

Determination of NEPA Adequacy (DNA)
U.S. Department of Interior
Bureau of Land Management

OFFICE: *Hassayampa Field Office (HFO)*

NEPA/TRACKING NUMBER: DOI-BLM-AZ-P010-2010-0024-DNA

CASEFILE/PROJECT NUMBER: AZA-35444

PROPOSED ACTION TITLE/TYPE: Cemex Construction Materials South LLC,
Mineral Materials Sale, Table Mesa Operation

LOCATION/LEGAL DESCRIPTION: T. 7 N., R. 2 E., Sec. 3 (part) (Arizona state
surface / Federal minerals)

APPLICANT (if any): Cemex Construction Materials South, LLC

A. Description of the Proposed Action and any applicable mitigation measures
Issue a mineral materials sale contract for 100,000 tons of materials from an existing
active mining site. Action allows for ongoing operations to continue. Contract
stipulations attached.

B. Land Use Plan Conformance
Land Use Plan (LUP) Name: Bradshaw-Harquahala RMP
Date Approved/Amended: 4/22/2010

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):

MI-2. Except for legislatively withdrawn areas and other withdrawn and segregated
areas, open all public lands within the planning area to mineral materials disposal, on a
case-by-case-basis.

**C. Identify applicable National Environmental Policy Act (NEPA) documents and
other related documents that cover the proposed action.**

EA AZ-020-2001-0034

D. NEPA Adequacy Criteria

- 1. Is the proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the exiting NEPA document(s)? If there are differences, can you explain why they are not substantial?**

Proposed action is substantially the same as and within the area analyzed in EA AZ-020-2001-0034. The only new surface disturbance would result from the few feet the quarry headwall would migrate as a result of the additional mining. New disturbance is within the authorized area of activities.

- 2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?**

Range of alternatives previously analyzed in EA AZ-020-2001-0034 is appropriate to the new proposed action.

- 3. Is the existing analysis valid in light of new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, and updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?**

The proposed action is consistent with actions previously covered and reviewed in Environmental Assessment AZ-020-2001-0034.

Subjects which were not addressed at the time of the original EA are as follows:
Energy Impact – The proposed action will have no impact on the development, production, supply and/or distribution of energy resources.

Environmental Justice – In compliance with Executive Order 12898, the Phoenix Field Office identified no minority or low-income populations that could be disproportionately affected by the proposed action. The BLM determined that there is no significant number of minorities or low income populations identified living in the affected area.

Invasive, Nonnative Weeds – The Bureau policy regarding management of invasive, nonnative weeds as found in “Partners Against Weeds (PAW) Action Plan, January 1996”, states that “an analysis of the potential for weed spread must be examined and established as an environmental consequence of proposed actions. Measures and stipulations to minimize the spread of weeds must be provided. This contract includes a standard stipulation to address invasive weeds.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

The direct and indirect impacts of the current proposal are substantially unchanged. Proposed actions are a logical continuation of those previously covered in Environmental Assessment AZ-020-2001-0034. No new areas are involved as all affected lands were covered by the existing EA.

5. Are the public involvement and interagency review associated with existing NEPA documents(s) adequate for the current proposed action?

Previous NEPA documents did not require public involvement or interagency review and none was conducted.

E. Persons/Agencies/BLM Staff Consulted

<u>Name</u>	<u>Title</u>	<u>Resource/Agency Represented</u>
2T	2T	2T

Note: Refer to the EA/EIS for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents

CONCLUSION:

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitute BLM’s compliance with the requirements of NEPA.

