BLM

U.S. Department of the Interior
Bureau of Land Management

Categorical Exclusion

AML Safety Closures- Buena Vista (Midland Hills)

PREPARING OFFICE

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AML Safety Closures- Buena Vista (Midland Hills)

DOI-BLM-CO-F020–2015–0065 CX

Prepared by
U.S. Department of the Interior
Bureau of Land Management
Royal Gorge Field Office
Canon City, CO

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A. Background

BLM Office:

LL COF02000

Lease/Serial/Case File No.:

Proposed Action Title/Type: AML Safety Closures- Buena Vista (Midland Hills)

Location of Proposed Action:

Colorado, Chaffee County, Sixth Principal Meridian

T 14 S, R 78 W, Section 15

Applicant:

BLM

Description of Proposed Action:

The proposed action is to safeguard 3 hazardous openings related to historic mining east of Buena Vista off of County Road 304, near the Midland Trail (Fig. 1.1). The features are all shafts that are located within 20 feet of the county road in an area that includes some private homes as well as a heavily used trail system located within minutes of the town of Buena Vista (Fig 1.2).

Access to all features will use existing roads and where there are no existing roads; features will be accessed via cross country travel with an ATV or other tracked vehicle. The roads will be used intermittently using rubber mounted mini-excavators and ATV's to access the mines. The equipment will track on the existing roads, and no new road construction will be allowed. Routes will be seeded if needed. The Mini track loader is typically used to install safety closures. Road and/or trail improvements are not being considered and will not be authorized, except for light pruning of trees. If motorized vehicles are used, the number of trips will be minimized and all tracks created would be rehabilitated and seeded if necessary. Temporary barriers will be installed to keep vehicles off of any temporary access routes that might be visible after reclamation is complete until routes are fully reclaimed and no longer visible. In addition, any other soil disturbance associated with this reclamation work will be rehabilitated and reseeded as needed.

The proximity of this area to Buena Vista and nearby private residences warrants some additional considerations for reclamation of any routes that may be created during reclamation of these dangerous mine openings. The BLM will monitor the temporary routes periodically until routes are no longer visible, at this time temporary barriers may be removed or if routes show signs of use or are not reclaimed, the BLM will re-evaluate and have the ability to do further reclamation as necessary.

This is being done through a cooperative agreement with the Colorado Division of Reclamation, Mining, and Safety (DRMS). DRMS has done all project development and will oversee project construction. The BLM is responsible for notifying any unpatented mining claim owners of the proposed activity in accordance with WO IM 2010-0045.

Mine Feature Name	Feature Type	Proposed Closure Method
BV-101	Shaft	PUF and Backfill
BV-102	Partially collapsed shaft	Backfill and Grate
BV-103	Shaft	PUF and Backfill

