

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

A. Background

BLM Office: Arizona Strip Field Office Lease/Serial/Case File No.: AZA-34353

Proposed Action Title/Type: Denison Mines (USA) Corp., Mineral Material Exploration Permit
Location of Proposed Action: T. 38 N., R. 5 W., Sec. 34, SESW and T. 37 N., R. 5 W., Sec. 8, NESW, GSRM (location map attached).

Description of Proposed Action: On November 1, 2007, Denison Mines (USA) Corp., (Denison) submitted a letter requesting to sample multiple gravel sources near the Mount Trumbull Road (County Rd. 109) to be used for road maintenance. Subsequently they amended the proposed action to sample the two locations described in this document. Attachment 2 is a location map. Denison would be issued a letter authorizing them to sample and test mineral materials. The authorization letter would expire May 15, 2008. Denison would be required to submit the sampling and testing findings to the BLM. The letter would not give Denison a preference right to a sales contract. Authorization for sampling and testing is regulated by 43 CFR § 3601.30.

The sample size would be approximately 200 lbs at each site and would be excavated using a 580 Case (or equivalent) rubber tire tractor/backhoe and transported by a pickup truck. The maximum area disturbed at the combined locations would be less than one acre. While the test holes would occur in a wash, there are no riparian resources present. All mineral materials would be extracted or removed in accordance with approved conservation practices so to preserve to the maximum extent feasible all scenic, recreational, watershed, and other land and resource values. If the material proves to be of acceptable quality, Denison would apply for a negotiated sales contract for approximately 35,000 cubic yards.

The mitigation measures would include:

1. All stockpiles, equipment, and property will be removed immediately from the sites upon termination of operations.
2. Reclamation of all surface disturbances will be initiated immediately upon completion of activities. Reclamation of disturbed areas shall, to the extent practicable, include contouring disturbances to blend with the surrounding terrain, replacement of topsoil, smoothing and blending the original surface colors to minimize impacts to visual resources, and seed the disturbed areas with a mix specified by the Authorized Officer.
3. If existing road access is not sufficient, that specific temporary cross country routes may be used, but these must be effectively removed or rehabilitated once the exploration work is completed. Ingress and egress will be kept to the absolute minimum necessary to obtain the samples.
4. The operator will promptly remove and dispose of all waste caused by the operations as directed by the Authorized Officer. "Waste" refers to all discarded matter including human waste, trash, garbage, refuse, petroleum products, ashes, and equipment. Wastes shall be disposed in an authorized landfill unless otherwise approved in writing by the

Authorized Officer. Any drain oil from equipment will be contained and removed to an approved disposal facility.

5. The operator will avoid driving through any and all sources of naturally occurring water in the wash bottom and shall avoid discharge of any substance that would negatively alter the quality of the water.
6. The operator will avoid disturbing or removing any vegetation growing in the project area.
7. There is potential for the spread of noxious and invasive weeds from equipment contaminated with weed seed and/or biomass. To reduce this potential, the BLM requires the following measures be taken: The operator will thoroughly power wash and remove all vegetative material and soil before transporting equipment to the site to help minimize the threat of spreading noxious and invasive weeds. This includes trucks, trailers, and all other machinery. The operator shall be responsible for the eradication of noxious weeds on disturbed areas within the limits of the sample sites through May 15, 2010. The operator is responsible for consultation with the Authorized Officer and local authorities for implementing acceptable weed treatment methods. Any use of chemical treatments will be made using only chemicals approved in the Final Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States Programmatic Environmental Impact Statement (June 2007), by a state certified applicator who will abide by all safety and application guidelines as listed on the product label and Material Data Safety Sheet (MSDS). Any reclamation efforts requiring seeding will be done with certified, weed-free native seed.
8. (a) Any surface, or sub-surface archaeological, historical, or paleontological remains not covered by the CRPR discovered during preparation or actual work shall be left intact; all work in the area shall stop immediately and the Authorized Officer will be notified. Commencement of work shall be allowed upon clearance by the Authorized Officer in consultation with BLM's Archaeologist.
 - (b) An additional archaeological survey shall be required in the event the proposed project location is changed, or additional surface disturbing activities are added to the project after the initial survey. Any such survey will have to be completed prior to commencement, or continuation of the project.
 - (c) If in connection with this work any human remains, funerary objects, sacred objects or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (P.L. 101-601; 104 Stat. 3048; 25 U.S.C. 3001) are discovered, the operator shall stop operations in the immediate area of the discovery, protect the remains and objects, and immediately notify the Authorized Officer. The operator shall continue to protect the immediate area of the discovery until notified by the Authorized Officer that operations may resume.

