

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

OFFICE: Arizona Strip Field Office

TRACKING NUMBER: DOI-BLM-AZ-A010-2010-0001-DNA

CASEFILE/PROJECT NUMBER: AZA-35206

PROPOSED ACTION TITLE/TITLE: Request for Occupancy Concurrence

LOCATION/LEGAL DESCRIPTION: G&SRM, T. 41 N., R. 2 E., Section 29 NESW

APPLICANT (if any): DIR Exploration, Inc.

**A. Description of the Proposed Action and any applicable mitigation measures**

DIR is conducting exploration work on the BLM portion of the Buck Pasture Canyon and Coyote Buttes 7 ½ minute quadrangles, and would like to use an area of less than 0.2 acres on one of its prospects as a base camp. The location is north of the Kaibab National Forest and outside of the areas segregated from locatable mineral entry and proposed for withdrawal by the Department of the Interior. The camp would be used during the two-year segregation period and removed seasonally, during winter months, when road and field access become too difficult to permit reasonable rates of work progress. Presently, DIR is only conducting “casual use” level exploration activities.

Initially, there would be one geologist using the camp. Equipment used at the camp would consist of a small water trailer, a small travel trailer, a pickup truck, and a portable toilet. It is possible that in several months an additional geologist would be stationed at the same camp. In that case, a second pickup truck would be added to the camp site equipment assemblage, along with two 8' x 10' wall tents and a second portable toilet. Waste accumulated in the portable toilets would be disposed of in a trailer sewage dump site located in Fredonia.

The major reasons for this request is DIR's desire to minimize daily travel times and distances to and from DIR's various project sites within the exploration area, and the historical inability of the company to locate large equipment storage facilities in either Fredonia or Kanab. The proposed camp site is located on one of DIR's lode claims within Section 29, T. 41 N., R. 2 E., G&SRM (See the attached map). The existing access is less than 0.1 miles in length and ends in a small radius turn-around. Advantages to this camp site to DIR include its proximity to the well-maintained access route to the southern part of the BLM portion of Buck Pasture Canyon 7 ½ quadrangle, the excellent digital phone signal available at this particular location, and very easy and short access to three of DIR's exploration projects.

**Performance Measures:** (From - Selected Actions for Mining Claim and Millsite Use and Occupancy in Arizona, PROGRAMMATIC ENVIRONMENTAL ASSESSMENT, November 1997)

- 1. Facilities and Equipment:** All facilities and equipment on a mining claim or millsite must be appropriate and reasonably incident to prospecting, mining, or processing

operations. All equipment and facilities must be presently operable, subject to the need for reasonable assembly, maintenance, repair, or fabrication of replacement parts. Facilities, methods and equipment must be appropriate to the terrain, mineral deposit, and stage of mineral development. BLM will utilize the Compliance Assessment - Safety, Health, and the Environment Protocol Manual for the Bureau of Land Management and/or the Safety and Health Management BLM Manual Handbook (H1112-1) for guidelines for the inspection of facilities (excluding residential facilities) on a mining claim.

All structures used and/or occupied by a mining claimant or operator must be noted in the 3715 filing. Any structures that existed before the subject regulations, not claimed on a 3715 filing may become, at the discretion of management, the property of the United States. If an operator/claimant claims the right to possess and use a pre-existing building on his/her claim, and if this structure is determined by BLM to be historically significant, BLM may require the operator/claimant to restore the structure to its condition prior to the use or occupancy. If at any time, reasonably incident activities cease, and inspections by BLM personnel reveal that observable on-the-ground activities have stopped, BLM may terminate the concurrence and order all or part of the use and occupancy to stop and be removed from the public lands. Single structures for the storage of compatible chemicals and housing of equipment or supplies will be encouraged over the use of several small outlying structures when practical.