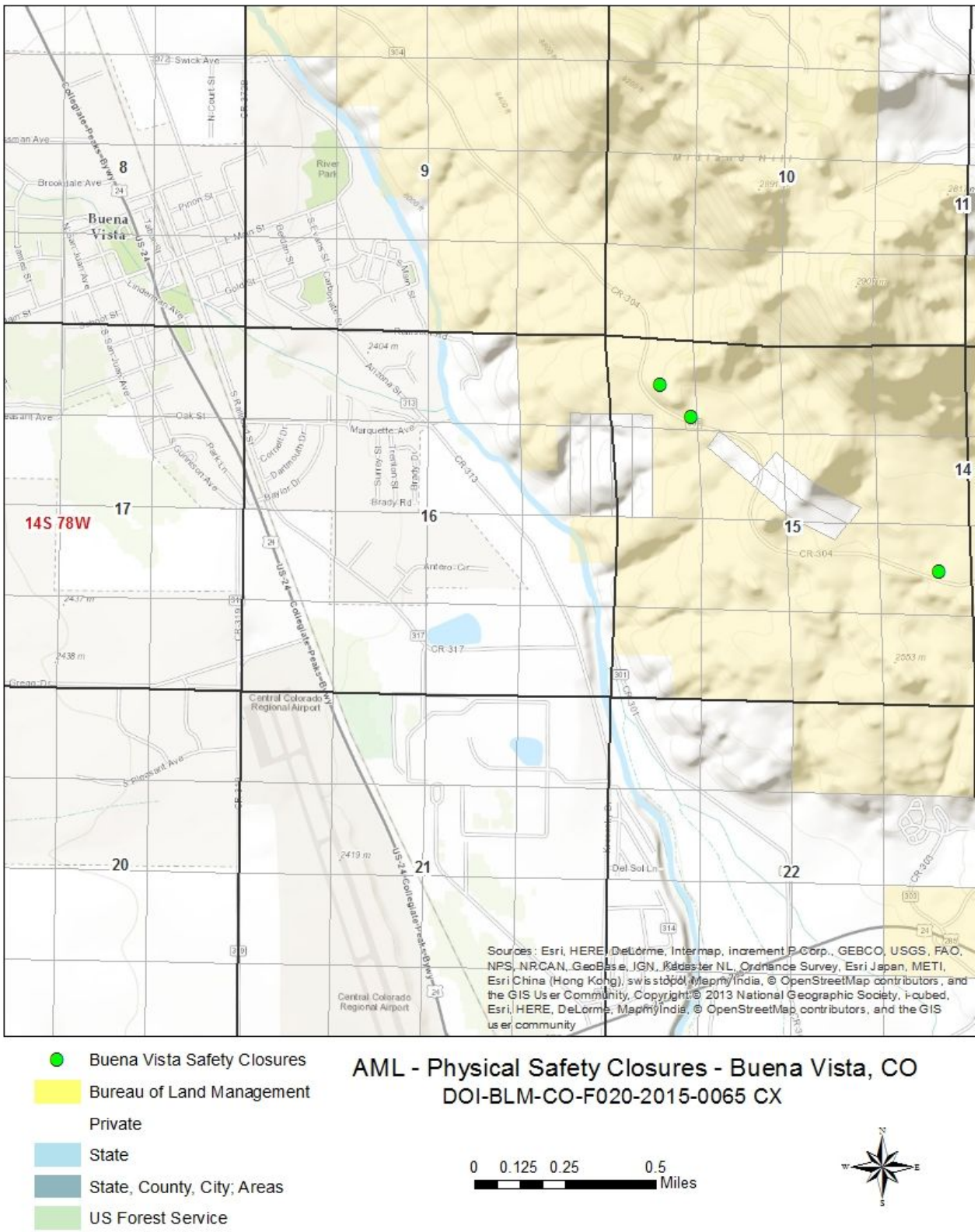

Figure 1.1. Map showing location of project area.

