

Documentation of Land Use Plan Conformance and NEPA Adequacy (DNA)

U.S. Department of the Interior
Bureau of Land Management (BLM)

Note: This worksheet is to be completed consistent with the policies stated in the Instruction Memorandum entitled “Documentation of Land Use Plan Conformance and National Environmental Policy Act (NEPA) Adequacy” transmitting this worksheet and the “Guidelines for Using the DNA Worksheet” located at the end of the worksheet. (Note: The signed CONCLUSION at the end of this worksheet is part of an interim step in the BLM’s internal analysis process and does not constitute an appealable decision.)

A. BLM Office: Lower Sonoran Field Office **Lease/Serial/Case File No.** AZA-35329
Proposed Action Title/Type: 43 CFR 3600 Mineral Material Sale
Location of Proposed Action: T. 4 S., R. 8 E., Sec. 12, SE¼, Sec. 13, NE¼; T. 4 S., R. 9 E., Sec. 7, SW¼, Sec 18, NW¼; GSRM
Description of the Proposed Action: New contract for the production and sale of 500,000 tons (basalt tonnage equivalent of 200,000 cubic yards) of basalt, cinders, caliche, and fines from existing quarries and stockpiles on Federal surface / Federal minerals. This contract replaces expiring contract AZA-34612 and allows for continued operations at the site.
Applicant (if any): Arizona Pacific Materials II

B. Conformance with the Land Use Plan (LUP) and Consistency with Related Subordinate Implementation Plans

LUP Name* Proposed Phoenix Resource Management Plan and Final EIS
Date Approved 9/29/89
LUP Name* Metropolitan Phoenix Mineral Management Program Guidelines
Date Approved January 1995
Other document** _____ Date Approved: _____
Other document** _____ Date Approved: _____
Other document** _____ Date Approved: _____

*List applicable LUPs (e.g., Resource Management Plans or applicable amendments).
**List applicable activity, project, management, water quality restoration, or program plans.

The proposed action is in conformance with the applicable LUPs because it is specifically provided for in the following LUP decisions:

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 decisions (objectives, terms, and conditions) and, if applicable, implementation plan decisions:

Proposed Phoenix Resource Management Plan and Final Environmental Statement dated August 29, 1989, which states on page 14: "sales of mineral materials to the public would continue to be administered on a case by case basis under regulations in 43 CFR 3600."

C. Identify the applicable NEPA document(s) and other related documents that cover the proposed action.

List by name and date all applicable NEPA documents that cover the proposed action:

Environmental Assessment AZ-020-2003-0019, Arizona Pacific Materials, Mineral Materials Sale, Pinal County, Arizona, approved November 17, 2004.

List by name and date other documentation relevant to the proposed action (e.g., source drinking water assessments, biological assessment, biological opinion, watershed assessment, allotment evaluation, rangeland health standard's assessment and determinations, and monitoring the report).

N/A

D. NEPA Adequacy Criteria

1. Is the current proposed action substantially the same action (or is a part of that action) as previously analyzed?

Documentation of answer and explanation:

Yes. Proposed action is substantially the same as previously covered in Environmental Assessment AZ-020-2003-0019.

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

Documentation of answer and explanation:

Yes. Proposed action is consistent with actions previously covered and reviewed in Environmental Assessment AZ-020-2003-0019.

3. Is the existing analysis adequate and are the conclusions adequate in light of any new information or circumstances (including, for example, riparian proper functioning condition [PFC] reports; rangeland health standards assessments; Unified Watershed Assessment categorizations; inventory and monitoring data; most recent Fish and Wildlife Service lists of threatened, endangered, proposed, and candidate species; most recent BLM lists of sensitive species)? Can you reasonably conclude that all new information and all new circumstances are insignificant with regard to analysis of the proposed action?

Documentation of answer and explanation:

Yes. The proposed action is consistent with actions previously covered and reviewed in Environmental Assessment AZ-020-2003-0019.

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 are 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. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action?

Documentation of answer and explanation:

Yes. Proposal is the same as previously reviewed. All lands and resources affected under the new contract were included and addressed under EA AZ-020-2003-0019. The new contract is a continuation of current existing activities.

5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA document(s)? Does the existing NEPA document sufficiently analyze site-specific impacts related to the current proposed action?

