

**DECISION MEMORANDUM**

Saddle Mountain AML  
 DOI-BLM-AZ-P020-2010-011-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 7<sup>th</sup> 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.

\_\_\_\_\_/s/\_\_\_\_\_  
 Emily Garber, Manager, Lower Sonoran Field Office

\_\_\_\_03/11/2010\_\_\_\_\_  
 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: Saddle Mountain AML

Location of Proposed Action: Lower Sonoran Field Office; T. 2 N., R. 7 W., section 31, S1/2, Maricopa County, Arizona

Description of Proposed Action: BLM would backfill four AML sites, consisting of three open abandoned mine shafts, one open adit, and fourteen prospect pits (eighteen total features), located on public lands to the north of Saddle Mountain, in order to permanently eliminate the physical safety hazards they present to the public. One of the shafts, the >100 ft. deep AZ2N7W31003, has a strong chemical odor coming out of it that indicates someone has illegally dumped potentially hazardous material into the shaft. Sending people into this shaft to investigate the chemical odor is judged to be too risky to the workers' health & safety compared to any possible benefit that may result, so the shaft would instead be backfilled with material from the adjacent waste rock dump to isolate any illegally dumped material from the surface and groundwater. In fact, all the features would be backfilled with waste rock from the adjacent dumps and, if necessary, additional earthen material would also be obtained from the immediate vicinity. The four sites to be backfilled are:

<u>AMSCM identifier</u>	<u>Latitude</u>	<u>Longitude</u>	<u>UTM coordinates (NAD 83)</u>
AZ2N7W31001	33.470973	-113.022567	12S 312055E 3705331N
AZ2N7W31002	33.469686	-113.022957	12S 312016E 3705189N
AZ2N7W31003	33.470067	-113.022847	12S 312027E 3705231N
AZ2N7W31007	33.467833	-113.019374	12S 312345E 3704977N

### 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):

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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 shafts, adit, and pits will have a positive effect on public health & safety, particularly given that the sites are located in a high-use recreation area, and are easily accessible from Salome Highway by any passenger or recreational vehicle.
- There are no active mining claims onsite.
- A cultural clearance (copy attached) has been completed for the site. 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 in this area, and there is no significant potential bat habitat (wildlife clearance attached). Exclosures would be installed on two shafts (at AZ2N7W31001 and AZ2N7W31003) at least one week prior to backfilling them, in order to clear out any owls, bats or other wildlife, based on written recommendations from the Arizona Game & Fish Dept.

### **D: Signature**

Authorizing Official: \_\_\_\_\_/s/\_\_\_\_\_ Date: \_\_03/11/2010\_\_\_\_\_

(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.