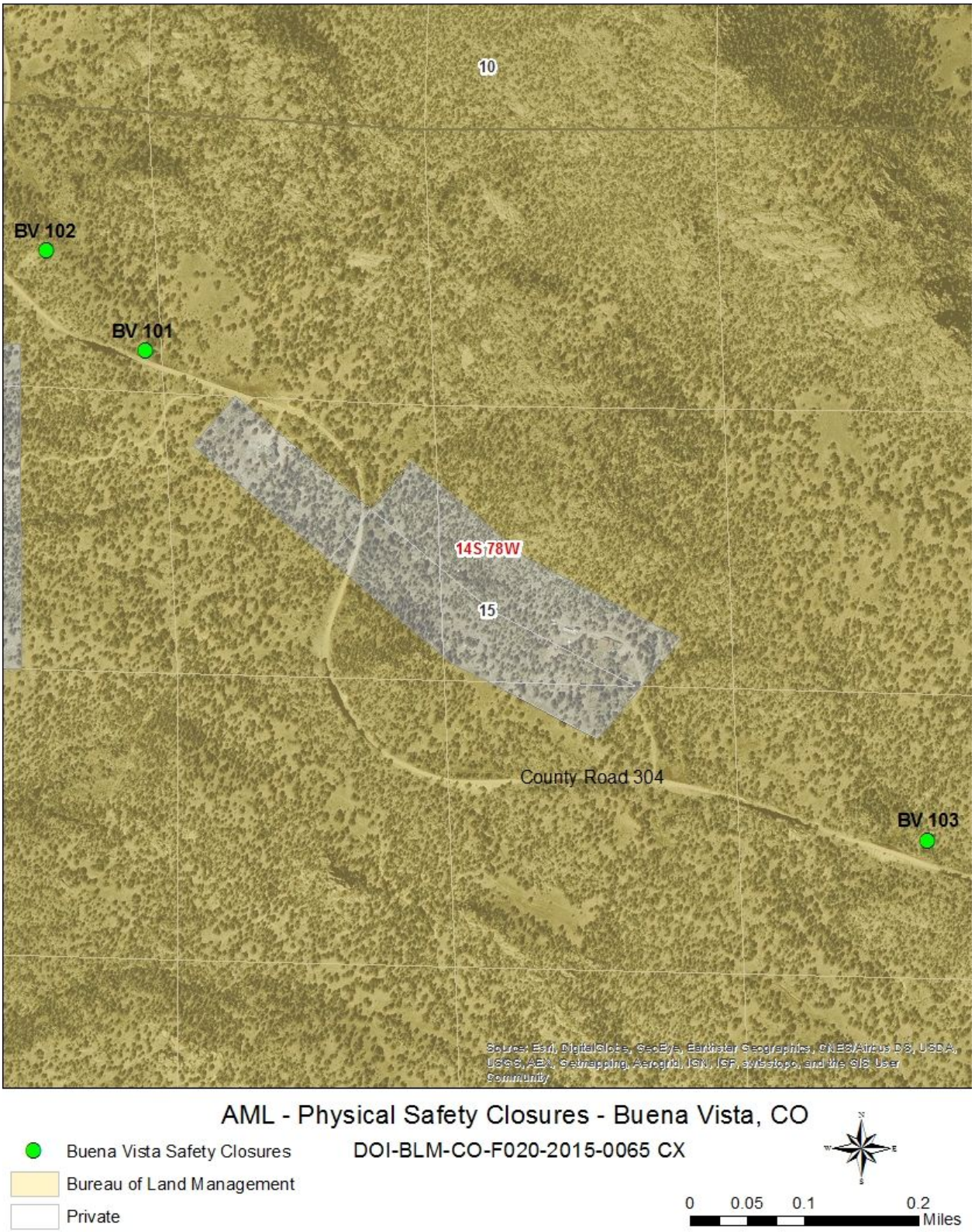

Figure 1.2. Map showing location of features to be closed along CR 304.

Chapter 1 Name
A. Background

Figure 1.3. BV-101

Figure 1.4. BV-102

Figure 1.5. BV-103

B. Land Use Plan Conformance

Land Use Plan Name:

Name of Plan: Royal Gorge Resource Area Management Plan

Date Approved: May 1996

Decision Number: Hazards Management-Managment Guidance/Assumptions Common to all eco-subregions

Decision Language: All hazard site/areas will be reviewed on a case-by-case basis and management will be the same in all eco-subregions. Managment of all other resources will always involve remediation/reclamation of known hazard sites.

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) :

C. Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 2, Appendix 1, or 516 DM 11.9.J (8). Installation of minor devices to protect human life (e.g. grates across mines).

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 DM 2 apply.

I considered:

CATEGORICAL EXCLUSION REVIEW: This proposed action is listed as a Categorical Exclusion in DOI Departmental Manual Part 516 Chapter 11.9.J (8). None of the following exceptions in 516 DM 2, Appendix 2, apply.

Table 1.1. Exclusion Criteria

Exclusion Criteria	YES	NO
1. Have significant impacts on public health or safety.		x
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; lands with wilderness characteristics; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.		x
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.		x
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		x
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		x
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		x

Exclusion Criteria	YES	NO
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.		x
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.		x
9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		x
10. Have a disproportionately high and adverse effect on low income or minority populations.		x
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.		x
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.		x

Table 1.2. Interdisciplinary Team Review

INTERDISCIPLINARY TEAM REVIEW			
NAME	**TITLE**	**AREA OF RESPONSIBILITY**	**Initials/date**
Lara Duran	Wildlife Biologist	Terrestrial Wildlife, T&E, Sensitive Species, Migratory Birds	LD, 8/13/2015
Jeff Williams	Range Management Spec.	Range, Vegetation, Farmland	JW, 7/29/15
Dave Gilbert	Fisheries Biologist	Aquatic Wildlife, Riparian/Wetlands	DG, 8/6/2015
Melissa Smeins	Geologist	Minerals, Paleontology, Waste Hazardous or Solid,	MJS, 9/14/2015
John Smeins	Hydrologist	Hydrology, Water Quality/Rights, Soils	JS, 7/24/15
Ty Webb	Fire Management Officer	Air Quality	TW, 7/27/15
Dave Parker	Cadastral Surveyor	Cadastral Survey	DP 10/19/2015
Kalem Lenard	Outdoor Recreation Planner	Recreation, Wilderness, LWCs, Visual, ACEC, W&S Rivers,	KL, 9/15/2015
Ken Reed	Forester	Forestry	KR, 7/20/15
Monica Weimer	Archaeologist	Cultural, Native American	MMW, 8/12/15
Rich Rotte	Realty Specialist	Realty	RAR,7/17/15
Steve Cunningham	Law Enforcement Ranger	Law Enforcement	NA
Ty Webb	Fire Management Officer	Fire	TW, 7/27/15

REMARKS:

Cultural Resources: Although cultural resources were found in the area of potential effect (see report CR-RG-16-28 P; 5CF2975–2978), no sites determined to be eligible for the National Register of Historic Places (NRHP) were found. Therefore, the proposed project will have no effect on any historic properties (those eligible for the NRHP).