Documentation of answer and explanation:

The direct and indirect impacts of the current proposal are substantially unchanged. Proposed actions are a continuation of those previously covered in Environmental Assessment AZ-020-2003-0019. No new areas are involved as all affected lands were covered by the existing EA.

6. Can you conclude without additional analysis or information that the cumulative impacts that would result from implementation of the current proposed action are substantially unchanged from those analyzed in the existing NEPA document(s)?

Documentation of answer and explanation:

Yes. The cumulative impacts of the current proposed action is unchanged because actions will continue to be similar as that previously covered in Environmental Assessment AZ-020-2003-0019.

7. Are the public involvement and interagency review associated with existing NEPA document(s) adequately for the current proposed action?

Documentation of answer and explanation:

N/A. Previous NEPA document did not require public involvement or interagency review.

E. Interdisciplinary Analysis: Identify those team members conducting or participating in the preparation of this worksheet.

<u>Name</u>	<u>Title</u>	<u>Resource Represented</u>
<u>David Eddy</u>	<u>Geologist</u>	<u>Minerals</u>

F. Mitigation Measures: List any applicable mitigation measures that were identified, analyzed, and approved in relevant LUPs and existing NEPA document(s). List the specific mitigation measures or identify an attachment that includes those specific mitigation measures. Document that these applicable mitigation measures must be incorporated and implemented.

See attached stipulations.

CONCLUSION

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

Note: If one or more of the criteria are not met, a conclusion of conformance and/or NEPA adequacy cannot be made and this box cannot be checked

DECISION. I have reviewed this plan conformance and NEPA compliance record and have determined that the proposed project is either (a) in conformance with or (b) clearly consistent with terms, conditions, and decisions of the approved land use plan and that no further environmental analysis is required. It is my decision to implement the project, as described, with the mitigation measures identified below.

