

Categorical Exclusion Determination and Decision Record for Butte Falls Resource Area Abandoned Mine Closures DOI-BLM-OR-M050-2009-0040-CX

Description of Proposed Action

This project is to build and install steel grates over mine adits (horizontal tunnels) and fill or fence mine shafts (vertical tunnels). This work is being done to remove physical hazards from the public, both that of falls and atmospheres with low oxygen levels. The grates would be designed to allow bat passage. Many of the mines are being used by bats including two Special Status Species – Townsend’s big-eared and fringed myotis. Other species found in these mines are the California myotis, long-eared myotis, long-legged myotis, and Yuma myotis.

The grates would be constructed as recommended in Bat Conservation International Resource Publication No. 3. Grates would be constructed with 4-inch by 4-inch by 3/8-inch angle iron welded into a grid pattern with minimum openings of 24 inches wide by 6 inches high. The grates would be fastened to the surrounding rock with bolts or epoxy. Where the rock is not competent enough to hold the fasteners, a section of metal culvert would be installed in the mine portal with a grate attached to the culvert opening. Fill material would be compacted around the culvert to prevent the public from entering the adit. Where the mines are in an active claim, a gate with a lock would be installed in the grate. Some mines are close enough to roads to allow the contractor to carry the supplies and equipment to the openings; others may require the contractor to drive a pickup or ATV with a trailer off the road to access the mine. No new roads would be constructed to access the mines. Any ground disturbance would be localized around the mine adit or mine shaft. The potentially disturbed area would be identified for resource specialists to review and evaluate potential impacts during the planning stage of the project. For vertical shafts, the preferred closure method is to fill the shaft with rock and soil. If that is not possible due to wildlife needs or lack of vehicle access, a 6-foot chain link fence topped with three strands of barbed wire would be constructed around the hole. The timing of work would take into account seasonal wildlife closures, road conditions during wet weather, and fire season.

Plan Conformance Review

The Bureau of Land Management did not scope this proposal and the public was not involved in its development. This proposal is consistent with policy directed by the following:

- *Final Supplemental Environmental Impact Statement and Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl* (Northwest Forest Plan FSEIS, 1994 and ROD, 1994);
- *Final-Medford District Proposed Resource Management Plan/Environmental Impact Statement and Medford District Record of Decision and Resource Management Plan* (PRMP/EIS, 1994 and ROD/RMP, 1995);
- *Record of Decision To Remove the Survey and Manage Mitigation Measure Standards and Guidelines from the Bureau of Land Management Resource Management Plans Within the Range of the Northern Spotted Owl* (USDI 2007);

- *Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States Programmatic EIS and ROD* (USDI 2007), and
- *Medford District Integrated Weed Management Plan Environmental Assessment* (1998) and tiered to the *Final-Northwest Area Noxious Weed Control Program Environmental Impact Statement* (EIS, 1985).

The proposed action is in conformance with the direction given for the management of public lands in the Medford District by the Oregon and California Lands Act of 1937, Federal Land Policy and Management Act of 1976, Endangered Species Act of 1973, Clean Water Act of 1987, Safe Drinking Water Act of 1974 (as amended 1986 and 1996), Clean Air Act of 1990 (as amended), and Archaeological Resources Protection Act of 1979.

This proposal is consistent with management direction in the Medford District 1995 ROD/RMP and the Abandoned Mine Land (AML) Program Policy Handbook which addresses mine sites abandoned prior to January 1, 1981, the effective date of the BLM's surface management regulations (43 CFR 3809) that implement the "unnecessary or undue degradation" provision of the Federal Land Policy and Management Act of 1976 (FLPMA), as amended (43 U.S.C. 1700, et seq.). An objective of the AML Policy is to protect public safety and reduce liabilities by eliminating or reducing risks posed by abandoned mines.

Project Design Features

- All equipment shall be washed and inspected for weed seeds before entering the site
- Refueling of equipment shall not be within 150 feet of a stream. Fuel spill containment structures shall be used.
- Any soil that becomes contaminated by fuel, oil or other petroleum products shall be excavated to a depth of 12 inches beyond the contaminated soil and disposed of off public lands in a legal manner at the contractor's expense. The hole shall be backfilled with approved material.
- The contractor shall not be allowed to use native surface roads during the wet season.
- If the contractor needs to leave the road with a motorized vehicle or earth moving equipment to access a mine, the contractor shall use the route flagged in by the authorized officer.
- No ground disturbing activities shall occur if the soil moisture is greater than 25% or during storm events that cause runoff into stream channels.
- While working around vertical shafts the contractor shall use approved fall protection as required by OSHA
- If any cultural artifacts are found while excavating the portal of a mine or installing fence posts around vertical shafts, the contractor shall cease work and notify the BLM Contracting Officer Representative (COR) immediately.
- If any hazardous or unknown materials are discovered while working around the mines the contractor shall cease work and notify the COR immediately.

- Seasonal closures for bats. If the adit or shaft is used as hibernacula, no work will occur between October 1 and April 30. If the adit or shaft is used as a maternal colony, no work will occur between May 1 and August 31. If the adit or shaft is used for both or the type of use is unknown, no work will occur from October 1 to August 31.
- Seasonal restriction on activities for northern spotted owls. If the work area is within 0.25 miles of a nest site, no activity is allowed from March 1 to September 30. This restriction may be waived by the BLM wildlife biologist if owls are not nesting.
- Prior to any culvert placement or ground disturbing activity proposed in this CE, cultural resource surveys will be completed. Any recorded sites where disturbance other than installing a grate is proposed will follow the Protocol for Managing Cultural Resources to assure compliance with the State Historic Preservation Office as required under section 106 of the National Historic Preservation Act of 1966, as amended.
- Apply weed free hay or mulch and grass seed on disturbed areas.

