

DECISION RECORD

EA Number: DOI-BLM-AZ-G020-2012-0057-EA

Serial/Case File No. AZA-036023

BLM Office: Tucson Field Office

Decision: It is my decision to select the proposed action which is to authorize a mineral material sale to MAG Exploration Services, Inc. at the Picacho Pit as described in the Mine Plan of Operation submitted by MAG Exploration Services, Inc. subject to the stipulations listed below.

Alternatives Considered: A “No Action” alternative was considered and analyzed. The No Action Alternative would not fulfill the purpose and need of the project.

Rational for Decision: The proposed action is generally provided for in the Phoenix RMP on a case-by-case basis. The environmental assessment dated May 08, 2013 analyzed the potential impacts to the environment and the public should the mineral material sale be authorized. A Findings of No Significant Impacts (FONSI) has been signed; therefore, there are no significant impacts to the environment that would require an environmental impact statement. By selecting the proposed action, the Tucson Field Office is implementing this portion of the Phoenix RMP. I have concluded that the mineral material sale is in the public interest. Therefore, pursuant to 43 CFR 3601, it is my decision to approve a mineral material sale under the mine plan of operations submitted by MAG Exploration Services, Inc. including the mitigation measures shown below.

Mitigation Measures/ Additional Stipulations:

1. MAG Exploration Services, Inc. shall obtain a Pinal County Air Quality Dust Permit and adhere to all applicable requirements of Pinal County Air Quality regulations. Dust control measures shall be applied to roadways as needed.
2. If in connection with operations under this authorization, any human remains, funerary objects, sacred objects, or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (16 U.S.C. 101-601; Stat. 3048; 25 U.S.C. 3001) are discovered, the operator shall stop operations in the immediate area of the discovery, protect the remains and objects, and immediately notify the BLM Tucson Assistant Field Manager for Resources of the discovery. The operator shall continue to protect the immediate area of the discovery until notified by the Assistant Field Manager that operations may resume.

Should any archaeological resources or vertebrate fossils be discovered during implementation of projects, all surface disturbing activities in the area of discovery shall cease and the Field Office archeologist shall be notified. The archeologist will evaluate the discovery and provide recommendations to the Assistant Field Manager for Resources. Surface disturbing activities shall not resume until permission is obtained from the Assistant Field Manager.

An additional cultural and/or paleontological resource survey may be required in the event the project location is changed or additional surface disturbing operations are added to the project after the initial survey. Any such survey must be completed prior to commencement of such operations.

3. MAG Exploration Services, Inc. shall construct fencing along the northwestern, northern, and eastern boundaries of the project site suitable for excluding desert tortoise from entering the project site. MAG Exploration Services, Inc. shall consult with BLM biologists concerning acceptable fencing methods.
4. MAG Exploration Services, Inc. shall train its employees and any sub-contractors working at the site on proper tortoise avoidance and handling procedures.
5. MAG Exploration Services, Inc. shall post and enforce a speed limit of not more than 25 miles per hour within the quarry operations area and along North Star Road for its employees.
6. In order to reduce the likelihood of domestic dog-tortoise encounters, MAG Exploration Services, Inc. shall enforce a ban on unleashed dogs within the project area.
7. MAG Exploration Services, Inc. shall provide to the BLM acceptable documentation that MAG Exploration Services, Inc. has obtained legal access for the use of the proposed access route across Arizona State Trust and private lands. The BLM will not issue a material sale contract to MAG Exploration Services, Inc. under this decision until such documentation is provided.
8. The width of the access road from North Star Mine Road to the pit shall not exceed twenty feet.
9. Cacti within the footprint of the access road shall salvaged and transplanted to nearby disturbed areas not subject to proposed mining activities.
10. MAG Exploration Services, Inc. shall consult with the BLM on proper seed mix and method of application for use in reclamation. The access spur from North Star mine Road to the pit area shall be ripped and re-seeded as part of mine reclamation.
11. MAG Exploration Services, Inc. must submit a monthly production report along with each royalty payment.
12. MAG Exploration Services, Inc. must measure tonnage using scales that are certified by the Arizona Department of Weights and Measures.

