

DECISION MEMORANDUM

AZ2S9W28001 AML

DOI-BLM-AZ-P020-2010-002-CX

U.S. Department of the Interior
Bureau of Land Management
Lower Sonoran Field Office

Approval and Decision

Based on a review of the project described in the attached Categorical Exclusion documentation and field office staff recommendations, I have determined that the project is in conformance with the Lower Gila South Resource Management Plan Environmental Impact Statement (RMP/EIS), approved June 1988, and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed.

Administrative Review or Appeal Opportunities

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the attached Form 1842-1. If an appeal is taken, your notice of appeal must be filed at the Lower Sonoran Field Office, 21605 North 7th Avenue, Phoenix, AZ, 85027, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) (request) for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the Office of the Solicitor (Department of the Interior, Office of the Field Solicitor, Sandra Day O'Connor U.S. Court House #404, 401 West Washington Street SPC44, Phoenix, AZ 85003-2151) (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

Standards for Obtaining a Stay

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

Emily Garber, Manager, Lower Sonoran Field Office

Date

Attachment: Form 1842-1

2.4.1 Categorical Exclusion Documentation Format for Actions Other Than Hazardous Fuels and Fire Rehabilitation Actions

A. Background

BLM Office: Phoenix District Office, Lower Sonoran Field Office

Lease/Serial/Case File No.: N/A

Proposed Action Title/Type: AZ2S9W28001 AML

Location of Proposed Action: Lower Sonoran Field Office; Maricopa County, Arizona

Description of Proposed Action: BLM would backfill one abandoned mine shaft in a high-use recreation area along Agua Caliente Road, in order to permanently eliminate the physical safety hazard it presents to the public. The mine shaft would be backfilled with waste rock from the dump adjacent to the shaft and, if necessary, additional earthen material would also be obtained from the immediate vicinity of the shaft. The shaft is:

<u>AMSCM identifier</u>	<u>Latitude</u>	<u>Longitude</u>	<u>UTM coordinates (NAD 83)</u>
AZ2S9W28001	33.23236	113.18227	12S 296658E 3679170N

B. Land Use Plan Conformance

Land Use Plan Name: Lower Gila South Resource Management Plan Environmental Impact Statement (RMP/EIS), approved June 1988:

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions):

The Lower Gila South Resource Management Plan Environmental Impact Statement (RMP/EIS), approved June 1988, states on page 12: "Private industry is encouraged to explore and develop federal minerals to satisfy national and local needs. This policy provides for economically and environmentally sound exploration, extraction, and reclamation practices. Public lands are open and available for mineral exploration and development unless withdrawn or administratively restricted. Mineral development may occur along with other resource uses. Locatable Minerals. Exploration and development in the RMP/EIS area would continue to be administered in accordance with existing surface and mineral management regulations (43 CFR 3809 and CFR 3802).

C: Compliance with NEPA:

- A. The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, Appendix 4, J (8) – Installation of minor devices to protect human life, (e.g., grates across mines), and, Appendix 4, J (10) -- Removal of structures and materials of no historical value, such as abandoned automobiles, fences, and buildings, including those built in trespass and reclamation of the site when little or no surface disturbance is involved.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM2, Appendix 2 apply.

I considered the following when reviewing the proposed project:

- The act of backfilling the open mine shaft will have a positive effect on public health & safety.
- There are no active mining claims onsite.
- A cultural clearance (copy attached) has been completed for the site. No historic structures or features were observed. Standard stipulations apply, along with the following special stipulation: “During backfilling work, the contractor will carefully avoid all historic structures. An environmental monitor should ensure that the work is carried out away from all historic features.”
- No T&E habitat or species are present onsite, and there is no occupied bat habitat (wildlife clearance attached). The Arizona Game & Fish Dept. (AZGFD) conducted an exit survey on the night of November 8, 2009, and observed no activity. As a precaution, however, the AZGFD installed an exclusion device (chicken wire, etc.), over the shaft on November 9, 2009, to prevent bats and owls from entering it before BLM backfills the shaft. AZGFD has determined that the shaft will be ready to be backfilled on November 16, 2009 (see attached e-mail dated 11/12/09), and BLM plans to backfill it on November 19, 2009.

D: Signature

Authorizing Official: _____ Date: _____
(Signature)

Name: Emily Garber

Title: Field Manager, Lower Sonoran Field Office

Contact Person

For additional information concerning this CX review, contact Mining Engineer Matt Plis, Phoenix District Office, 21605 N. 7th Avenue, Phoenix, Arizona 85027, 623-580-5500

Note: A separate decision document must be prepared for the action covered by the CX.