Categorical Exclusion Determination

This proposed action qualifies as a categorical exclusion as provided in United States Department of the Interior Departmental Manual 516 DM 11.9 J(8). This section allows for “installation of minor devices to protect human life (e.g., grates across mines)”.

Before any action described in the list of categorical exclusions may be used, the “extraordinary circumstances,” included in the Code of Federal Regulations (CFR) at 43 CFR 46.205(c) must be reviewed for applicability. After review, the BLM determined no extraordinary circumstances exist that would cause the proposed action to have a significant environmental effect. The action will not require additional analysis.

Contact Person

For additional information concerning this project, contact John McNeel, Project Leader, at (541) 618-2370.

NEPA Categorical Exclusion Review

Proposed Action: This project is to install steel grates over mine adits (horizontal tunnels) and fill or fence mine shafts (vertical tunnels) as described above.

The Code of Federal Regulations at 43 CFR 46.205(c) requires that "any action that is normally categorically excluded must be evaluated to determine whether it meets any of the extraordinary circumstances in section 46.215" (listed below). Additional analysis and environmental documents must be completed for any normally categorically excluded action which may

1. *Have significant impacts on public health or safety.*

Yes No

Initial JW Remarks:

2. *Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness 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; and other ecologically significant or critical areas.*

Yes No

Initial JW Remarks:

3. *Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].*

Yes No

Initial JW Remarks:

4. *Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.*

Yes No

Initial JW Remarks:

5. *Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.*

Yes No

Initial JW Remarks:

6. *Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.*

Yes No

Initial SLB Remarks:

7. *Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.*

Yes No

Initial UAB Remarks:

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.*

Plants	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Initial <u>MW</u>	Remarks: <u>T^e Survey completed</u>
Animals	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Initial <u>SL</u>	Remarks:
Fish	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Initial <u>SL</u>	Remarks:

9. *Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.*

Yes No
Initial SL Remarks:

10. *Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).*

Yes No
Initial SL Remarks:

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).*

Yes No
Initial SL Remarks:

12. *Contribute to the introduction, continued existence, or spread of noxious weeds or nonnative 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).*

Yes No
Initial MW Remarks:

Decision

It is my decision to install steel grates over mine adits (horizontal tunnels) and fill or fence mine shafts (vertical tunnels) in the Butte Falls Resource Area, as described in the Proposed Action.

Decision Rationale

The proposed action has been reviewed by Butte Falls Resource Area staff and appropriate Project Design Features, as specified above, will be incorporated into the proposal. Based on the attached NEPA (National Environmental Policy Act) Categorical Exclusion Review, I have determined the proposed action involves no significant impact to the human environment and no further environmental analysis is required.



8/25/09

Jon K. Raby
Field Manager
Butte Falls Resource Area

Date

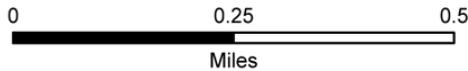
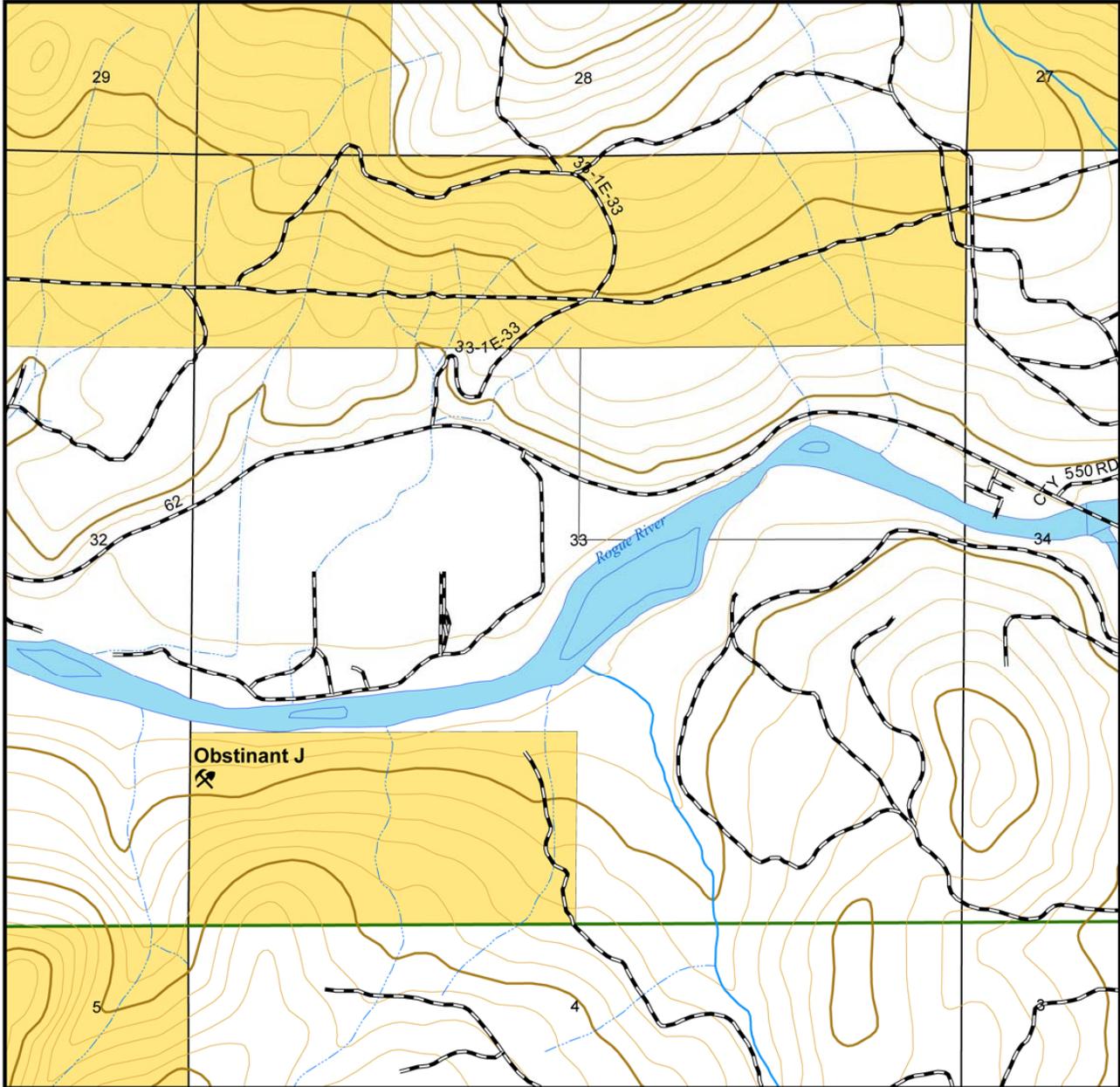
Administrative Review or Appeal Opportunities