Appeals:

This decision may be protested or appealed under the procedures outlined in BLM Handbook 8720-1 Chapter IV (8) and 43 CFR Part 4 and the enclosed Form 1842-1.

/S/ Brian Bellew
Brian Bellew, Field Manager

June 3, 2013
Date

Attachments: Finding of No Significant Impact dated June 03, 2013
Environmental Assessment – DOI-BLM-AZ-G020-2012-0057-EA

FINDING OF NO SIGNIFICANT IMPACT

EA Number: DOI-BLM-AZ-G020-2012-0057-EA

Serial/Case File No. AZA-036023

BLM Office: Tucson Field Office

Finding of No Significant Impact:

I have reviewed the environmental assessment (EA), # DOI-BLM-AZ-G020-2012-0057-EA, dated May 08, 2013, prepared for the MAG Exploration Services, Inc. – Picacho Pit Mine Plan of Operation, and have found through the EA that there are no potentially significant environmental impacts caused by the proposed project. I have determined that the proposed action with the mitigation measures listed below will not have any significant impacts on the human environment and that an EIS is not required. I have determined that the proposed action is in conformance with the Phoenix Resource Management Plan approved in Record of Decision dated September 1989.

Below are the substantive reasons for finding no significant impact:

The proposed mineral material sale would take place within the footprint of a former material pit.

The access route utilizes existing roads and a partially reclaimed route. Cacti along route will be relocated to previously disturbed areas.

Fencing, employee education, speed limits, and a ban on unleashed dogs will reduce the likelihood of harm to the Desert Tortoise.

Attachments: NEPA#: DOI-BLM-AZ-G020-2012-0057-EA

/S/ Brian Bellew
Brian Bellew, Field Manager

June 3, 2013
Date

BUREAU OF LAND MANAGEMENT

TUCSON FIELD OFFICE

ENVIRONMENTAL ASSESSMENT

NEPA #

DOI-BLM-AZ-G020-2012-0057-EA

MAG EXPLORATION SERVICES INC.

PICACHO PIT MINERAL MATERIAL SALE,

MINING PLAN OF OPERATION

May 08, 2013

1. Introduction

- a. **Title:** MAG – Picacho Pit Mineral Material Sale, Mining Plan of Operation, DOI-BLM-AZ-G020-2012-0057-EA
- b. **Location:** T7S R10E Secs 7 and 8, Picacho Mts, Pinal County, AZ
- c. **Originating Office:** Tucson Field Office
- d. **Program:** 3600, Mineral Material Disposal, AZA-036023
- e. **Applicant:** MAG Exploration Services Inc.
- f. **Background:** MAG Exploration Services, Inc. has submitted a request to mine 185,000 tons of common variety decorative rock on twenty acres of public land at the site of the former Picacho Pit decorative rock pit. The Picacho Pit was reclaimed by Pioneer Materials, Inc. in October, 2011. Mining would take place within the footprint of the old Picacho Pit. Operations would include ripping, onsite crushing, and transport of materials. Access to the site would be via North Star Mine Road and via the re-opening and widening of a reclaimed road. The applicant has requested a five year contract. The area of the proposed mineral material sale is under mining claims held by Equinox Exploration Holding Corp.

2. Purpose and Need and Decisions to be Made

- a. **Purpose and Need:** Under 43 CFR 3601 the Bureau of Land Management (BLM) may dispose of common variety mineral materials via sale contracts. MAG Exploration Services, Inc. has requested a mineral material sale contract with the BLM. The BLM must evaluate the request and determine if the sale is in the public interest.
- b. **Decision to be made:** The BLM must determine if the sale of mineral materials at the former Picacho Pit to MAG Exploration Services, Inc. is in the public interest.

3. Scoping and Issues

- a. Scoping was conducted internally with the Tucson Field Office NEPA Team made up of subject experts in biology, cultural resources, range, recreation, and geology.
- b. The Tucson Field Office NEPA Team identified air quality, cultural resources, threatened or endangered species, rangeland health, road access, mineral resources, and vegetation as issues in need of evaluation with respect to the proposed action.

