

Decision and Rationale on Action

It is my decision to implement the Alice Mine Fence Enclosure project as described in the attached CX and shown on the attached map. These actions will provide for human safety around the open mine shaft..

Implementation Date

This project will be implemented on or after September 18, 2009.

___/S/ Karen Kelleher_____

___9/21/09_____

Karen Kelleher,
Field Manager, Wenatchee Resource Area

Date

Administrative Review or Appeal Opportunities

Any party that is adversely affected and determined to be a party to the case, may appeal the implementation of the proposed action to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4. A notice of appeal must be filed in this office (at the address below) within 30 days of receipt of this decision. The appellant has the burden of showing that the decision is in error.

An appellant may also file a petition for a stay (suspension) of this decision during the time that the appeal is being reviewed by the Board pursuant to Part 4, Subpart B, 43 CFR Part 4.21. The petition for a stay must accompany the 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 be submitted to each party named in this decision, to the Interior Board of Land Appeals, and the Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. The appellant has the burden of proof of demonstrating that a stay should be granted.

Standards for Obtaining a Stay

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

- (a) The relative harm to the parties if the stay is granted or denied,
- (b) The likelihood of the appellant's success on the merits,
- (c) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (d) Whether the public interest favors granting the stay.

Attachments:

Categorical Exclusion Documentation

Map

Categorical Exclusion Documentation

Department of the Interior
Bureau of Land Management, Spokane District
1103 North Fancher Road
Spokane Valley, WA 99212

A. Background

BLM Office: Wenatchee Field Office

Lease/Serial/Case File No.: Not Applicable

NEPA Log Number: DOI-BLM-OR-134-2009-0019 CX

Proposed Action Title: Shaft Exclosure for Alice Mine Workings.

Location of Proposed Action: T. 40 N., R. 25 E., Section 23, SENWNW

Description of Proposed Action: Replace fenced exclosure burnt up during Little Chopaka Fire in 2007. New exclosure would be made of sturdy heavy guage wire (approx. 4' high) and encompass an approximate 10' x 10' area around the open water filled shaft. The mining claimant, [REDACTED] indicated that the depth of the shaft may be 130' deep.

Native American consultation with the Confederated Tribes of the Colville Indians was initiated by certified letter on March 24, 2009. Also the State of Washington-Department of Archaeology and Historic Preservation and the Okanogan County Historical Society were sent certified letters on March 24, 2009 outlining the proposed project. No concerns about the fencing project were received from the Confederated Tribes of the Colville Indians, WA-Department of Archaeology and Historic Preservation or Okanogan County Historical Society.

B. Land Use Plan Conformance

Land Use Plan Name: Spokane Resource Management Plan

Date Approved/Amended: Approved 1987/Amended 1992

Option 1 (conforms with LUP): The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):

OR

(Option 2: not explicitly provided for in the LUP) The proposed action is in conformance with the applicable LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (*objectives, terms, and conditions*):

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 11.9.J.(9) Construction of small protective enclosures, including those to protect reservoirs and springs and those to protect small study 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 43 CFR 46.215 apply, as shown in the following table:

CX EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION The proposed categorical exclusion action will:	YES	NO
(a) Have significant impacts on public health or safety.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) 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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on	<input type="checkbox"/>	<input checked="" type="checkbox"/>

designated Critical Habitat for these species.		
(i) Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(j) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(k) 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).	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(l) 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).	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Currently the open shaft poses a threat to public safety due to the un-fenced water-filled vertical opening. Constructing the fence enclosure will protect the public, domestic livestock and wildlife from the potential hazard.