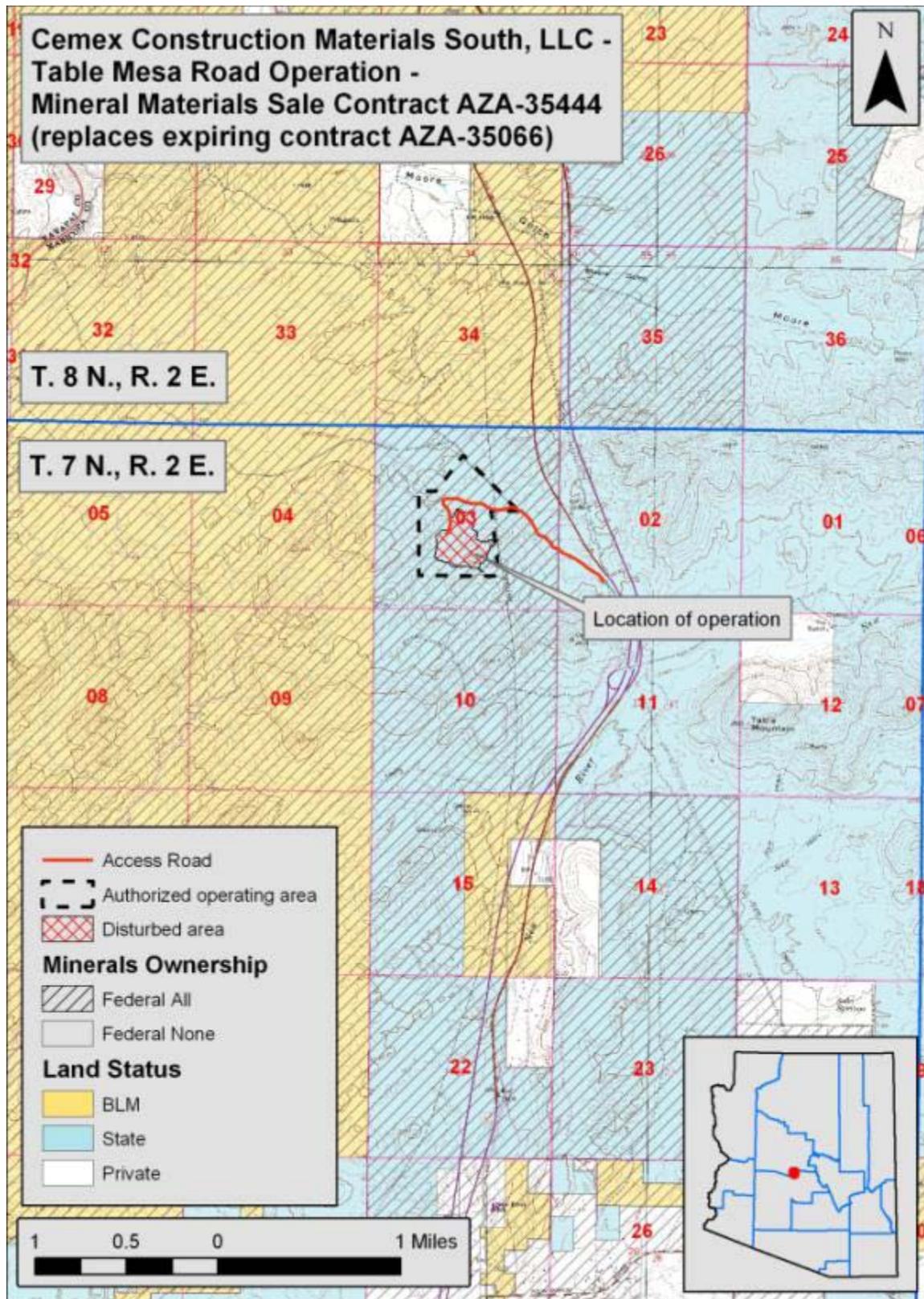
David L. Eddy

Leah Baker

Steven Cohn

Date

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM’s internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.