4. Proposed Action and Alternatives

- a. No Action: The proposed mineral material sale would not proceed. Reclamation of the former Picacho Pit would continue as vegetation becomes re-established.
- b. Proposed Action: 185,000 tons of common variety decorative rock would be mined on twenty acres at the site of the former Picacho Pit decorative rock pit. The life of the proposed mine is five years. The Picacho Pit was reclaimed by Pioneer Materials, Inc. in October, 2011. Mining would take place within the footprint of the old Picacho Pit. Operations would include ripping, onsite crushing, and transport of materials. Operations would be conducted during daylight hours, approximately eight hours per day. Access to the site would be via North Star Mine Road and via the re-opening and widening of a reclaimed road. Four truckloads of materials are expected to leave the site each day (eight one way trips per day)
- c. Conformance with Land Use Plan: The Picacho Pit is within the area covered by the Phoenix Resource Management Plan (RMP), 1989, which states that mineral material sales will be considered on a case by case basis. This proposed mineral material sale is in compliance with the Phoenix RMP.

5. Affected Environment

The Picacho Pit is located at the north end of the Picacho Mountains in the lower Sonoran Desert, maps 1 and 2. The former pit area is contoured and natural revegetation is underway in the processing area and pit area, figure 1. Crushed rock stockpiles remain on a portion of the operations area with more stockpiles on adjacent private land to the south. The Picacho Pit is a relatively isolated site. The nearest active mine is a small magnetite sand operation ten miles east of the Picacho Pit. The nearest other industrial/commercial facilities are the Brady Pump on the Central Arizona Project canal located four miles west of the Picacho Pit and a landfill located four miles to the southeast. The nearest residence is a ranch headquarters two miles east of the pit.

- a. Air Quality – Earthmoving activities in Pinal County are subject to regulation by the Pinal County Air Quality Control District and require a Dust Permit.
- b. Cultural Resources – The Picacho Pit was actively mined until 2010. Any cultural resources within the pit footprint are likely to have been obliterated by previous mining. The access road to the pit will utilize a previously disturbed area. Petroglyph sites exist within three miles of the project site.
- c. Threatened and Endangered Species – The project area is not within critical habitat for any listed species.

In a Federal Register Notice dated December 14, 2010, the U.S. Fish and Wildlife Service designated the Sonoran population of the Desert Tortoise,

Gopherus agassizii, as a candidate species under the Endangered Species Act. The area surrounding the Picacho Pit contains suitable habitat for the desert tortoise. The desert tortoise will be carried through for analysis though it is not yet a listed species.

- d. Rangeland Health – The project area is subject to the BLM’s Arizona Standards for Rangeland Health and Guidelines for Grazing Administration, approved April 28, 1997 which includes specific rangeland health metrics. Currently, drainage at the former pit site is internal with surface flows draining into the pit.
- e. Road Access – The proposed access route to the Picacho Pit from AZ Hwy 87 follows Houser Road, Brady Pump Road, and North Star Mine Road. Houser Road and Brady Pump Road are paved. North Star Mine Road is bladed but has not been maintained since the cessation of previous operations at the Picacho Pit in 2010.
The North Star Mine Road and the Brady Road north of the pump station cross Arizona State Trust land and private land. The BLM does not have a right of way along this route across this State Trust land nor the private land.
- f. Recreation – North Star Mine Road is used by recreationalists to access public lands and Arizona State Trust lands in the vicinity of the Picacho Mountains. Recreational uses include off highway vehicle operation, hunting, camping, wildlife viewing, and target shooting. No recreational use has been observed at the former Picacho Pit. The presence of material stockpiles remaining on BLM and adjacent private lands may lead recreational users to avoid the former pit area.
- g. Mineral Resources –Equinox Exploration Corp. holds mining claims on the project area. Equinox has signed a waiver specifically waiving any claim to mineral materials found on the subject claims. Mineral materials have been mined at the Picacho Pit under prior mineral material sale contracts.
- h. Vegetation – The local plant community is lower Sonoran scrub with palo verde and saguaro cactus the dominant larger plants. The reclaimed Picacho Pit is sparsely vegetated, primarily with grasses and small forbs. Invasive species were not observed at the project site.