Temporary structures such as tents, campers, or trailer homes will be encouraged over the use of permanent structures such as buildings, homes or cabins. When practical, you must use flat lying areas, with low erosion potential, as the preferred site for all facilities. All operations must have at least one (1) ABC type fire extinguisher on site at all times. BLMs written concurrence for the occupancy must be kept on the mine property and presented to any BLM personnel requesting to see it. All operations must be kept neat, clean and free of debris. The facilities must present a safe work environment for the employees and facilities must be constructed to meet all applicable electrical, mechanical, safety and public health codes and/or regulations. All operations must be conducted in strict accordance with all applicable Occupational Safety and Health Administration (OSHA) and Mine Safety and Health Administration (MSHA) regulations and the Arizona Mining Code administered by the Arizona State Mine Inspector (ASMI).

2. **Vehicles:** All automobiles and motor homes on mining claims or millsites must have current registration. All off-highway motor vehicles (any motorized vehicle when operated off of highways on either land, water, snow, or ice) must have current registration if used on roads outside of the mining claim. BLM off-highway vehicle designations must be followed outside of the mining claim. In addition, the claimant or operator will allow no vehicle or piece of equipment to be parked or positioned in a way that impedes the normal flow of traffic.
3. **Structure Condition:** The exterior of all buildings (including roofs) and trailers on public lands and other related outdoor structures must be in good physical condition, well maintained, well painted or otherwise treated to protect against deterioration and kept

clean and in good repair. BLM may specify paint colors to limit visual impacts. The operator is responsible to insure that all structures meet State, county, or local electrical, mechanical, safety and public health codes.

- 4. Chemical Storage:** All chemicals must be stored, according to Department of Transportation standards, in approved containers with proper labeling. Rusted, dented, leaking or otherwise damaged containers must be removed from the public lands. All buildings used for the storage of chemicals must be placarded and storage of process reagents in quantities exceeding a 30 day supply will not be allowed without additional NEPA analysis. When the claimant/operator requests a process chemical inventory that does not exceed a 30 day supply the claimant/operator must demonstrate the need for the inventory requested in the 43 CFR 3715 filing. This restriction does not apply to household chemicals or chemicals stored in quantities less than the CERCLA reportable quantity (40 CFR 302). Chemical and fuel storage facilities on public lands must be used to store only those chemicals and fuels essential for mining, milling, and processing operations occurring on the public lands. Incompatible chemicals must be protected from each other and stored in a manner that does not present a hazard. All operations must be conducted in strict accordance with all applicable Occupational Safety and Health Administration (OSHA) and Mine Safety and Health Administration (MSHA) regulations and the Arizona Mining Code administered by the Arizona State Mine Inspector (ASMI). Operators must submit a complete list of all the chemicals they plan to store on their claims or millsites with Material Safety Data Sheets. BLM through its inspection program, will monitor operations to see that only essential chemicals, in appropriate quantities, are stored on site.
- 5. Fuel and Petroleum Product Storage:** All petroleum product storage tanks and barrels, placed above ground, must be in a bermed area. The bermed area must be lined with an impervious lining. The bermed area must be able to contain 110% of the capacity of the tank(s) and/or barrels. Facilities that store 1320 gallons of oil or more or 660 gallons in a single tank must have a Spill Prevention Control and Countermeasures Plan (SPCC) 40 CFR 112.20 (a). These plans must be developed and then approved by a registered professional engineer. The SPCC plan must determine if the facility can cause substantial harm to the environment. If it does, then a Facility Response Plan is also required.
- 6. Mobile Homes:** No permanent foundations will be erected for mobile homes. No mobile home will have an enclosed deck or add-on room. Porches may be installed, but any porch will be easily removable from the mobile home. Porches will not be enclosed with any material, except for screening. Roll-up sunshades are also permitted. Mobile homes must have at least 10 feet between them.
- 7. Authorized Number, Types and Uses:** The mine operator will not exceed the number or type of structures specified in the approved 3715 filing. All structures must be removed within the time frames stated in the 3715 filing. The operator/claimant must furnish the BLM a copy of the Aquifer Protection Permit before operations begin, whenever an APP is required. BLM will coordinate with the claimant or operator to ensure that the number of people required residing on a mining claim or mill site will be

sufficient to perform the tasks of mining and/or milling and to provide for site security. BLM will also work with the claimant or operator to insure that only the number of people required for operations and site security will be in residence (making a home) on the claim at any time. Based on this consultation and the subsequent environmental analysis, BLM will specify the maximum number of people, including family members, that can reside on the claim for more than 14 days in any 90 day period.