Special Stipulations, Contract AZA-35444

1. Mining at the subject site shall be in conformance with the Cemex Construction Materials South, LLC (formerly Rinker Materials dba United Metro Materials) approved plan of operations dated November 6, 2001 and/or any subsequent plan or amendment approved by the Bureau of Land Management and Arizona State Land Department (surface estate holder) and in accordance with the stipulations herein after set forth.
2. Cemex Construction Materials South, LLC (the operator) will obtain and keep current and in good standing all permits required by the various County, State, and Federal agencies and will abide by stipulations as set forth in said permits. The operator will comply with all applicable Federal, State, and County, pollution standards and permits, including, but not limited to, current and anticipated dust control regulations and requirements.
3. The operator shall take fire precaution and conservation measures and shall dispose of slash or other debris resulting from operations hereunder in accordance with written instructions from the Authorized Officer. Required fire-fighting equipment will be kept on site. All equipment will be equipped with spark arresters as required. Land will be cleared where equipment is located and water will be available at the site when there is a potential fire hazard. Equipment operators and supervisory personnel will be well advised as to potential fire hazards and comply with MSHA training and work requirements where applicable.
4. BLM's authorization does not imply that Federal approval has been granted to the operator or their contractors the right to transport trucks and rock products across any City, County, State, Federal, or private property or roads. Operator or their contractors shall be held liable for any damages to such property.
5. BLM's approval of the operator's Plan and authorization of a sales contract shall not be construed to effect a preemption of Arizona State laws and regulations or to imply that BLM has granted any approvals normally under the purview or regulatory authority of City, County, State, or other Federal agencies.
6. Any cultural and/or paleontological resource (prehistoric or historic site or object) discovered by the operator, or any person working on their behalf, on the subject lands shall be reported immediately to the Bureau of Land Management's authorized officer. It is unlawful to disturb, deface, or remove these cultural and paleontological resources unless authorized by the Bureau of Land Management under a cultural resources use permit. The operator shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values.
7. Access to the material site area shall be provided to BLM in order to conduct routine inspections of the extraction and removal of minerals or for the purpose of inspection or inventory of other resource values. Inspections may be unscheduled and will generally be conducted during normal working hours. Such inspections are not normally expected to stop or impede normal mining and processing functions by the operator.

8. The operator shall defend, and hold harmless the United States and/or its agencies and representatives against and from any and all demands, claims, and liabilities of every nature whatsoever, including, but not necessarily limited to, damage to property and injuries or death of persons arising from any activity connected with the operator's use or occupancy of the lands described in this contract, or with the activity authorized under this contract.

9. The area will be reclaimed in accordance with the provisions of the approved plan and reclamation guidelines as established by the Arizona State Lands Department.

10. Solid waste will be disposed of in accordance with local laws. The operator shall promptly remove and dispose of all waste caused by its activities as directed by the authorized officer. The term waste as used herein means all discarded matter, but not limited to human waste, trash, garbage, refuse, petroleum products, ashes and equipment. Wastes shall be disposed of in a sanitary landfill unless otherwise approved by the authorized officer. No burial of wastes on site is allowed. The area shall be maintained at all times in a condition that is not hazardous to humans or livestock.

11. Prior to removal of protected plants, the operator must have prior approval and the necessary authorizations issued by the State of Arizona.

- The operator must notify the Arizona Department of Agriculture and Horticulture 30 days before the beginning surface disturbance for possible salvage of Arizona protected plants.

12. If noxious weeds or invasive plants are detected during an inspection, the operator shall be required to implement weed control, prevention, and treatment factors to remove the seed source and limit seed transport into the project site. Suitable weed treatment and prevention techniques will be established by the BLM.

13. The operator shall implement plans and procedures to reduce the potential effects of spills or accidents which might include site security and safety measures, fire protection procedures, emergency response and notification procedures, best management practices for materials, transportation, handling and storage, contingency planning for accidental discharges and spill prevention control countermeasure planning. In the event of an accidental discharge or spill, the on-site emergency coordinator will direct the immediate cleanup. A list of emergency phone numbers will be on-site and readily accessible. Good housekeeping rules will be followed to keep chemicals and waste material from entering any drainage areas. This may include providing sediment ponds, implementing proper disposal of oil and grease and use of lined pits for chemical storage.

Care will be taken to ensure that no oil, grease, used filters, or antifreeze can contaminate the soil. All used items will be properly stored and disposed of.