6. Environmental Effects

- a. Air Quality
 - i. No Action – Re-vegetation of the former Picacho Pit would continue, providing ground cover to hold soils in place, reducing the generation of windblown dust.
 - ii. Proposed Action – Mining, crushing, screening, and hauling activities have the potential to generate dust. Pit operations will be subject to

Pinal County Air Quality regulations including the control of dust emissions. The MPO includes the use of water sprays on crushing, screening, and loading equipment will be used to reduce dust emissions. The pit would be reclaimed at the conclusion of the sale contract, including re-vegetation to reduce post-mining dust emissions.

- iii. Mitigation – In addition to the dust control measures outlined in the MPO, the operator will comply with the requirements of the Pinal County Air Quality permit.
- iv. Residual impacts – Even with best management practices in place for dust control, limited dust emissions are likely to occur during pit operations.

b. Cultural Resources

- i. No Action – Cultural resources will be un-affected under the no action alternative.
- ii. Proposed Action – The Picacho Pit and access road have been previously disturbed to the extent that any pre-mining cultural resources within the project footprint are likely to have been obliterated.
- iii. Mitigation – Terms of the contract will include stipulations to the effect that if the operator uncovers subsurface cultural resources during pit operations that the operator will halt operations in the vicinity of the discovery and notify the BLM. Operations in the vicinity of the discovery would not resume until the discovery was cleared by a BLM archeologist.
- iv. Residual impacts – None.

c. Threatened and Endangered Species

- i. No Action – Reclamation of the former Picacho Pit will eventually provide foraging habitat for the Desert Tortoise. Slope characteristics do not provide opportunities for borrow development.
- ii. Proposed Action – The proposed action would re-disturb ground in desert tortoise habitat. Mobile equipment could kill or injure tortoise that occur on site. Habitat quality is currently low so tortoise are not expected to occur on site other than in transit to more suitable habitat.
- iii. Mitigation – BLM has developed a set of measures designed to mitigate impacts to the desert tortoise and its habitat, Desert Tortoise Mitigation Policy, Instruction Memorandum No. AZ-2009-010, March 31, 2009. The following specific recommendations from that policy would be made stipulations of this proposed mineral material sale

contract. 1) Desert Tortoise fencing would be installed around the northwestern, northern, and eastern perimeter of the project area in order to prevent tortoises from entering the operational area. The southern boundary abuts a swath of bladed land that is likely already a barrier to tortoise travel. The area within the fenced area would be surveyed after fence construction to ensure no tortoise remained within. 2) Employees will be trained in tortoise avoidance and handling procedures, particularly in regard to haul road use and the potential for tortoise mortality due to haul traffic and other mechanized operations. The primary goal of this training is tortoise avoidance. 3) The operator will post and enforce a speed limit for the operator's employees of not higher than 25 miles per hour in the operations area and along North Star Mine Road. 4) In order to reduce the likelihood of domestic dog-tortoise encounters the operator will enforce a ban on unleashed dogs within the operations area. The Mitigation Policy includes provision for compensation for lost tortoise habitat. This provision is not applicable to the proposed action as the project site is outside of categorized Desert Tortoise habitat.

iv. Residual Impacts – None.

d. Rangeland Health

- i. No Action – The former Picacho Pit would continue to re-vegetate. Drainage of surface flows is expected to continue to be toward the pit for the foreseeable future.
- ii. Proposed Action – The pit area and access road will be temporarily disturbed by mining activities.
- iii. Mitigation – Reclamation of the project area will leave the area in a condition compatible with future multiple use.
- iv. Residual Impacts – None.

e. Road Access

- i. No Action – No changes from current conditions.
- ii. Proposed Action – An existing, 12-foot wide access road from North Star Road to the Picacho Pit would be widened to no more than 20-foot wide to accommodate haul traffic. The road would be approximately 750 feet in length and 16-20 feet wide. Truck traffic from the Picacho Pit would use North Star Mine Road, Brady Pump Road, and Houser Road to access AZ Hwy 87. Haul truck traffic is expected to be four round trips per day. In addition, pit employees are expected to make one round trip to the pit per day in a passenger vehicle.