Notice of the forest management decision to be made on the action described in this categorical exclusion will be posted on the Medford District internet website. The action is subject to protest under 43 CFR 4.450-2. A decision in response to a protest is subject to appeal to the Interior Board of Land Appeals under 43 CFR part 4.

Categorical Exclusion Reviewers:

Name	Title	Date	Initials
Jean Williams	NEPA Coordinator	8/18/09	JW
Marcia Wineteer	Botanist	8/17/09	MW
Linda Hale	Wildlife Biologist	8/10/09	LH
Steve Liebhardt	Fisheries Biologist	7/30/09	SL
Shawn Simpson	Hydrologist	7/27/09	SLS
Ken Van Etten	Soil Scientist	7/27/09	KBV
Al Mason	Fire/Fuels Specialist	8/3/09	AM
John McNeel	Engineer	8/12/2009	JCM
Lisa Brennan	Archeologist	7/28/09	LB
Trish Lindaman	Outdoor Recreation Planner	7/27/09	TL

Abandoned Mine - T33S R1E Sec. 33



Abandoned Mine

-  Adit
-  Shaft
-  Road
-  Perennial Stream
-  Intermittent Stream

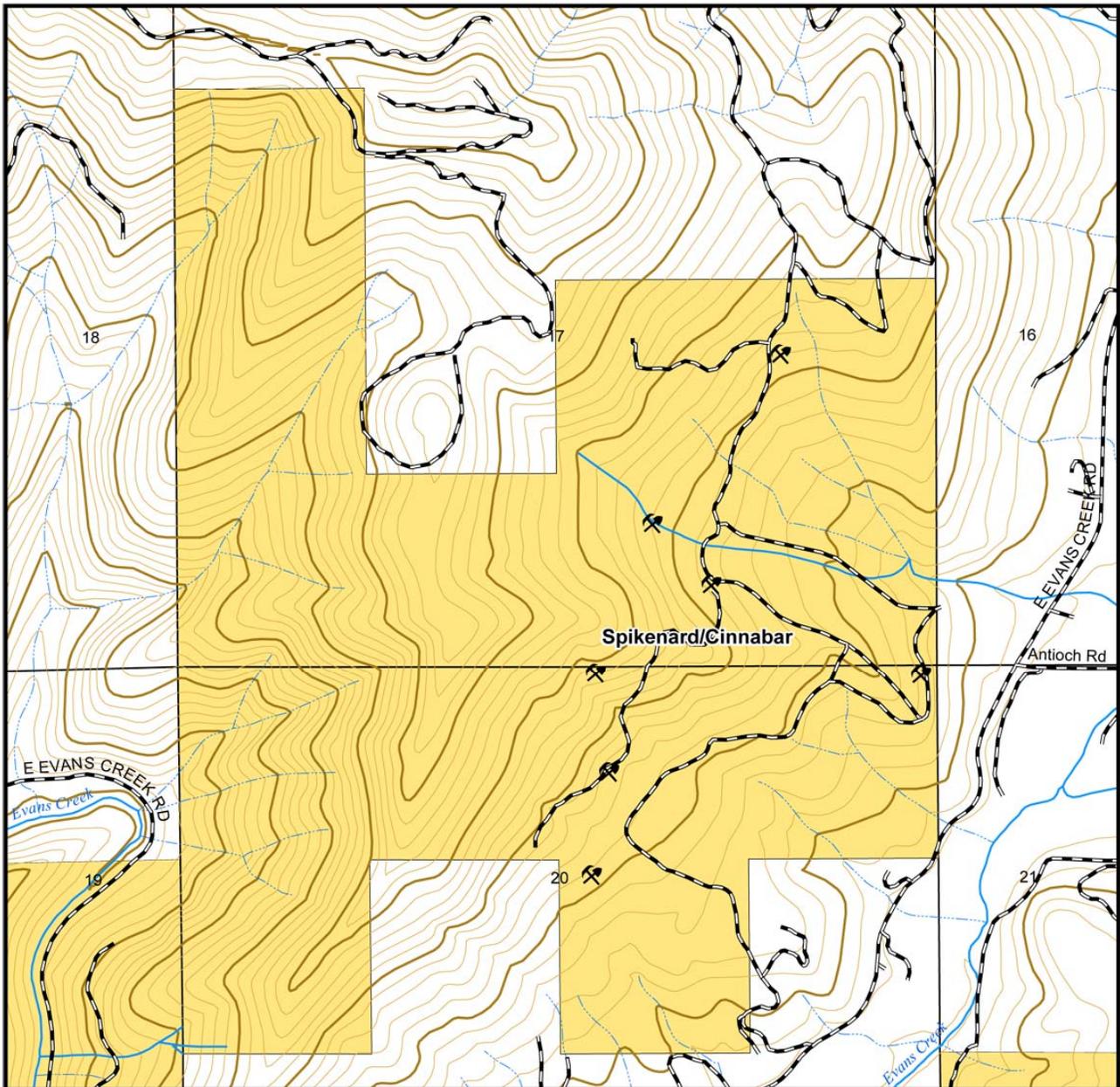
-  200 ft. Index Contour
-  40 ft. Intermediate Contour
-  BLM-Administered Land
-  Forest Service
-  Private



