burro Mines Complex near Slick Rock, Colorado including erosion control and relocation of waste rock to a nearby former gravel pit. The Bureau of Land Management (BLM) and the Colorado Division of Reclamation, Mining and Safety (DRMS) consider these three mine sites as legacy or pre-law (pre-permitting by the Colorado DRMS). As such, there were no requirements for reclamation and these mines could remain in their current condition. However, DOE is undertaking the Proposed Action to protect the nearby Dolores River, to the extent feasible, from further sediment load originating from legacy waste rock at the Burro Mines Complex.

DOE evaluated two alternatives: Alternative 1 (No Action Alternative) as required by DOE’s National Environmental Policy Act (NEPA) regulations (10 CFR Part 1021) and in accordance with Council on Environmental Quality (CEQ) regulations (40 CFR 1502.14[d]); and Alternative 2 (reclamation of the Burro Mines Complex) as the Preferred Alternative that would meet the purpose and need for the Proposed Action and would also be protective of human health and the environment. Based on the analyses in the Final Environmental Assessment (EA), DOE determined that the Proposed Action would not constitute a major federal action significantly affecting the quality of the human health and the environment within the meaning of NEPA. Therefore, the preparation of an environmental impact statement (EIS) is not required, and DOE is issuing this Finding of No Significant Impact (FONSI).

PUBLIC AVAILABILITY AND CONTACT INFORMATION: The Draft FONSI and the Final EA are available at the following websites:

- <https://www.energy.gov/nepa/doeea-2121-reclamation-burro-mines-complex-san-miguel-county-colorado>
- <https://www.energy.gov/lm/burro-mines-reclamation-environmental-assessment>

For questions about this Draft FONSI or Final EA:

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PROPOSED ACTION: The Proposed Action involves the reclamation of three “legacy” mine sites associated with the Burro Mines Complex near Slick Rock, Colorado including erosion control and relocation of waste rock to a nearby former gravel pit. These mine sites are the Burro Tunnel Mine, a portion of which is currently permitted and controlled by Gold Eagle Mining, Inc.; and two shaft sites located on Burro No. 3 and Burro No. 5 claims that were developed and operated by Union Carbide Corporation, now known as Umetco Minerals Corporation. These shafts were developed during the early uranium boom (circa 1948–1965) to access ores within the series of claims.

ALTERNATIVES EVALUATED: DOE evaluated two alternatives. The No Action Alternative was evaluated as Alternative 1 to provide a baseline for comparison with Alternative 2, which is the Preferred Alternative.

Alternative 2 involves the removal of the upper levels of the waste rock pile at the Burro Tunnel Mine site, improving six existing sediment basins, and installing two new sediment basins, one below Burro No. 3 and the other below the Burro Tunnel Mine site. The waste rock removed would be relocated to a former gravel pit located approximately 2,500 feet (ft) (762 meters [m]) south and slightly east of the existing Burro Tunnel Mine site. The waste rock remaining at the Burro Tunnel Mine site would mimic the 1970s era waste rock pile identified by historical information and would include armoring to protect against a 100-year flood event in Burro Canyon drainage. The 1970s era waste rock that remains would support the historical integrity of this mining district. The gravel pit is located on Lease Tract C-SR-13 and is an existing topographic depression located primarily on public lands in an area that is more than 1,100 ft (335 m) away from and 200 ft (61m) higher than the Dolores River and does not affect the visual aesthetics or views from the river or County Road S8.

In addition to the two alternatives evaluated in the Final EA, DOE also considered other alternatives that were eliminated from further analysis: (1) reclamation in-place; and (2) reclamation with relocation of the waste rock to two alternate sites. DOE determined that the “reclamation in-place” option would not meet the purpose and need as further erosion from the waste rock piles at the Burro Mines Complex and subsequent sediment loading to the Dolores River would not be minimized or prevented. Relocation of the waste rock to the two alternate sites would result in greater potential environmental impacts, increased engineering difficulties, and a substantially higher cost than relocation to the gravel pit site evaluated in Alternative 2.

ENVIRONMENTAL CONSEQUENCES: The affected environment for the following resources at the Burro Mines Complex were evaluated for potential impacts from Alternatives 1 and 2: (1) air quality, (2) noise, (3) geologic setting and soil resources, (4) water resources, (5) human health, (6) ecological resources, (7) land use, (8) socioeconomics, (9) environmental justice, (10) transportation, (11) cultural resources, (12) visual resources, and (13) waste management. Overall, Alternative 1 (the No Action Alternative) would result in no additional environmental impacts. However, the potential for the waste rock at the Burro Mines Complex to erode into the

Dolores River would remain. Alternative 2 would result in negligible to minor short-term impacts that can be minimized further or prevented by implementing mitigation measures discussed in the Final EA. Long-term benefits would be anticipated under Alternative 2. In particular, the potential erosion and runoff from the Burro Mines Complex into the Dolores River would be reduced as waste rock from the Burro Tunnel Mine site would be relocated and would be farther from the river. To mitigate future erosion of sediment into the Dolores river, existing sediment basins below the waste rock piles at Burro No. 3 and No. 5 would be improved and two new sediment basins (one below the Burro Tunnel Mine site and one below Burro No. 3) would be installed. Cumulative impacts from reclamation of the Burro Mines Complex are expected to be negligible.

EXTERNAL REVIEW AND COMMENTS: The Draft EA was made available for a 30-day public review and comment from August 7, 2020 to September 8, 2020, as required by 10 CFR § 1021.301(d). DOE considered all comments and, as noted in Appendix E of the Final EA, clarified or supplemented information in the Final EA in response to several of the comments.

CONSULTATIONS: DOE consulted with the U.S. Fish and Wildlife Service and it agreed with DOE's determination that formal consultation for this project is not necessary. Impacts from mine reclamation activities to threatened or endangered species or their designated critical habitat, including downstream effects on endangered fish from construction water depletions, were evaluated and addressed in previously issued Biological Opinion.

DOE also consulted with the Colorado State Historic Preservation Office (SHPO) per Section 106 requirements of the National Historic Preservation Act to evaluate potential architectural and archaeological resources at the Burro Mines Complex. The consultation resulted in DOE's modification of Alternative 2 (which is the Preferred Alternative) that was presented in the Draft EA. Alternative 2 as described above (see "Alternatives Evaluated") reflects the modification made. The Colorado SHPO concurred with DOE's findings that the Proposed Action (i.e., the modified Alternative 2) would not adversely impact historic onsite features present at the Burro Mines Complex.

COOPERATING AGENCIES: The BLM and Colorado DRMS participated as cooperation agencies.

DETERMINATION: Based on the information and analysis in the Final EA (appended to this FONSI), DOE determines that the Proposed Action would not constitute a major federal action significantly affecting the quality of human health or the environment in accordance with DOE's NEPA implementing procedures, 10 CFR Part 1021, and the regulations promulgated by the CEQ for implementing NEPA, 40 CFR § 1508.27. Therefore, the preparation of an EIS is not required. DOE approves the *Final Environmental Assessment for Reclamation of the Burro Mines Complex in San Miguel County, Colorado*, DOE/EA-2121, and is issuing this FONSI.

Issued in Westminster, Colorado, this ____ day of _____ 2021.

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U.S. Department of Energy