Mitigation Measures/Other Remarks: See attached stipulations

/s/ Emily Garber
Authorized Official

03/10/2010
Date

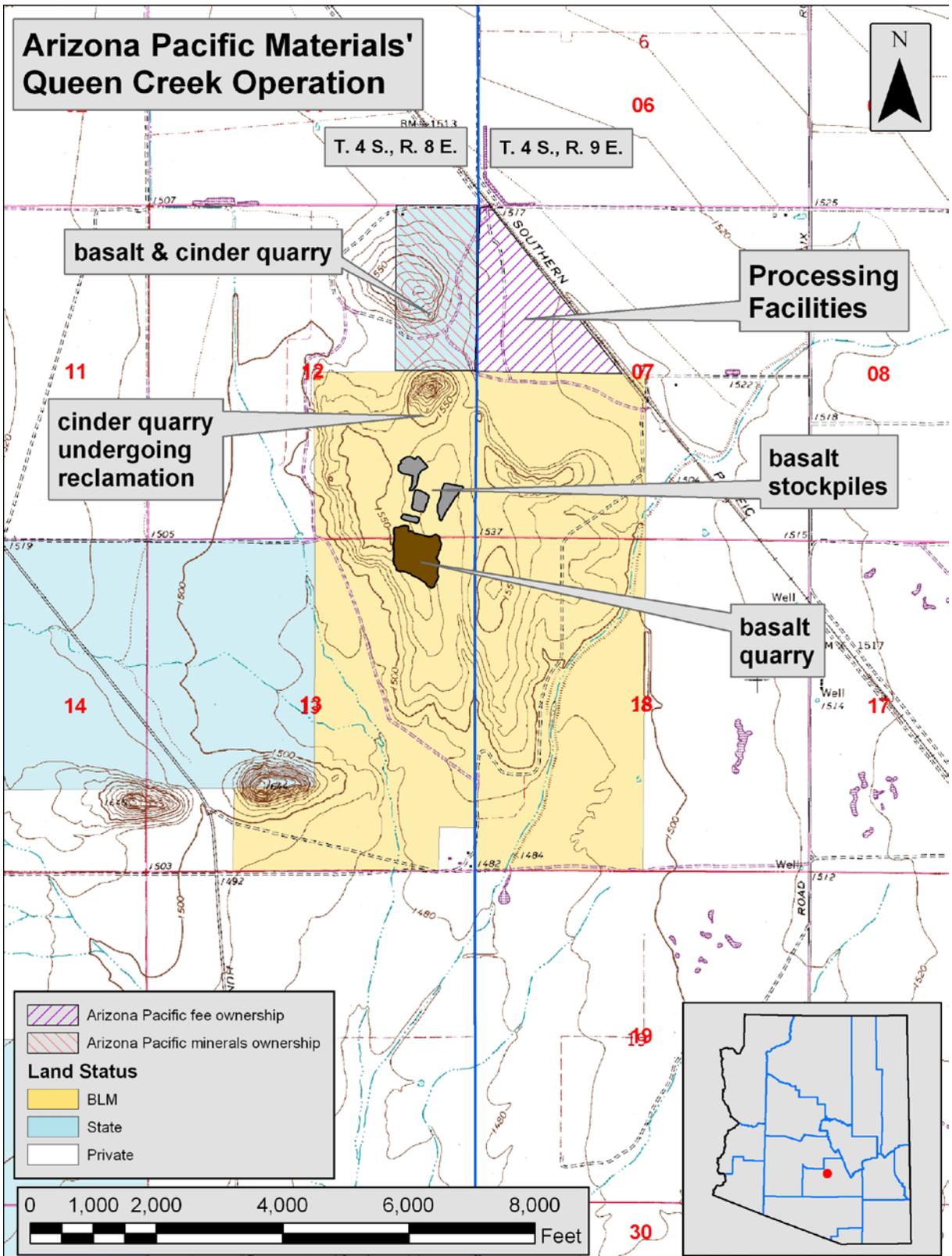


Figure 1. Location map of operations.

Special Stipulations, Contract AZA-35329

1. Mining at the subject mine site shall be in conformance with Arizona Pacific Materials' plan of operations dated March, 2004 and/or any subsequent plans or amendments approved by the Bureau of Land Management, Phoenix District Office. Arizona Pacific Materials (the purchaser) will obtain and keep current and in good standing all permits required by the various City, County, State, and Federal agencies and will abide by stipulations as set forth in said permits. Purchaser will comply with all applicable Federal, State, County, and City pollution standards and permits.
2. The purchaser 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.
3. BLM's authorization does not imply that Federal approval has been granted to the purchaser or their customers the right to transport trucks and rock products across any property or roads owned or controlled by the various Cities, Counties, State, Federal (lands other than those covered by the contract), or private entities. Purchaser and/or their customers shall be held liable for any damages to such property.
4. BLM's approval of the purchaser's proposed 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.
5. Any previously unknown cultural and/or Paleontological resource (prehistoric or historic site or object) discovered by the holder, or any person working on his 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 holder 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. Known archaeological site AZ U:15:35(ASM) as shown on Figure 3 of the SWCA archaeological survey of the project area shall be avoided completely and a suitable fence or other barrier shall be erected in place of the current flagging to protect the site. Known archaeological sites AZ U:15:433-436(ASM), also on Figure 3 of the SWCA survey, shall be avoided to the maximum extent possible. If areas encompassed by these sites are required for mining, disturbance may occur only following adequate data recovery by an approved entity. Details of the various requirements regarding cultural resources can be gotten through coordination with a Phoenix Field Office archaeologist.
6. Access to the materials site area shall be provided to BLM in order to conduct routine inspections of the extraction and removal of minerals, for the review of production records and sales data, 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 company.
7. The monthly production and royalty is due BLM at this office as outlined in Sec. 3(b) of the contract and shall be reported as follows:

- A list shall be provided to BLM showing all sales of materials mined and transported. Listing shall include the date, the customer's\ buyer's name, the invoice number, product description and product weight in tons. A total weight shall be indicated for the month reported.

- If no sales occur during a particular month that should also be indicated by submitting a statement that there were no sales across the scales that month.

8. The purchaser 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 purchaser'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 approved Plan of Operations, the reclamation guidelines as found in the Metropolitan Phoenix Mineral Materials Program Guidelines, 1995, and Bureau of Land Management Handbook H-3041-1, Solid Mineral Reclamation Handbook.

10. Solid waste will be disposed of in accordance with local laws. The applicant 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 purchaser must have prior approval and the necessary authorizations issued by the State of Arizona.

- The purchaser 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 purchaser 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 purchaser 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.