The proposed route includes the use of roads for which BLM has no right of way. The BLM cannot authorize the use of these roads as the BLM does not have jurisdiction to do so.

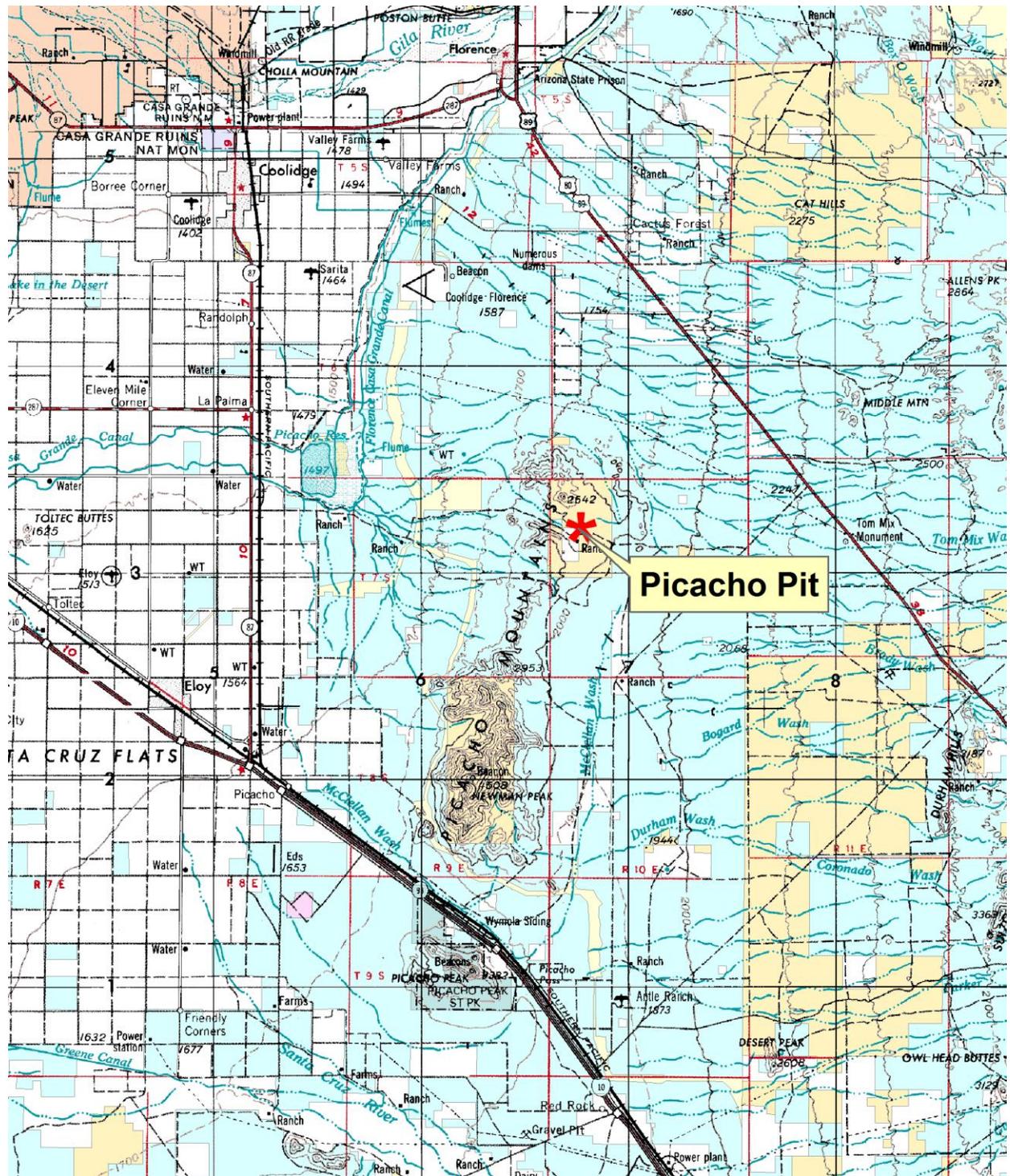
- iii. Mitigation – Prior to BLM issuing a mineral material sale contract, MAG Exploration Services, Inc. would provide documentation demonstrating that legal access across the State Trust and private lands along the proposed access route has been obtained.
- iv. Residual Impacts – None.
- f. Recreation
 - i. No Action – No changes to recreational use would occur as a result of the no action alternative.
 - ii. Proposed Action – Recreational use of the project area would be curtailed for the duration of the mineral material sale contract period and subsequent active reclamation period. Post reclamation recreational uses are expected to be similar to those uses taking place on adjacent public lands.
Haul truck traffic along the access route is expected to occur on weekdays and little impact on recreational users of North Star Mine Road are expected.
Noise from pit operations will likely be heard on adjacent public lands. Pit operations are expected to take place on weekdays therefore reducing impacts to recreational users.
 - iii. Mitigation – The reclamation plan will leave the site in a safe, stable condition.
 - iv. Residual Impacts – None.
- g. Mineral Resources
 - i. No Action – Mining would not take place. The area would remain open to future mining activities.
 - ii. Proposed Action – Mineral materials would be removed from the pit and sold. The current mining claimants have waived any perceived rights to mineral materials within the project site. Should the current mining claims covering the project area be abandoned during the contract period and new claims staked and filed, the rights of the claimants would be subordinate to the rights of the contract holders until the contract is terminated.
 - iii. Mitigation – None.
 - iv. Residual Impacts – None.
- h. Vegetation