- 8. Beginning operations:** As required by Titles 18 and 27 of the Arizona Administrative Code, the claimant or operator must submit a Notice of Start-up, Move, or Stop for Portable Equipment and Mine Operations whenever operations begin, move or are suspended. It is the operator's responsibility to send BLM a copy of the written notification from the Arizona State Mine Inspector that this form was received.
- 9. Tanks:** Liquid Petroleum Gas storage, used for household purposes, will not exceed one hundred and twenty five (125) gallons at each mobile home, cabin, or house. Each tank will be installed, mounted, and maintained in a way that meets all applicable safety code provisions. At a minimum this means chained to the structure.
- 10. Appliances and Yard Furniture:** Except water softeners, evaporative coolers and air conditioners, no household appliances of any kind will be installed or stored outside of a structure. Only furniture designed and constructed for exterior use is permitted outdoors. Tables, grills, and fire-containing devices will be repaired as necessary to assure proper function, rigidity, support and appearance.
- 11. Fire Prevention:** Consistent with all applicable laws and subject to reclamation, vegetation must be cleared for a minimum distance of:
  - a. 30 feet from all structures.
  - b. 15 feet from any site on which a fire will be built and flammable ground litter must be cleared for at least a 5 foot radius around the fire.
  - c. 15 feet from any site where welding, grinding, or any other spark producing operation will be performed.
  - d. Spark arrestors must be used on chainsaws, quad-runners and motorcycles.
- 12. Grounds:** Grounds will be well maintained, safe, uncluttered, and free of litter and debris. All operations will provide a clean, and maintained view for the public from any roadways or thoroughfares by which the public may approach or pass mining operations on BLM lands.
- 13. Pets:** Nonessential animals and/or free-roaming pets or animals are not allowed.
- 14. Waste and Sewage Handling and Removal:** The term "waste" as used herein means all discarded matter including, but not limited to human waste, trash, garbage, refuse, petroleum products, ashes and equipment. Refuse will be stored in receptacles that have covers and lids, are painted, undented, waterproof, and both vermin and raven proof. Wastes will be disposed of in accordance with local laws. This should be an ongoing effort and unused equipment, trash, refuse, and litter should be removed periodically to

maintain the highest aesthetic standards achievable during mining operations. The mine operator will provide an effective system for the collection and disposal of garbage and trash. This will be done by contracting with a trash removal firm, or with appropriate public entities, or through self efforts of the operator or any combination of these methods as directed by the Field Manager. Wastes shall be disposed of in a sanitary landfill unless otherwise approved by the Field Manager. All sewage treatment facilities will be constructed and operated in accordance with all necessary permits utilizing accepted engineering practice and procedures. The operator/claimant must have a septic permit from the county in which the septic system is located before the system can be operated.