B. Land Use Plan Conformance

Land Use Plan Name: Arizona Strip District Resource Management Plan

Date Approved/Amended: 1992/1998

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s): The Arizona Strip District Resource Management Plan, Table II-1, Mineral Resources, Salable Minerals: The Materials Sale Act of

1947 and 43 CFR 3600 provide for the disposal and regulation of mineral materials. Disposal is administered on a case-by-case basis. Salable minerals are sold at fair market values. Free use permits are issued to federal and state agencies, local communities and non-profit groups as the need arises.

The Vermillion Resource Area Implementation Plan decision M101, page II-11 states “Provide for the disposal and regulation of mineral materials at fair market value on a case-by-case basis. Free-use permits would be issued to federal and state agencies, and local communities.”

C: Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 6, Appendix 5.4: F. (9) which states “Digging of exploratory trenches for mineral materials, except in riparian areas.”

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 apply. Attachment 1 is the Extraordinary Circumstances Review And Checklist.

I considered the proposed mitigations and expect negligible to minor, short term impacts from the proposed action. Attachment 1 does not list any Extraordinary Circumstances associated with the proposed action.

D: Signature

Authorizing Official: _____ Date: _____
(Signature)

Name: Lorraine M. Christian

Title: Field Manager

Contact Person

For additional information concerning this CX review, contact Rody Cox, Geologist, Arizona Strip Field Office, (435) 688-3244.

Attachment 1

EXTRAORDINARY CIRCUMSTANCES REVIEW AND CHECKLIST		
<p>IMPORTANT: Appropriate staff should review the circumstances listed below, and comment for concurrence. Rationale supporting the concurrence should be included where appropriate.</p>		
EXTRAORDINARY CIRCUMSTANCES	YES/NO & RATIONALE (If Appropriate)	STAFF
Does the proposed action...		
1. Have significant impacts on public health and safety?	NO	R. Cox
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness or wilderness study areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds (Executive Order 13186); and other ecologically significant or critical areas?	NO	R. Cox
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]?	NO	R. Cox
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?	NO	R. Cox
5. Establish a precedent for future action, or represent a decision in principle about future actions, with potentially significant environmental effects?	NO	R. Cox
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?	NO	R. Cox
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the Bureau or office?	NO	J. Herron
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?	NO	L. Hughes/ L. Denniston
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?	NO	R. Cox
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?	NO	R. Cox
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners, or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007)?	NO	G. Benson
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area, or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)?	NO	L.D. Walker

DECISION MEMORANDUM

Denison Mines (USA) Corp., Mineral Material Exploration Permit
CX-AZ-110-2008-008

US Department of the Interior
Bureau of Land Management
Arizona Strip Field Office
345 East Riverside Drive, St. George, Utah

Purpose and Need for the Action:

Denison Mines (USA) Corp., (Denison) has applied to sample two potential gravel sources near the Mount Trumbull Road (County Rd. 109) to be used for road maintenance. The sample size is approximately 200 lbs at each site and would be excavated using a 580 Case (or equivalent) rubber tire tractor/backhoe and transported by a pickup truck. The maximum area disturbed at the combined locations would be less than one acre.

Denison would be issued a letter authorizing them to sample and test mineral materials. All mineral materials would be extracted or removed in accordance with approved conservation practices so to preserve to the maximum extent feasible all scenic, recreational, watershed, and other land and resource values. The authorization letter would expire May 15, 2008. The letter would not give Denison a preference right to a sales contract. Authorization for sampling and testing is regulated by 43 CFR § 3601.30.

Plan Conformance

The action is in conformance with the Arizona Strip District Resource Management Plan (RMP). In Table II-1, Mineral Resources, Salable Minerals, the RMP states "Materials Sale Act of 1947 and 43 CFR 3600 provide for the disposal and regulation of mineral materials. Disposal is administered on a case-by-case basis. Salable minerals are sold at fair market values. Free use permits are issued to federal and state agencies, local communities and non-profit groups as the need arises. The Vermillion Resource Area Implementation Plan decision M101, page II-11 states "Provide for the disposal and regulation of mineral materials at fair market value on a case-by-case basis. Free-use permits would be issued to federal and state agencies, and local communities."