MEDFORD DISTRICT
June 2009

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Abandoned Mine - T34S R2W Sec. 17



Abandoned Mine

- Adit
- Shaft
- Road
- Perennial Stream
- Intermittent Stream

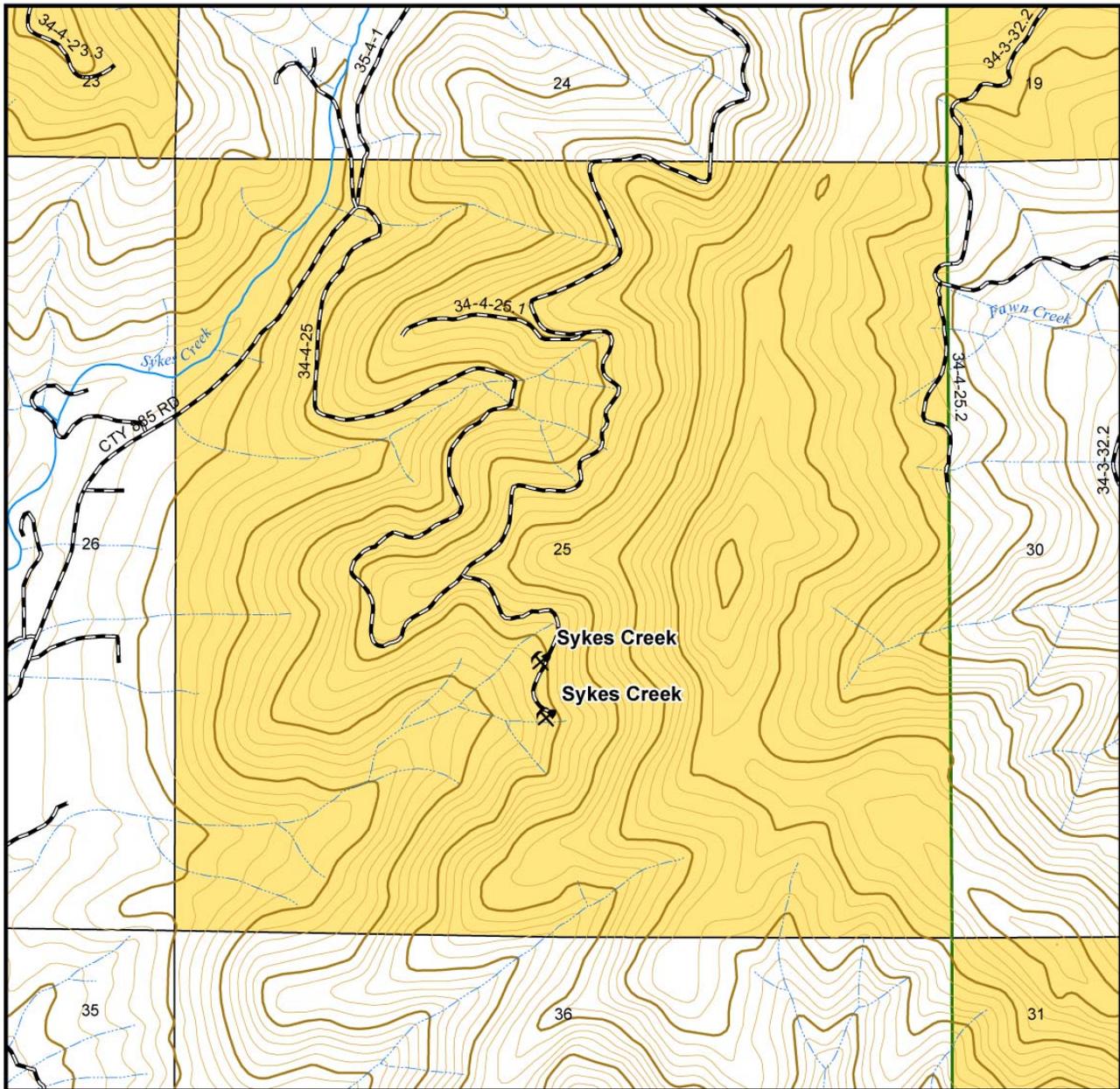
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- 40 ft. Intermediate Contour
- BLM-Administered Land
- Forest Service
- Private



