

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

**Categorical Exclusion
AML-Physical Safety Closures-Potato Gulch**

PREPARING OFFICE

U.S. Department of the Interior
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Categorical Exclusion

AML-Physical Safety Closures-Potato Gulch

DOI-BLM-CO-F02-2015-0033 CX

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

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A. Background

BLM Office:

LL COF020000

Lease/Serial/Case File No.:

Proposed Action Title/Type:

Abandoned Mine Lands-Physical Safety Closures-Potato Gulch

Location of Proposed Action:

Boulder County, CO

Gold Run 6th PM, T1N, R72W, SENE Section 12

Potato Gulch 6th PM, T1N, R71W, Lot 84 Section 19

Applicant:

BLM

Description of Proposed Action:

The proposed action is an ongoing effort to safeguard hazardous openings related to historic mining within the perimeter of the Fourmile Canyon Fire. The Fourmile Canyon Fire burned parts of the Fourmile Canyon area west of Boulder, Colorado in the summer of 2010 (Fig. 1.1). These openings were either previously safeguarded and the protection was subsequently damaged by the fire or they were uncovered by the fire. There are 2 smaller areas of focus within the fire perimeter that are the Gold Run (Fig. 1.2) project area and the Potato Gulch project areas (Fig. 1.3). Openings include vertical and horizontal openings (shafts and adits respectively) that will be safeguarded either by backfilling with dump material that is on site or possible grate installation, as outlined in Table 1.1. Designs for all proposed closures adhere to the General Bid Specifications for the Colorado Inactive Mine Reclamation Program, Division of Reclamation, Mining & Safety, Department of Natural Resources, State of Colorado, March 2009.

Table 1.1. Hazardous Mine openings and proposed closure type.

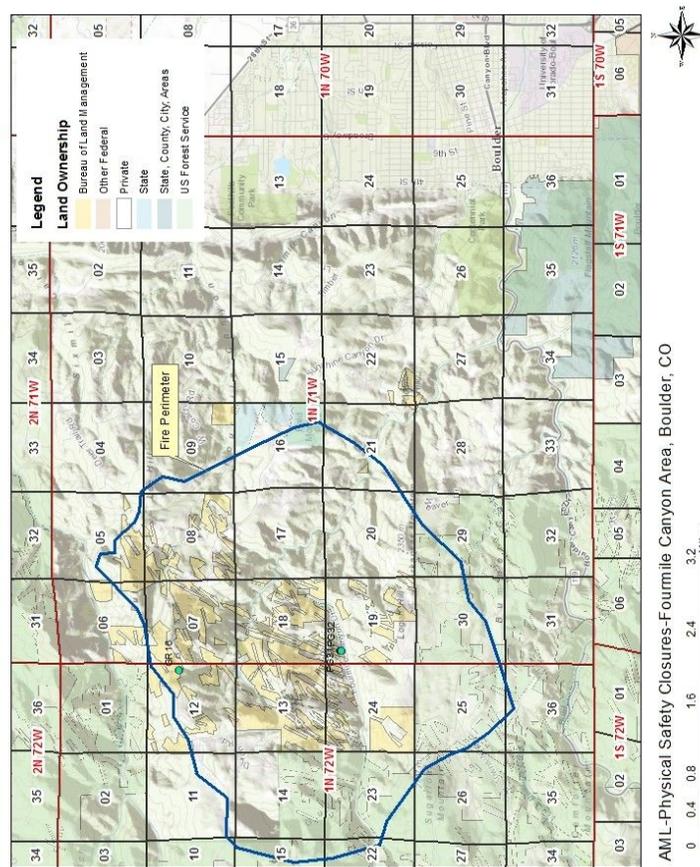
Mine Feature Name	Feature Type	Proposed Closure Method
Potato Gulch		
PG-31	Partially collapsed adit	Backfill
PG-32	Partially collapsed adit	Backfill
Gold Run		
GR-16	Partially collapsed shaft	Backfill

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. Road surfaces 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 a track is not sufficient to get equipment into a feature then a hand crew will be required. If motorized vehicles are used, the number of trips will be minimized and all tracks created would be rehabilitated and seeded if necessary. In addition, any other soil disturbance associated with this reclamation work will be rehabilitated and reseeded as needed. Access to some of the features involves the lower segment of the Blackhawk Gulch Road that is an eligible cultural resource. Vegetation will be cleared from the road prior to use. No improvements will be made to the road and only all-terrain vehicles will be driven on this road. Work will be done in the summer/fall 2015. The project includes features that will be closed on private land as well as BLM lands.