Compliance with the National Environmental Policy Act

The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 6, Appendix 5.4: F. (9) which states "Digging of exploratory trenches for mineral materials, except in riparian areas."

The application of this categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects which may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM2 apply. Attachment 1 of CX-AZ-110-2008-008, Denison Mines (USA) Corp., Mineral Material Exploration Permit, is the Extraordinary Circumstances Review And Checklist.

Persons and Agencies Consulted

Andi Rogers, Arizona Game and Fish Department
Rick Miller, Arizona Game and Fish Department
LeAnn Skrzynski, Kaibab Paiute Tribe

Decision and Rationale on the Action

Mineral exploration and development is encouraged on public land in keeping with the Bureau's multiple-use concept. Overall guidance on the management of mineral resources appears in the Domestic Minerals Program Extension Act of 1953, the Mining and Minerals Policy Act of 1970, the Federal Land Policy and Management Act of 1976, the National Materials and Minerals Policy, Research and Development Act of 1980, BLM's Mineral Resources Policy of May 29, 1984, and the Energy Policy Act of 2005. Authorization for sampling and testing is regulated by 43 CFR § 3601.30.

I have decided to authorize Denison's proposal to sample two potential sources of gravel as described in CX-AZ-110-2008-008 for Denison Mines (USA) Corp., Mineral Material Exploration Permit (reference Attachment 2, Location Map). These actions meet the need for action. In addition, I have reviewed the plan conformance statement and have determined that the proposed action is in conformance with the approved land use plan and that no further environmental analysis is required.

This decision authorization letter will include the mitigation measures listed below:

1. All stockpiles, equipment, and property will be removed immediately from the sites upon termination of operations.
2. Reclamation of all surface disturbances will be initiated immediately upon completion of activities. Reclamation of disturbed areas shall, to the extent practicable, include contouring disturbances to blend with the surrounding terrain, replacement of topsoil, smoothing and blending the original surface colors to minimize impacts to visual resources, and seed the disturbed areas with a mix specified by the Authorized Officer.
3. If existing road access is not sufficient, then specific temporary cross country routes may be used, but these must be effectively removed or rehabilitated once the exploration work is completed. Ingress and egress will be kept to the absolute minimum necessary to obtain the samples.
4. The operator will promptly remove and dispose of all waste caused by the operations as directed by the Authorized Officer. "Waste" refers to all discarded

- matter including human waste, trash, garbage, refuse, petroleum products, ashes, and equipment. Wastes shall be disposed in an authorized landfill unless otherwise approved in writing by the Authorized Officer. Any drain oil from equipment will be contained and removed to an approved disposal facility.
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 - (c) If in connection with this work any human remains, funerary objects, sacred objects or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (P.L. 101-601; 104 Stat. 3048; 25 U.S.C. 3001) are discovered, the operator shall stop operations in the immediate area of the discovery, protect the remains and objects, and immediately notify the Authorized Officer. The operator shall continue to protect the immediate area of the discovery until notified by the Authorized Officer that operations may resume.

Implementation Date

This project will be implemented on or after March 10, 2008 and be completed on or before May 15, 2008.

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 enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed at the Arizona Strip Field Office, 345 East Riverside Drive, St. George, Utah 84790, 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.