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June 2009

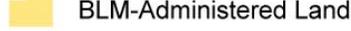
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Abandoned Mine - T34S R4W Sec. 25



Abandoned Mine

-  Adit
-  Shaft
-  Road
-  Perennial Stream
-  Intermittent Stream

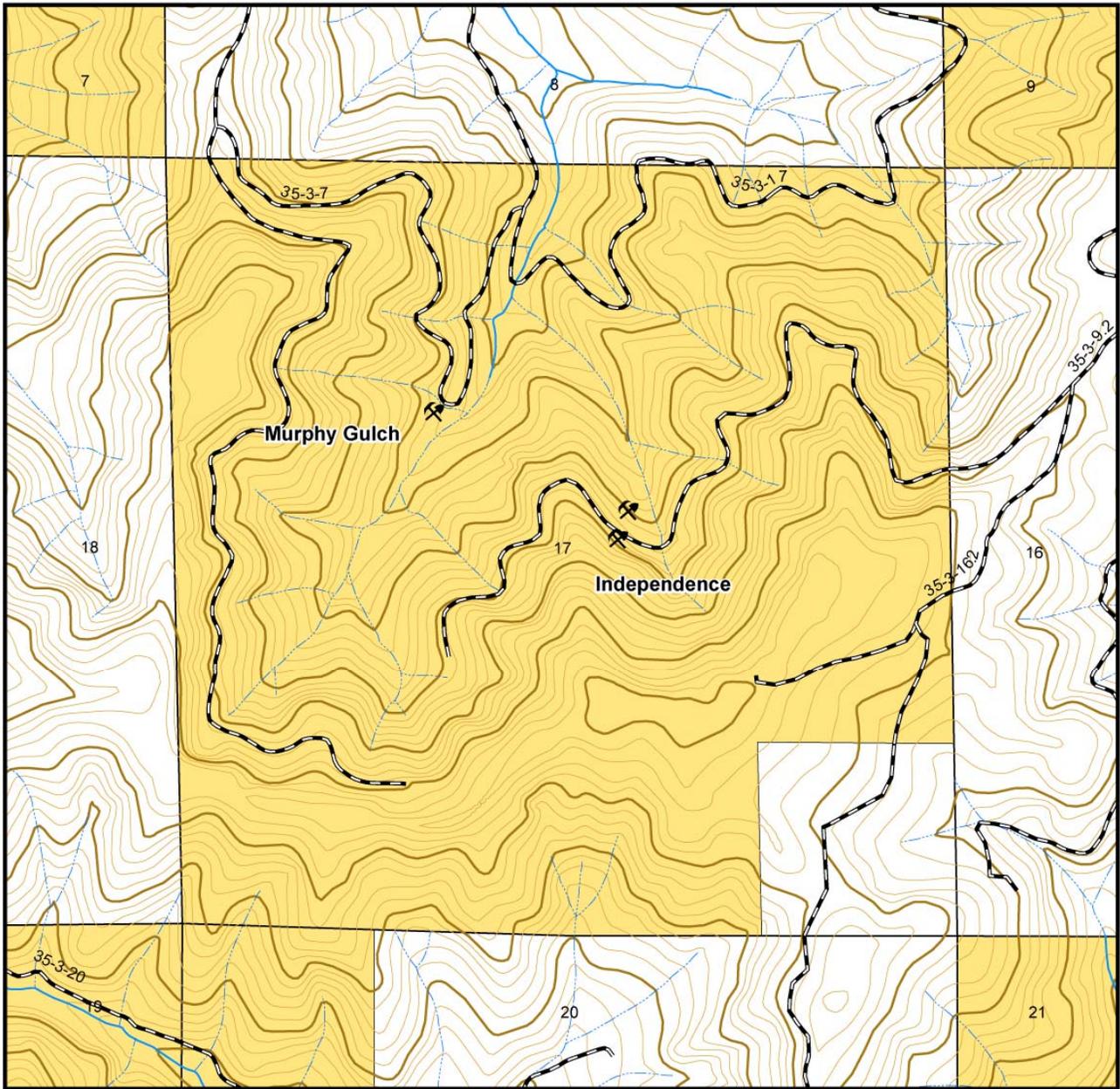
-  200 ft. Index Contour
-  40 ft. Intermediate Contour
-  BLM-Administered Land
-  Forest Service
-  Private



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Abandoned Mine - T35S R3W Sec. 17