- 15. Public Signs:** Public signs for which the operator is responsible must be appropriately located, accurate, attractive and well maintained. Permanent signs will be prepared in a professional manner, consistent with BLM standards and must be approved by BLM before installation.
- 16. Mine Wastes:** If mined materials are removed from the public lands for processing, it will be the responsibility of the claimant or operator to insure that wastes generated in processing these materials are not hazardous materials or toxic wastes, if such wastes are to be returned to the public lands for disposal. BLM, at the discretion of the Field Manager, may require sampling of the wastes and subsequent analytic procedures to verify that such wastes are not hazardous materials or toxic wastes. The claimant or operator will pay the costs of sampling and analytic procedures.
- 17. Explosive Storage:** All explosive storage, regardless of the class of explosive or the amount stored inside the magazine, shall meet the requirements of the Arizona Revised Statutes Title 27.
- 18. Fences:** BLM will attempt to keep the public lands open to public entry at all times. But, where public health and safety are a primary concern or it is essential that access be limited to protect valuable mining equipment or supplies from theft or loss, BLM will authorize the placing on public lands of fences, gates, and signs to limit public access. Where public safety is a paramount concern, BLM may, at the discretion of the Field Manager, use administrative procedures to formally close the lands to public entry using the procedures specified by 43 CFR 8364. Where fences, gates, and signs must be built and maintained for site security or for public safety, the BLM will determine, through a site inspection that such enclosures are reasonable. Should the claimant or operator be ordered to build and maintain fenced enclosures or post signs by either MSHA, OSHA or the SMI, the claimant must provide written proof of such an order to BLM before authorization is given and actual construction can begin. All fences and gates will be constructed to protect livestock and wildlife in the area. Exact specifications for fences and gates will be developed on a site specific basis using information obtained in the biological assessment performed by BLM. Minimum requirements for fences are in the BLM Manual Handbook H-1741-1, Fencing. Whenever fences, gates, or signs are placed on the public lands, BLM, will require the claimant or operator to post public directions on the fence or gate showing routes to public lands around or behind the fenced

enclosure. The exact nature of the posting to be used will be decided on a case by case basis by the Field Manager. Whenever locked gates are used, BLM will require the claimant or operator to give BLM a key or use a system of double locks.

**19. Reclamation:** Regulations at 43 CFR 3809.1-1, require that all operations will be reclaimed. Occupancy site reclamation will include, but is not limited to, complete removal of all structures, regrading, replacement of topsoil or growth medium and establishing native vegetation to establish a diverse, effective, and permanent vegetative cover to reflect the post mining land use. All reclamation operations will be conducted in accordance with the BLM Solid Mineral Reclamation Handbook (H-3042-1).

**Actions and Activities Not Allowed:** (From - Selected Actions for Mining Claim and Millsite Use and Occupancy in Arizona, PROGRAMMATIC ENVIRONMENTAL ASSESSMENT, November 1997)

1. The cultivation of crops and establishment or garden plots.
2. Activities including animal maintenance or pasturage. This includes the construction of corrals, chicken coups, kennels and stables.
3. The development of small trade or manufacturing concerns, hobby and curio shops, cafes, tourist stands, and hunting and fishing camps.
4. The storage, treatment, processing, or disposal of non-mineral, hazardous or toxic waste that are generated elsewhere and brought onto the public lands.
5. Any activities involving recycling or reprocessing of manufactured material such as scrap electronic parts, appliances, photographic film, and chemicals.
6. Searching for buried treasure, treasure trove or archeological specimens is strictly prohibited by the subject regulations.
7. Blocking access to the public lands through the placement of berms, wire cables, stones, vegetative debris or other materials placed on roads constructed on public lands.
8. Living in abandoned busses, truck trailers, other abandoned vehicles, adits, tunnels or caves.

**Mitigation Measures:**

1. A clean camp must be maintained, including proper disposal of microtrash.
2. California condors are highly susceptible to the effects of micro-trash. Micro-trash includes small and easily ingestible materials such as bottle caps, pull tabs, broken glass, cigarette butts, small plastic bits, lead bullets, and bullet casings, even food materials. The accidental ingestion of micro-trash is a leading threat to the continued existence of

the California condor. Additionally, old food materials can attract unwanted predators and scavengers such as coyotes to the site.