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.

Figure 1.1. Project Location



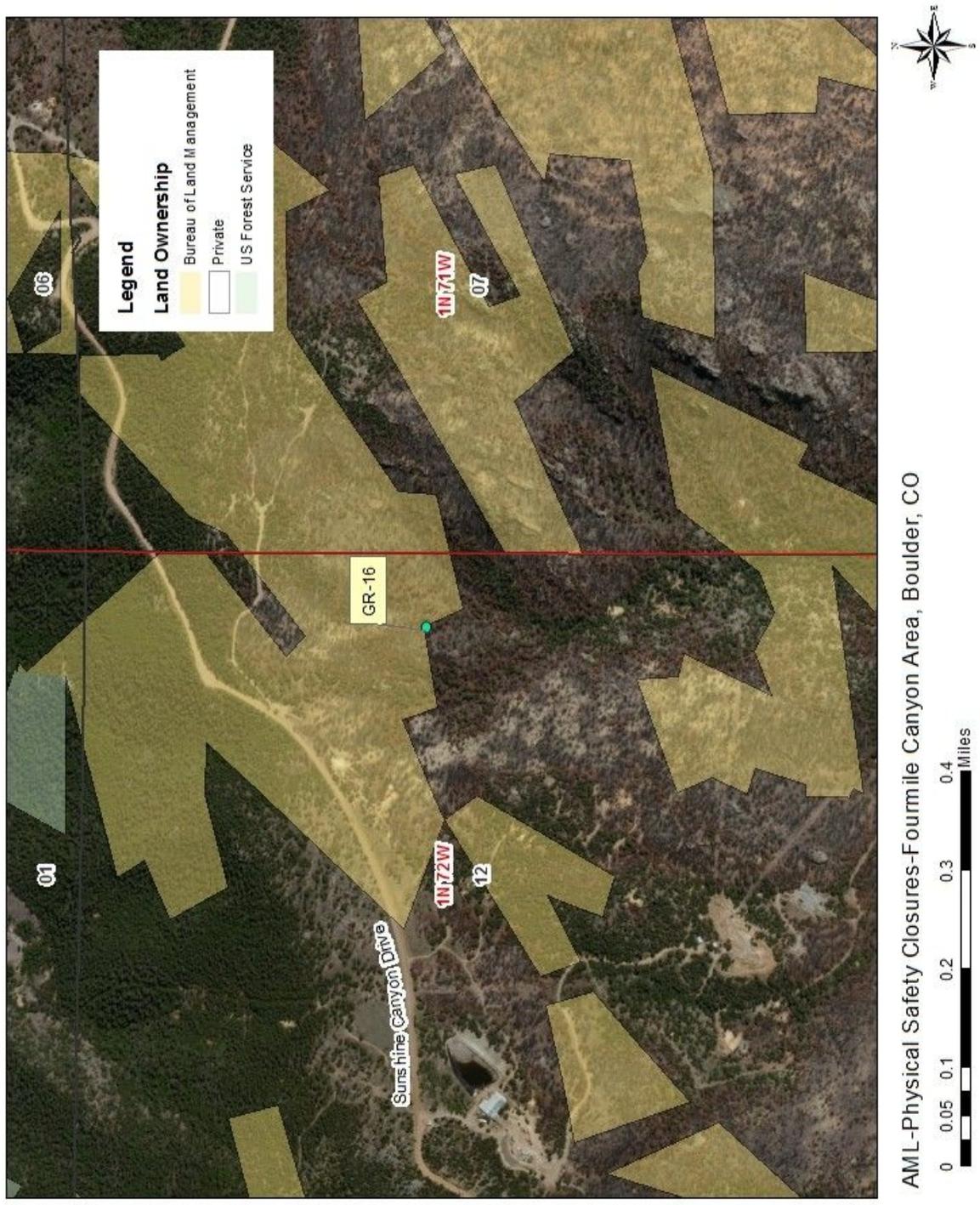


Figure 1.2. Map Showing location of GR-16

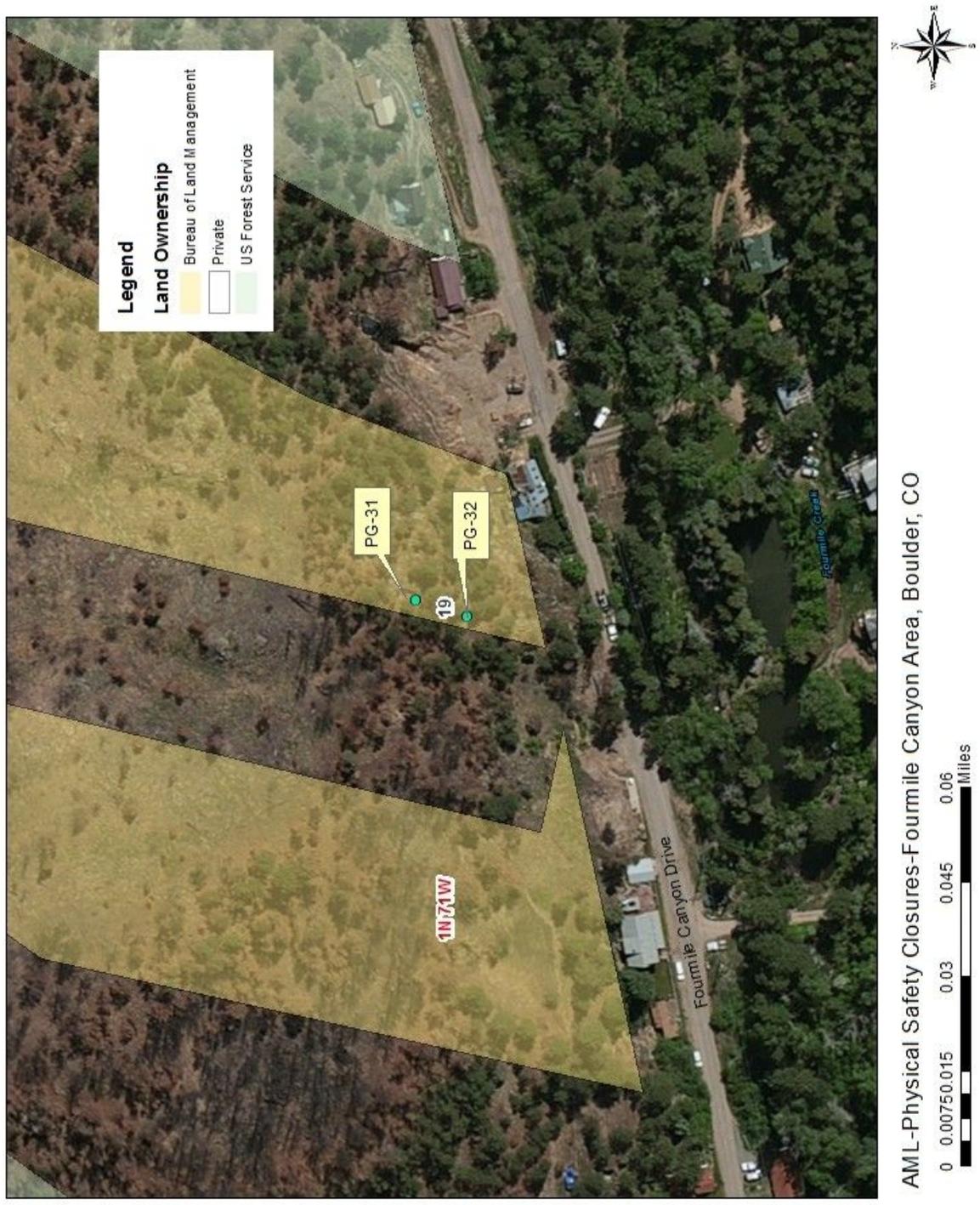


Figure 1.3. Map Showing location of PG-31 and PG-32

Chapter 1 Name
A. Background

B. Land Use Plan Conformance

Land Use Plan Name:

Name of Plan:

Northeast Resource Management Plan

Date Approved:

September 1986

Decision Number:

Zone 6, Unit 3, 17B –Geologic Features and Hazards

Decision Language:

Occurrence of significant geologic features or hazards is unknown on the 30,460 acres. Field investigations during the environmental analysis process and/or new information about features or hazards could change the classification to concern area. New information was found in 2010 after the Fourmile Canyon Fire and field investigations have been made to mitigate hazards.

