LOWER SONORAN FIELD OFFICE
NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)
COMPLIANCE RECORD FOR CATEGORICAL EXCLUSIONS (CX)

Proposed Action Title/Type:
Issue of Mineral Materials Exploration Permit under 43 CFR 3600

NEPA#: DOI-BLM-AZ-P020-2010-006
Related#: AZA-35153

Location of Proposed Action: T. 2 S., R. 3 W., Sec. 6 (part), G&SRM, Arizona

Description of Proposed Action: Applicant (Kilauea Crushers) requests mining and removal of mineral materials in sufficient quantity for sampling and testing for purposes of meeting engineering specifications. Approximately 2000' of new road to provide access to the site is also requested. Disturbance at the exploration site will be less than one acre. If material is not suitable, reclamation will be in accordance with accepted practice and applicable regulation. If material is suitable, applicant will apply for an amendment to their existing mineral materials sale for the site. Total new surface disturbance from the exploration will be less than five acres. Proposal attached.

PART I - PLAN CONFORMANCE REVIEW. This proposed action is subject to the following land use plan: *Name of Plan:* Lower Gila South RMP & EIS. *Decision and page no.*: p. 2, "Demand for saleable minerals would be met by sales or free-use permits on a case-by-case basis." *Date approved*: 06/1988. This proposed action has been reviewed for conformance with this plan (*43 CFR 1610.5-3, BLM Manual 1601.04.C.2).*

PART II - CATEGORICAL EXCLUSION DETERMINATION

A. Verification of Listing: This proposed action qualifies as a categorical exclusion under Department Manual 516 DM 11.5F(9) - Digging of exploratory trenches for mineral materials, except in riparian areas.

And

B. Exception Review: 516 DM 2, Appendix 2 provides for the review of the following criteria to determine if exceptions apply to this project.

IMPORTANT: Appropriate staff should determine exception, comment and initial for concurrence. If exceptions apply to the action or project, and existing NEPA documentation does not address the exception, then further NEPA analysis is required.

CRITERIA	COMMENT (yes/no)	STAFF INITIAL
1. Have significant impacts on public health or safety.	NO	DLE
2. 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.	NO	DLE
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].	NO	DLE
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	NO	DLE
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.	NO	DLE

6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	NO	DLE
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.	NO	See attached clearance
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.	NO	See attached clearance
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.	NO	DLE
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).	NO	DLE
11. 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).	NO	DLE
12. 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).	NO	DLE

PART III - SIGNATURES FOR COMPLIANCE

PREPARER: /s/ 1/27/2010 DATE:

PART IV - DECISION. I have reviewed this plan conformance and NEPA compliance record and have determined that the proposed project is in conformance with 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: Special Stipulations attached.

APPROVING OFFICIAL: /s/ 1/27/2010 DATE:

Special Stipulations, Exploration Permit AZA-35153

1. Exploration at the subject site shall be in conformance with the request submitted by the permittee dated September 3, 2009, any subsequently approved amendments to that request, and in accordance with the stipulations herein after set forth. The permittee 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. Permittee will comply with all applicable Federal, State, County, and City pollution standards and permits.

2. The permittee shall take fire precaution and conservation measures and shall dispose of slash or other debris resulting from operations authorized hereunder in accordance with instructions from the Authorized Officer.

3. The Bureau of Land Management's (BLM) authorization does not imply that Federal approval has been granted to the permittee or their customers the right to transport trucks, equipment, or products across any City, County, State, Federal, or private property or roads. Permittee or their customers shall be held liable for any damages to such property.

4. BLM's approval of the permittee's proposed plan 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 cultural and/or paleontological resource (prehistoric or historic site or object) discovered by the permittee, 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 permittee 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.

6. In order to assure that impacts to this site are avoided, a barrier fence shall be constructed around site AZ T:10:236(ASM).

7. The permittee 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 permittee's use or occupancy of the lands described in this plan, or with the activity authorized under this permit.

8. The area will be reclaimed in accordance with the applicants plan, the Metropolitan Phoenix Mineral Materials Program Guidelines 1995, and H-3041-1 Solid Mineral Reclamation Handbook, and all applicable laws and regulations.

9. Solid waste will be disposed of in accordance with local laws. The permittee 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.

10. Prior to removal or relocation of any protected plants, the permittee must have approval and the necessary authorizations as issued by the State of Arizona.

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

11. If noxious weeds or invasive plants are detected during an inspection, the permittee 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.