3. Sightings of California condors or visits by condors to the camp area should be reported to the BLM wildlife team lead.
4. No hazing or harassment of wildlife is permitted.
5. To the extent possible, trucks, trailers, and tents should be parked or placed in previously disturbed areas to avoid damage to wildlife habitat.
6. All machinery (street legal motorized vehicles, tractors, non-street legal all terrain vehicles, dirt bikes, etc) that has been used outside the Arizona Strip must be free of accumulated soil and plant parts (including the undercarriage) prior to their use on the Arizona Strip in order to prevent the possible introduction and spread of noxious weeds.
7. No camping is allowed within one-quarter mile of a water hole containing water, or human made watering facility containing water, to allow wildlife access to water.
8. Existing campfire circles must be used when they exist, rather than construct new ones. If no existing fire circles, sites should be selected that can be "naturalized" at departure. All reasonable precautions to prevent wild land fires must be taken and fires must be out and cold when camp is unattended. Wildfires should be reported immediately to the nearest BLM office
9. The regulations at 43 CFR 4140.1 prohibits: installing, using, maintaining, modifying, and/or removing range improvements without authorization; cutting, burning, spraying, destroying, or removing vegetation without authorization; damaging or removing U.S. property without authorization; littering; failing to reclose any gate or other entry during periods of livestock use; and interfering with lawful uses or users including obstructing free transit through or over the public lands by force, threat, intimidation, signs, barriers, or locked gates.
10. Conviction of violating federal or state statutes relating to the resources on public land (cultural, wildlife laws, etc.) may cause occupancy concurrence to be suspended or cancelled.

## **B. Land Use Plan (LUP) Conformance**

LUP Name\* Date Approved: Arizona Strip Field Office Resource Management Plan  
January 29, 2008

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):

- DFC-MI-01: Mineral exploration and development is encouraged on public land in keeping with the BLM's multiple-use concept. Overall guidance on the management of mineral resources appears in the Domestic Minerals Program Extension Act of 1953, the Mining and Minerals Policy Act of 1970, FLPMA of 1976, the National Materials and Minerals Policy, Research and Development Act of 1980, BLM's Mineral Resources Policy of May 29, 1984, and the Energy Policy Act of 2005.
- DFC-MI-03 - Locatable Minerals: Exploration and development of locatable mineral resources are provided for by the Mining Law of 1872. 43 CFR 3809 provides for mineral exploration and development while assuring that activities are conducted in a manner that prevents unnecessary or undue degradation, provides protection of non-mineral resources, and provides for reclamation of disturbed areas.
- DFC-MI-05 - Allow entire Arizona Strip FO to remain open to mineral leasing, location, and sale except where restricted by wilderness designation, withdrawals, or specific areas identified in this RMP.

The proposed action would be in conformance with the following management action in the Arizona Strip Field Office RMP, provided that appropriate authorization is given by the authorized officer based on results from information received under this DNA:

- MA-RR-12 - No person or persons shall occupy one area within the Arizona Strip FO for longer than 14 consecutive days in any 28-day period; however, extensions beyond the 14-day length of stay can be authorized for permitted uses on a case-by-case basis. Any site on public land within 30 air miles constitutes the same area for the purpose of this rule. Persons occupying a regular campsite within the Virgin River Canyon Recreation Area are exempt from this rule. To protect resources, for public safety, or for other administrative purposes, an authorized officer may, by posting notification, close a given site to occupancy.

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

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

1. Selected Actions for Mining Claim and Millsite Use and Occupancy in Arizona, PROGRAMMATIC ENVIRONMENTAL ASSESSMENT, November 1997

List by name and date other documentation relevant to the proposed action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).

**D. NEPA Adequacy Criteria**

**1. Is the new 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 existing NEPA document(s)? If there are differences, can you explain why they are not substantial?**

Documentation of answer and explanation:

The new proposed action is a feature of the existing NEPA document, it is addressed under Alternative One: The Proposed Action in the EA. It is number three of the seven types of occupancies analyzed in the EA which states:

“Placing on public lands and using residential structures as part of operations that are exempt from the Aquifer Protection Permit (APP) program, are general permitted or require an APP issued by ADEQ. These structures include tents, motor homes, campers, trailers, cabins, houses, guard shacks, and any other structures designed for and used as residences.”