Date Approved/Amended:

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):

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,

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 1.2. 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
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 1.3. Interdisciplinary Team Review

INTERDISCIPLINARY TEAM REVIEW			
NAME	TITLE	AREA OF RESPONSIBILITY	Initials/date
Matt Rustand	Wildlife Biologist	Terrestrial Wildlife, T&E, Migratory Birds	MR, 2/17/2015
John Lamman	Range Management Spec.	Range, Vegetation, Farmland, Weeds	JL, 02/04/2015
Dave Gilbert	Fisheries Biologist	Aquatic Wildlife, Riparian/Wetlands	DG, 2/17/2015
Melissa Smeins	Geologist	Minerals, Paleontology, Waste Hazardous or Solid	MJS, 5/21/2015
John Smeins	Hydrologist	Hydrology, Water Quality/Rights, Soils	JS, 2/11/15
Ty Webb	Fire Management Officer	Air Quality	TW, 2/17/15
Dave Parker	Cadastral Surveyor	Cadastral Survey	DP, 3/26/2015
Linda Skinner	Outdoor Recreation Planner	Recreation, Wilderness, LWCs, Visual, ACEC, W&S Rivers,	LS 2/17/15
Ken Reed	Forester	Forestry	KR, 2/9/15
Monica Weimer	Archaeologist	Cultural, Native American	MMW, 5/21/15
Richard Rotte	Realty Specialist	Realty	RAR, 02/05/2015

Chapter 1 Name
C. Compliance with NEPA:

INTERDISCIPLINARY TEAM REVIEW			
NAME	TITLE	AREA OF RESPONSIBILITY	Initials/date
Steve Cunningham	Law Enforcement Ranger	Law Enforcement	NA
Ty Webb	Fire Management Officer	Fire	TW, 2/17/15

REMARKS:

Cultural Resources: Cultural resources were found near the area of potential effect [see report CR-RG-15-76 P]. Sites 5BL11565, 5BL12047, 5BL13113 and IF 5BL13114 are not eligible for the National Register of Historic Places (NRHP). Although Site 5BL11607 is eligible for the NRHP, provided the proponent limits its activities to driving on the road and brush-clearing, no sites determined to be eligible for the will be adversely affected by this undertaking.

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.

Threatened and Endangered Species: The proposed action follows the recommendation of the CNHP 2013 AML Gate Evaluations report, retaining features that may provide suitable habitat for bats in Colorado. Threatened and/or endangered species will not be impacted as a result of this project.

Migratory Birds: To be in compliance with the Migratory Bird Treaty Act (MBTA) and the Memorandum of Understanding between BLM and USFWS required by Executive Order 13186, BLM must avoid actions, where possible, that result in a “take” of migratory birds. Pursuant to BLM Instruction Memorandum 2008-050, to reduce impacts to Birds of Conservation Concern (BCC), no habitat disturbance (removal of vegetation such as timber, brush, or grass) is allowed during the periods of May 15 - July 15, the breeding and brood rearing season for most Colorado migratory birds. The provision will not apply to completion activities in disturbed areas that were initiated prior to May 15 and continue into the 60-day period.

An exception to this timing limitation will be granted if nesting surveys conducted no more than one week prior to vegetation-disturbing activities indicate no nesting within 30 meters (100 feet) of the area to be disturbed. Surveys shall be conducted by a qualified breeding bird surveyor between sunrise and 10:00 a.m. under favorable conditions.

Cadastral: The area is comprised of antiquated from the early 1870’s to modern surveys. There is currently no GCDB on the mineral claims in the area creating unreliable land status. The mineral claim corners near the sites should be located for the purpose of locating land ownership in the area as well as protecting the corner monuments and their accessories.

Realty: All public lands in T 1N, R 71W, section 7 and 8 (all) and T 1N, R72W, sections 12 and 13 (all) and certain lots in section 24 including Lots 59-102, and 104-108 are segregated for exchange (COC-74223FD) and therefore are not open to the mining law. This segregation expires in July, 2016.

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 feature is greater than casual use and therefore requires a plan or notice under the 1872 Mining Law.

This area is segregated for a land exchange with Boulder County and therefore is not open to the mining law. If any mining claims are identified in the area that precede the segregation, the mining claimants on record will be notified via certified mail prior to any closures being constructed.

D. Approval and Contact Information

COMPLIANCE PLAN (optional):

NAME OF PREPARER: Melissa Smeins

SUPERVISORY REVIEW: /s/ Jay Raiford

NAME OF ENVIRONMENTAL COORDINATOR: /s/ Martin Weimer

DATE: 6/25/15

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/ Keith E. Berger

Keith E. Berger, Field Manager

DATE SIGNED: 6/26/15