12. All saguaro cactus and trees over 10 feet tall should be avoided during exploration activity to minimize impacts to wildlife habitat, specifically migratory birds. If they cannot be avoided, vegetative clearing associated with the proposed action should be conducted between November 1 and February 1 to comply with the Migratory Bird Treaty Act. Any impacted saguaro cactus should be transplanted out of the immediate area.

13. As per 43 CFR 3601.30(b), you must submit your sampling and testing findings to BLM.

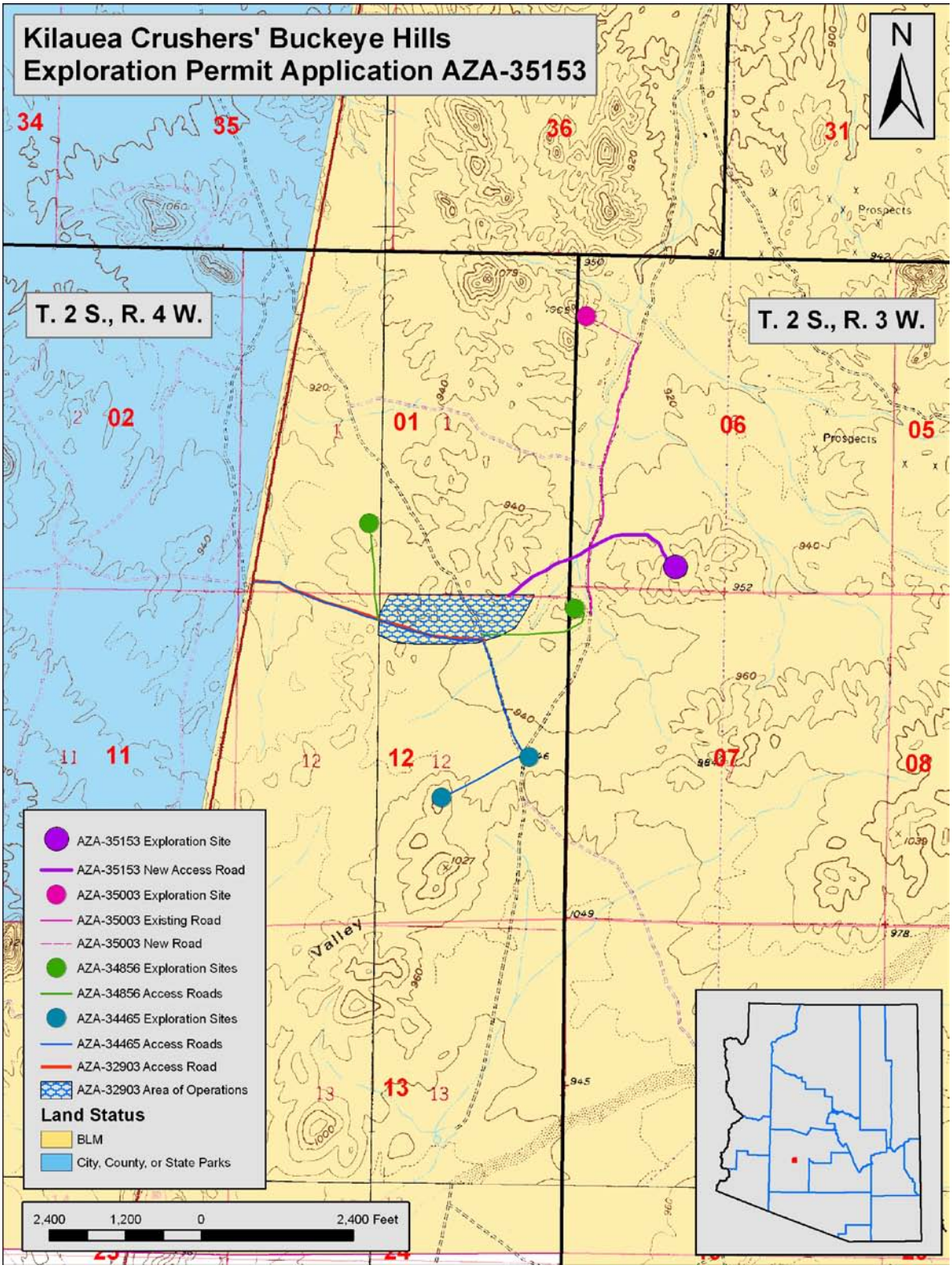

Figure 1. Map showing location of subject area.