F: Signature

_____/S/____ Karen Kelleher _____ 9/21/09 _____
 (Authorizing Official Signature) (Date)

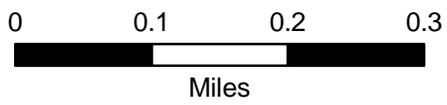
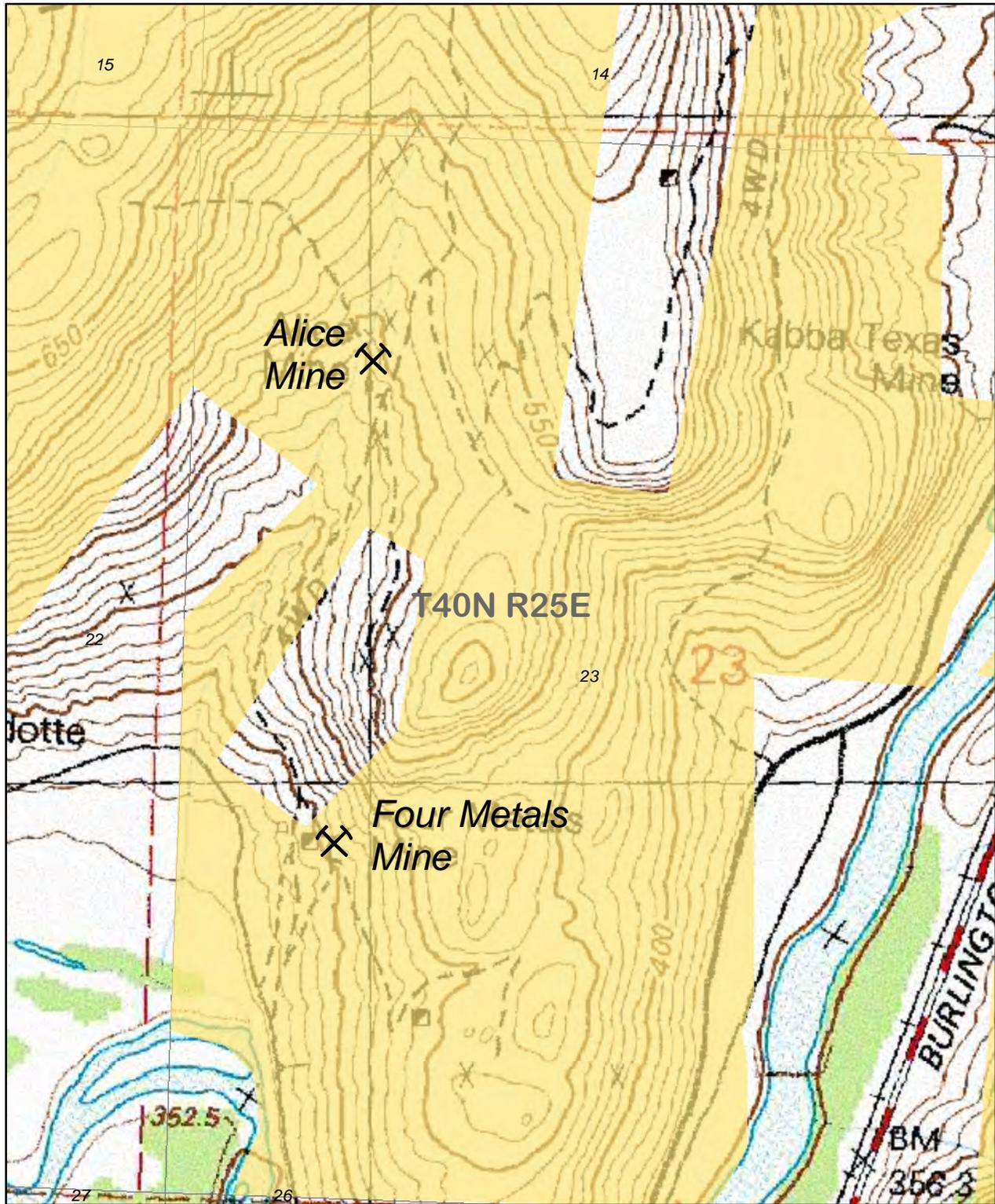
Name: Karen Kelleher
 Title: Field Manager

G. Contact Person

For additional information concerning this CX review, contact Brent Cunderla - Wenatchee Field Office Geologist

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

Alice and Four Metals Mine Shaft Enclosures



Legend

-  Mine Shaft Enclosure Location
-  Bureau of Land Management

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources and may be updated without notification.