- i. No Action – The former Picacho Pit would continue to re-vegetate, eventually being colonized by native species from adjacent undisturbed lands.
 - ii. Proposed Action – Vegetation in the existing pit consists of annual forb and grass growth covering less than 3% of the exposed pit. This vegetation would be removed as the pit is re-mined. Vegetation adjacent to the 750-foot long existing access/haul road would be removed in a 4-8 foot wide strip adjacent to the existing road. Vegetation removed in this 3,000 to 6,000 ft² area includes primarily creosote bush, triangle leaf bursage and small (<10-foot tall) palo verde trees; however, several cacti including 1- saguaro, and several barrel, stag horn cholla, teddy bear cholla, Christmas cholla, and hedgehog cacti are present. These cacti would be salvaged from the access road and would be transplanted to nearby disturbed areas not subject to proposed mining activities. Reclamation will include the reseeded of the project area with an appropriate native seed mix.
 - iii. Mitigation – The cacti described above would be salvaged from the access road and would be transplanted to nearby disturbed areas not subject to proposed mining activities. Reclamation will include the reseeded of the project area with an appropriate native seed mix. The access road leading from the pit to the North Star Mine Road will be ripped and reseeded as part of reclamation.
 - iv. Residual Impacts – Re-vegetation of the Picacho Pit will be delayed for the duration of the mineral material sale contract.
- i. Cumulative Impacts
 - i. CIAAs (Cumulative Impact Analysis Areas) – The Picacho Pit is a relatively isolated site. For the purposes of this analysis the CIAA is a radius of one mile about the pit for all resources other than road access. The basis for the one mile radius is that noise from pit operations is unlikely to carry beyond one mile. For road access, the CIAA is the access route from the pit to the junction of Houser Road and AZ Hwy 87. AZ Hwy 87 is heavily used by large trucks carrying agricultural and other products. The additive impacts of four round trip haul truck loads to current traffic on this highway would likely be very minor.
 - ii. Cumulative Actions - There are no other foreseen actions occurring within the CIAA for the Picacho Pit.
 - iii. Impacts of cumulative actions
 - 1. Incremental impact of no action – There are no expected cumulative impacts arising from the no action alternative.

