

**DECISION MEMORANDUM**

Miller Road AML

DOI-BLM-AZ-P010-2010-018-CX

U.S. Department of the Interior  
 Bureau of Land Management  
 Hassayampa 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 Bradshaw-Harquahala Record of Decision and Approved Resource Management Plan, approved April 2010, 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 Hassayampa 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/\_\_\_\_\_  
 Steven Cohn, Manager, Hassayampa Field Office

\_\_\_\_05/04/2010\_\_\_\_\_  
 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, Hassayampa Field Office

Lease/Serial/Case File No.: N/A

Proposed Action Title/Type: Miller Road AML

Location of Proposed Action: Hassayampa Field Office; T. 1 N., R. 4 W., S½ of sections 11 & 12, Maricopa County, Arizona

Description of Proposed Action: BLM would backfill six AML sites, consisting of nine open abandoned mine shafts, and three prospect pits (twelve total features), located on public lands near Miller Road, north of Buckeye, AZ, in order to permanently eliminate the physical safety hazards they present to the public. 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 six sites to be backfilled are:

<u>AMSCM identifier</u>	<u>Latitude</u>	<u>Longitude</u>	<u>UTM coordinates (NAD 83)</u>
BLACK HAWK			
(AZ1N4W11008)	33.43618	-112.6266	12S 348794E 3700826N
(AZ1N4W11014)	33.43646	-112.62706	12S 348752E 3700858N
(AZ1N4W11015)	33.43605	-112.62681	12S 348774E 3700812N
AZ1N4W11016	33.436391	-112.631507	12S 348338E 3700857N
AZ1N4W12001	33.43977	-112.61034	12S 350312E 3701201N
AZ1N4W12002	33.44038	-112.61743	12S 349654E 3701279N

### B. Land Use Plan Conformance

Land Use Plan Name: Bradshaw-Harquahala Record of Decision and Approved Resource Management Plan, approved April 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):

The Bradshaw-Harquahala Record of Decision and Approved Resource Management Plan, approved April 2010, states on page A-24, in Public Safety – Standard Operating Procedures – Abandoned Mine Lands: “Inspect abandoned mine land sites to identify all physical hazards presenting a safety risk to the public, and take appropriate action to mitigate any hazards and prevent public access to abandoned mine land contaminated areas.”

**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 and pits will have a positive effect on public health & safety, particularly given that the sites are located in a high-use recreation area near metropolitan Phoenix, and are easily accessible via Miller Road by any passenger or recreational vehicle.
- According to an LR2000 Mining Claim Geo Report run on May 4, 2010, there is one active mining claim onsite, the New Gold Spot No. 1, located at the Blackhawk Mine site, in the SE¼ of section 11. On April 29, 2010, BLM personnel met onsite with one of the co-claimants, Elwin Gardner, and two of his associates, to agree on which AML shafts and pits BLM would backfill, and which ones the claimants would install barbed wire fences around as temporary mitigation, prior to making decisions about which could be permanently reclaimed without interfering with their mining activities onsite. Mr. Gardner said he's planning to file many other mining claims onsite, and has already fenced several AML shafts outside of the New Gold Spot No. 1 claim.
- Cultural clearances have been completed for the site. No historic features would be impacted by the proposed backfilling. 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 on the sites to be backfilled, according to wildlife surveys completed by biologists from BLM and the Arizona Game & Fish Dept.

**D: Signature**

Authorizing Official: \_\_\_\_\_/s/\_\_\_\_\_ Date: \_\_\_\_05/04/2010\_\_\_\_\_

(Signature)

Name: Steven Cohn

Title: Field Manager, Hassayampa 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.