Lorraine M. Christian
Field Office Manager

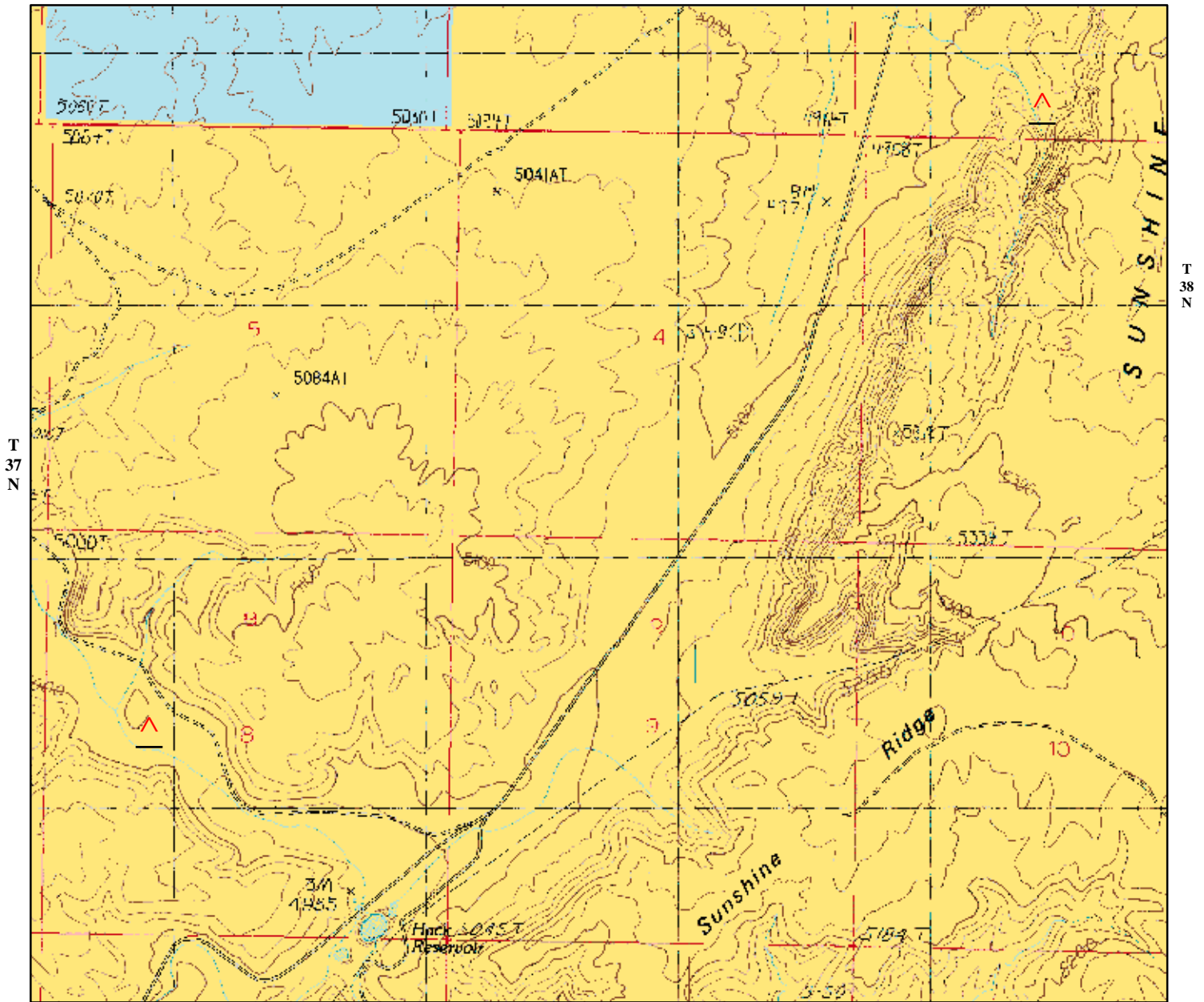
Date

Contact person



Rody Cox, Geologist, Arizona Strip Field Office (435) 688-3244

Enclosure: Form 1842-1

R5W

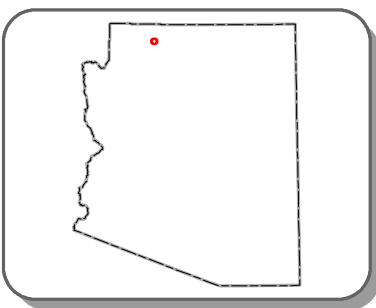


Legend

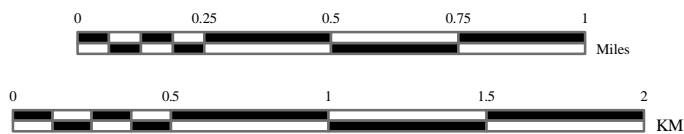
-  Bureau of Land Management
-  State Lands

 Proposed Sample Location

State of Arizona



Scale 1:24,000



CAUTION:

Land ownership data is derived from less accurate data than the 1:24000 scale base map. Therefore, land ownership may not be shown for parcels smaller than 40 acres, and land ownership lines may have plotting errors due to source data.

No warranty is made by the Bureau of Land Management for the use of the data for purposes not intended by the BLM.