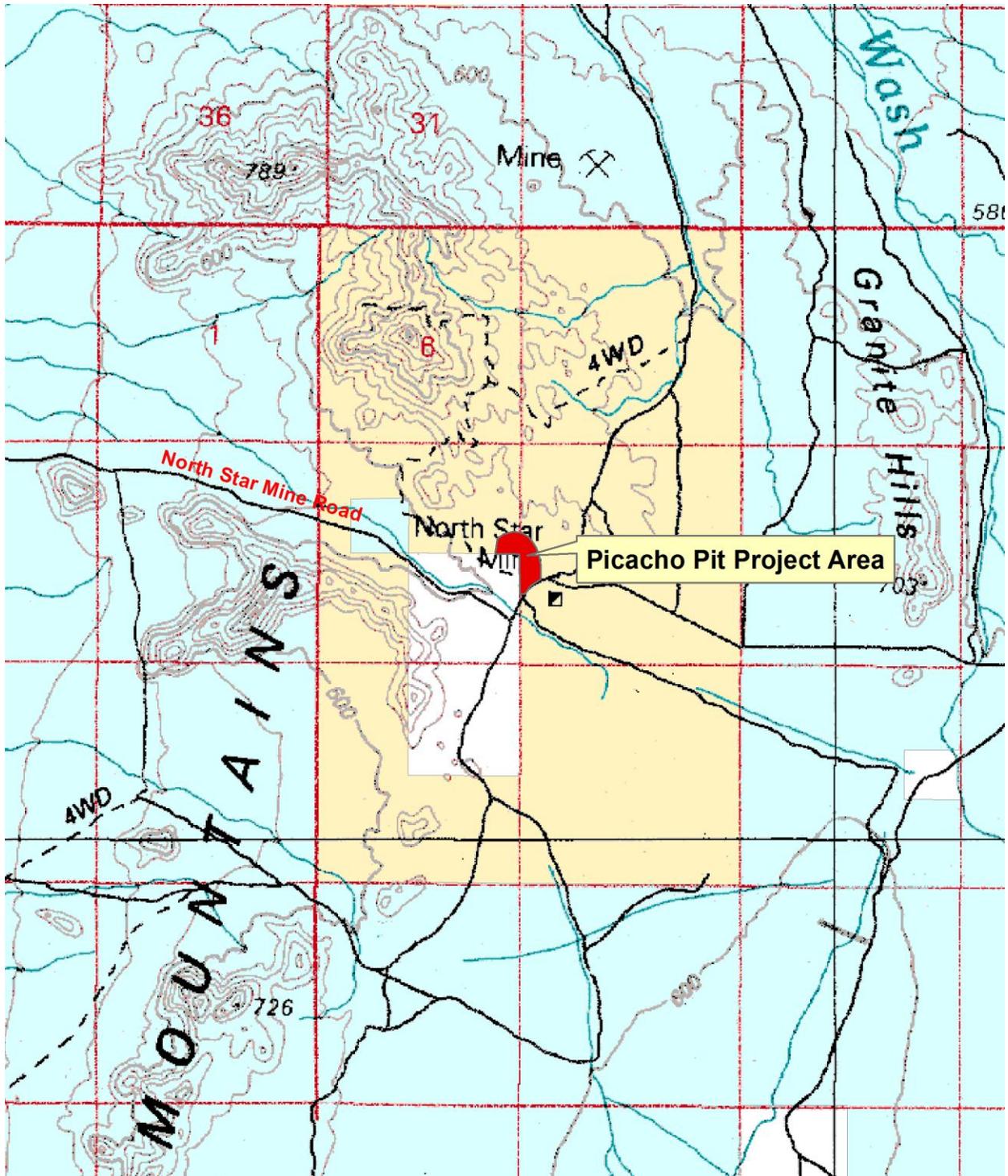
2. Incremental impact of proposed action – The proposed action may incrementally contribute to regional dust problems. Best management practices and adherence to Pinal County Air Quality regulations will mitigate this impact.

7. Consultation and Coordination

- a. Pinal County Public Works Department
 - b. Amy Sobiech, Archeologist, BLM – Tucson Field Office
 - c. Keith Hughes, Natural Resources Specialist, BLM – Tucson Field Office
- 8. List of Preparers** – Daniel Moore, Geologist , BLM – Tucson Field Office
- 9. Maps and Figures** – See attached.



Map 1. Picacho Pit Location Map



Map 2. Picacho Pit Area Map



Figure 1. Re-vegetation of the former Picacho Pit, photo date October 4, 2011