Native American Religious Concerns: No possible traditional cultural properties were located during the cultural resources inventory (see above). There is no other known evidence that suggests the project area holds special significance for Native Americans.

Minerals: Prior to closing any mines, the BLM must notify any active mining claimants. As part of the process a notice is also posted at the site of the planned closures even when there are no

mining claimants on record in order to inform the individual that may be in the process of staking a claim. The notice is intended to inform claimants of the closure and to inform the claimant that any mining activity that includes use of an abandoned mine features is greater than casual use and therefore requires a plan or notice under the 1872 mining law. As of September 14, 2015 there are no active mining claims in the area. A notice will be posted on site at least 30 days prior to closure activity.

Threatened and Endangered Species: Of the federally listed threatened, endangered and proposed species that occur in Chaffee County, suitable habitat does not occur within 1/4 mile of the action area for Mexican spotted owl, Uncompahgre fritillary butterfly, or Canada lynx. There would be no direct or indirect effects to federally listed threatened, endangered or proposed species or their habitats. There would be no cumulative effects to these species or their habitats. Therefore, there would be NO EFFECT to federally listed threatened, endangered or proposed species. There is no need to consult with the US Fish and Wildlife Service. No mitigation measures would be necessary.

BLM Sensitive Species: Ten BLM sensitive species have suitable habitat within ¼ mile of the action area. There would be no direct, indirect or cumulative effects to BLM sensitive species. (See the biological report in the administrative record for details.)

Migratory Birds: Six migratory birds are listed as priority BLM species, bird species of conservation concern by Colorado Partners in Flight or are on the US Fish and Wildlife Service Birds of Conservation Concern (BCC) – 2008 List for BCR 16-Southern Rockies/Colorado Plateau. These species are believed to winter and/or breed in or near the project area, have declining populations and should be protected from habitat alterations.

The proposed closures would have minor and insignificant effects on Swainson's hawk, Virginia's warbler, flammualted owl or prairie falcon if present in the action area. Use of ground based mechanical equipment to fill in the shafts could disrupt breeding of broad-tailed hummingbird and green-tailed towhee; nests would remain unaffected but the equipment could cause the adults to flush from nests. It is not clear if such disturbance would have short term minor effects, or if this would cause nest abandonment. Mitigation measures are recommended because of this unknown. Since the direct or indirect effects to these migratory bird species would be very minor to no effect, there would be no cumulative effects from the proposed AML closures. Recommended mitigation: Conduct operations from September through May to avoid effects to breeding in migratory birds, particularly broad-tailed humming bird and green-tailed towhee.

Terrestrial Wildlife: Backfill and closure of these sites would benefit terrestrial wildlife, such as mule deer, that may fall into these shafts and disturbance from the use of ground based mechanical equipment would be a temporary nuisance.

Cadastral: Be aware land status is poor in this area. Please protect all land survey monuments and their accessories. If monuments need located contact the cadastral staff.

D. Approval and Contact Information

COMPLIANCE PLAN (optional):

NAME OF PREPARER: Melissa J. Smeins 10/26/2015

SUPERVISORY REVIEW: Jay Raiford 10/27/2015

NAME OF ENVIRONMENTAL COORDINATOR: /s/ Martin Weimer

DATE: 10/27/15

DECISION AND RATIONALE: I have reviewed this Categorical Exclusion and have decided to implement the Proposed Action.

This action is listed in the Department Manual as an action that may be categorically excluded. I have evaluated the action relative to the 10 criteria listed above and have determined that it does not represent an exception and is, therefore, categorically excluded from further environmental analysis.

SIGNATURE OF AUTHORIZED OFFICIAL: /s/ Patricia M. Bailey

Patricia M. Bailey, Acting Field Manager

DATE SIGNED: 12/8/15