Abandoned Mine

- Adit
- Shaft
- Road
- Perennial Stream
- Intermittent Stream

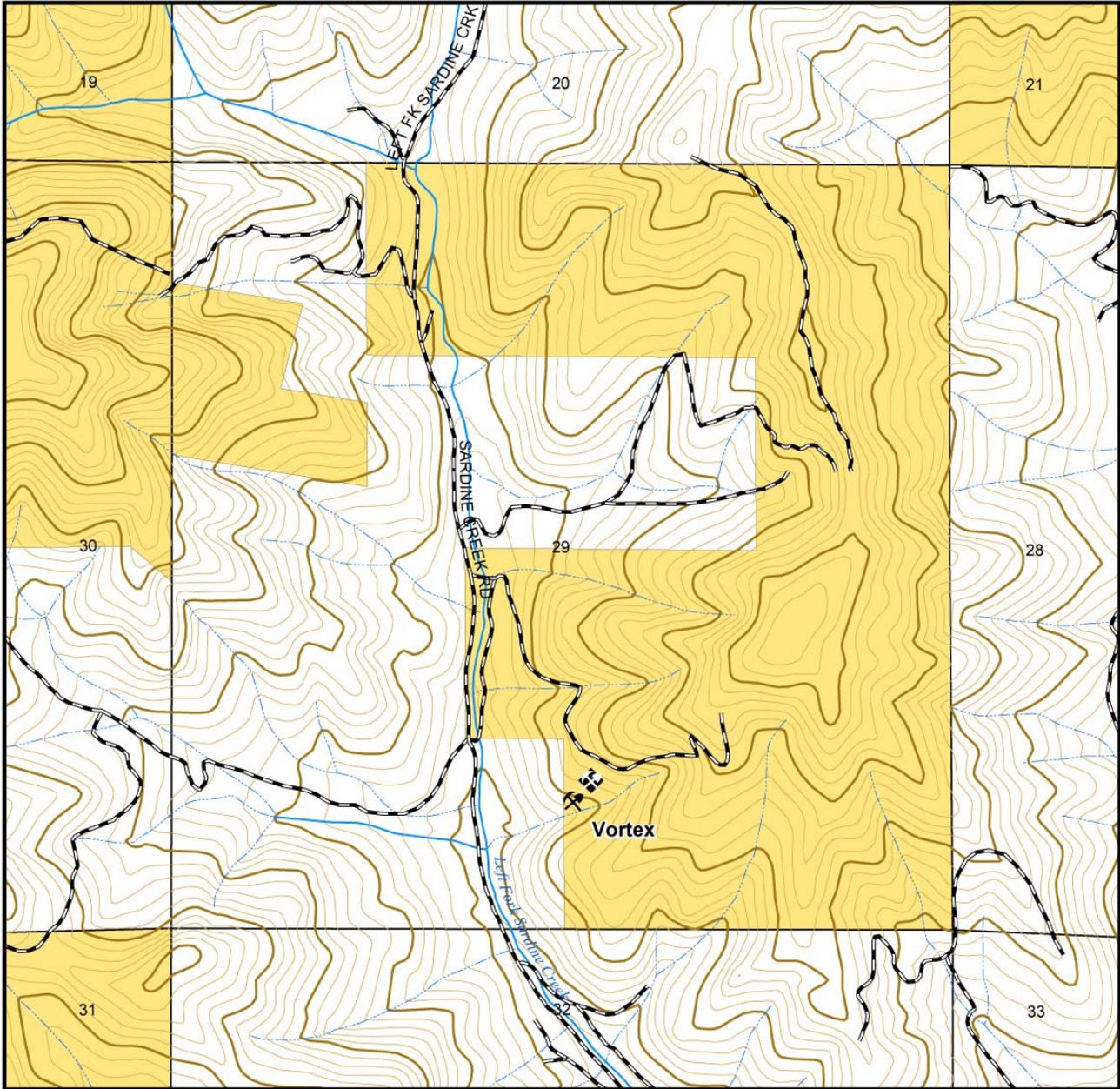
- 200 ft. Index Contour
- 40 ft. Intermediate Contour
- BLM-Administered Land
- Forest Service
- Private



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Abandoned Mine - T35S R3W Sec. 29