The project is in the same analysis area (lands within Arizona where BLM administers both the surface and mineral estates) of the EA and there are no differences between the proposed action in the EA and the new proposed action.

**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?**

Documentation of answer and explanation:

The range of alternatives analyzed in the existing NEPA document is appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values.

The existing NEPA document analyzed the Proposed Action and the No Action Alternative. However, the No Action Alternative conflicts with the General Mining Laws, the Federal Land Policy and Management Act (FLPMA) of 1976 and the regulations enforcing it (43 CFR 3715 and 43 CFR 3809). In accordance with these laws and regulations, the claimant is granted rights to explore for, extract, and process, subject to regulations, the mineral resource for which he holds claim. The BLM can disallow proposed mining claim occupancies and mineral development activities only if they would violate applicable state and federal regulations and/or BLM standards. In such an instance, the BLM is then required to describe the changes in proposed activities needed to meet the requirements for development. It has been determined that the occupancy proposed by DIR would not violate any state/Federal regulations or BLM standards.

**3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, 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?**

Documentation of answer and explanation:

The existing analysis is valid. There is no new information or circumstances identified in the interdisciplinary review of this document that would substantially change the analysis of the new proposed action.

**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?**

Documentation of answer and explanation:

The direct, indirect, and cumulative effects that would result from the implementation of the new proposed action are identical to those analyzed in the existing NEPA document. Refer to the existing NEPA document for the description of these direct, indirect, and cumulative effects.

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

Documentation of answer and explanation:

Yes the public involvement and interagency review for the existing NEPA document are adequate for the current proposed action. Approximately 200 unsigned FONSI's and supporting EAs were mailed to other Federal Agencies, State Agencies, and County Agencies, the mining claimants that submitted grace period forms under the subject regulations and several concerned citizens. Additionally, a news release announcing the availability of the document was mailed to approximately 350 addresses including newspapers, publications, TV and radio stations, and other organizations. In accordance with 40 CFR 1501.4 (e), the BLM provided a 30-day comment period.

**E. Persons/Agencies /BLM Staff Consulted**

Name Title Resource/Agency Represented

Gloria Benson, Tribal Liaison / Bureau of Land Management  
Lorraine Christian, Field Manager / Bureau of Land Management  
Laurie Ford, Lands/Realty/Minerals / Bureau of Land Management  
Diana Hawks, Recreation/Wilderness/VRM / Bureau of Land Management  
John Herron, Cultural / Bureau of Land Management  
Lee Hughes, Special Status Plants / Bureau of Land Management  
Kitti Jensen, Wildlife/ T&E / Bureau of Land Management  
Ray Klein, GCPNM Supervisory Ranger / Grand Canyon-Parashant National Monument  
Linda Price, S&G / Bureau of Land Management  
Whit Bunting, Range/Vegetation / Bureau of Land Management  
Richard Spotts, Environmental Coordinator / Bureau of Land Management  
Ron Wadsworth, Supervisory Law Enforcement / Bureau of Land Management

LD Walker, Weed Coordinator / Bureau of Land Management

Sarah Reif, Habitat Specialist / Arizona Game and Fish Department

Andi Rogers, Habitat Specialist / Arizona Game and Fish Department

LeAnn Skrzynski, Environmental Program Director / Kaibab Paiute Tribe

Note: Refer to the EA 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 constitutes BLM's compliance with the requirements of the NEPA.

\_\_\_\_\_  
Lorraine M. Christian  
Field Manager

\_\_\_\_\_  
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.

Proposed DIR Exploration, Inc., Field Camp Location  
Buck Pasture Canyon 7 1/2 Quadrangle  
Section 29, T 41N, R 2E, G & SRM  
Camp area is on DIR BPCQ-27A Lode Claim