Abandoned Mine

-  Adit
-  Shaft
-  Road
-  Perennial Stream
-  Intermittent Stream

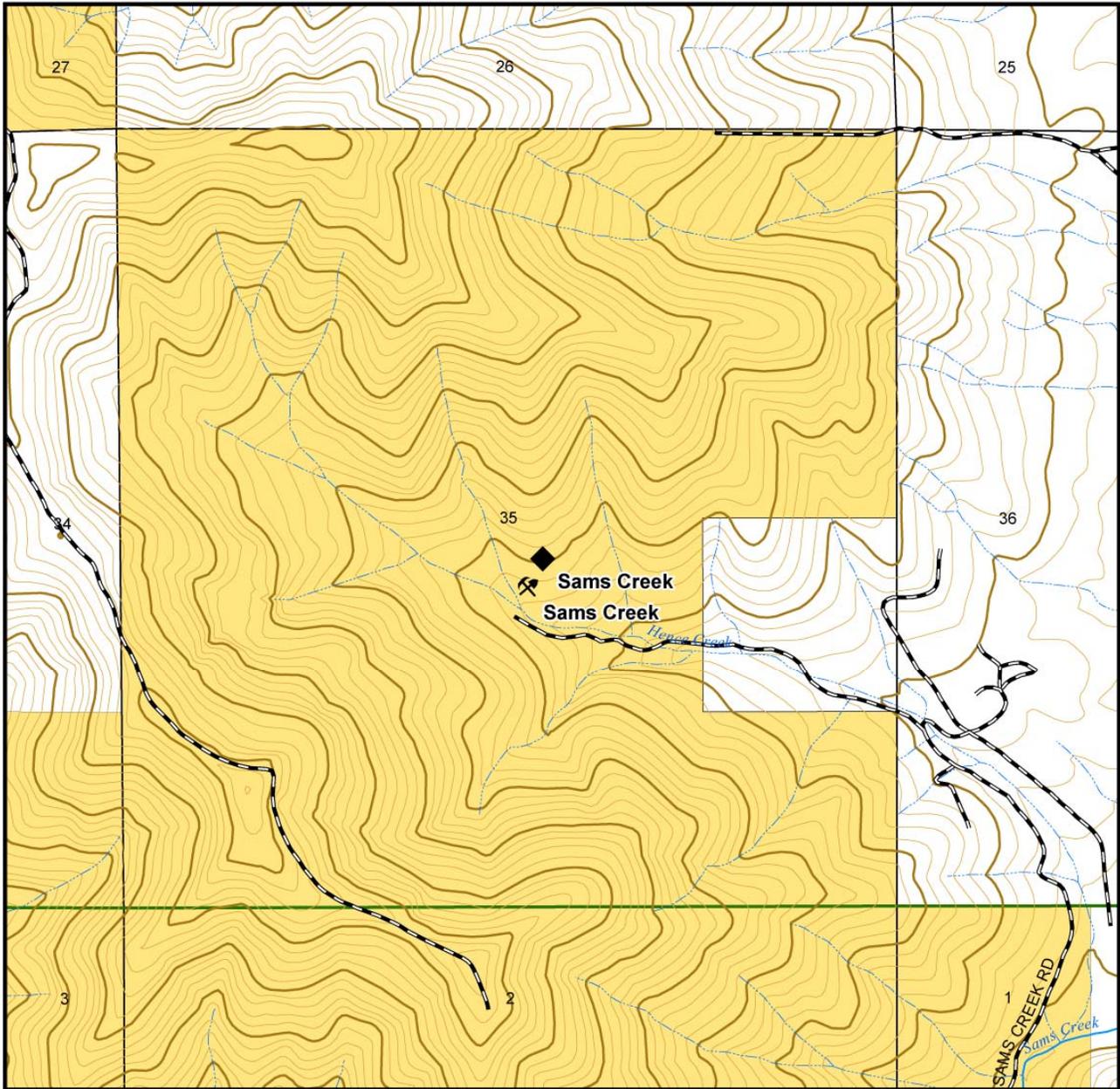
-  200 ft. Index Contour
-  40 ft. Intermediate Contour
-  BLM-Administered Land
-  Forest Service
-  Private



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Abandoned Mine - T35S R3W Sec. 35



Abandoned Mine

- Adit
- Shaft
- Road
- Perennial Stream
- Intermittent Stream

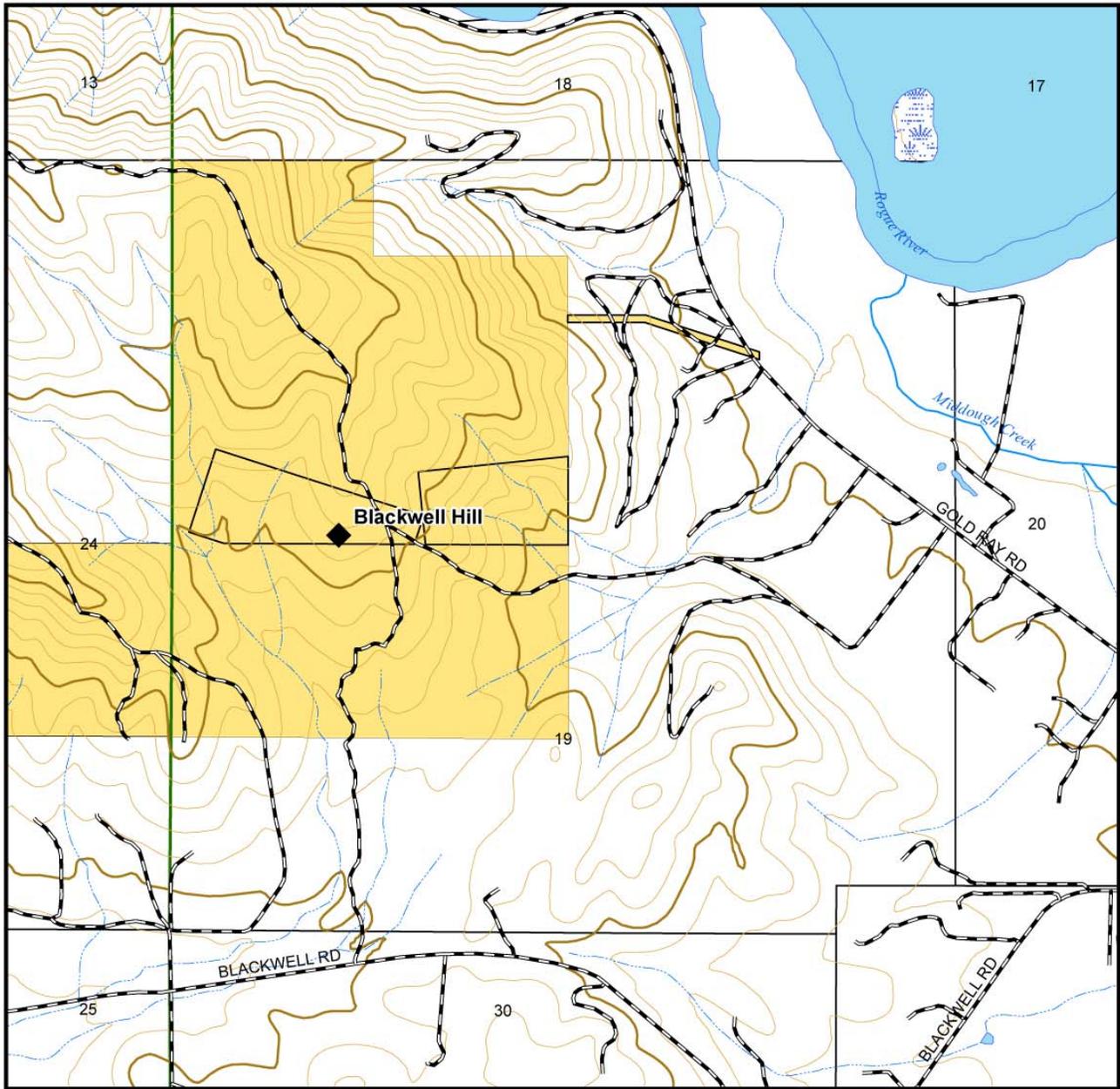
- 200 ft. Index Contour
- 40 ft. Intermediate Contour
- BLM-Administered Land
- Forest Service
- Private



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Abandoned Mine - T36S R2W Sec. 19



Abandoned Mine

- Adit
- Shaft
- Road
- Perennial Stream
- Intermittent Stream

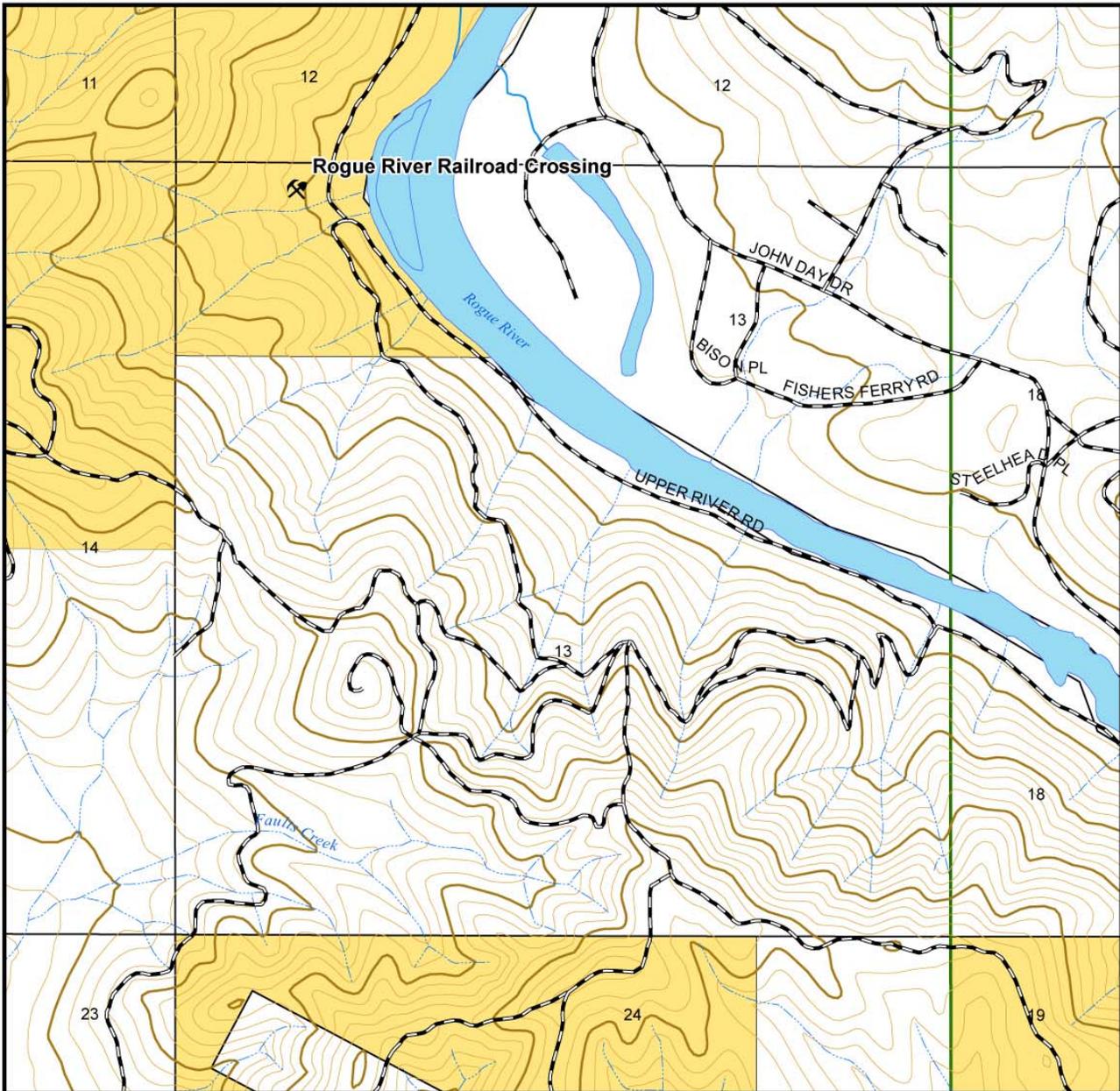
- 200 ft. Index Contour
- 40 ft. Intermediate Contour
- BLM-Administered Land
- Forest Service
- Private



MEDFORD DISTRICT
June 2009

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Abandoned Mine - T36S R3W Sec. 13



Abandoned Mine

-  Adit
-  Shaft
-  Road
-  Perennial Stream
-  Intermittent Stream

-  200 ft. Index Contour
-  40 ft. Intermediate Contour
-  BLM-Administered Land
-  Forest Service
-  Private



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