



**United States Department of the Interior**  
BUREAU OF LAND MANAGEMENT  
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August 17, 2007

Instruction Memorandum No. WY-2007-034  
Expires 9/30/2008

To: Field Managers  
From: State Director, Wyoming  
Subject: Abandoned Mined Land Project

Following Washington Office directives we have identified a number of abandoned mine sites statewide which pose significant safety hazards for the public (Table 1). The Office of Inspector General conducted an initial investigation followed now by a formal audit of the AML program in various states. Sites posing a significant public safety hazard are a particular issue in this audit. Informally, the WO Solicitors Office has suggested that Bureau of Land Management (BLM) take prudent action to control public access to hazardous features at these sites, advise the public of these hazards, and reduce BLM's liabilities. To implement these measures the State Office is letting a task order under an existing contract with HazWaste Technologies Corporation to: visit listed sites having known public safety hazards (open shafts and adits), construct buck-and-pole barrier fences around these features, and post warning signs; and, visit listed sites lacking full inventory data to characterize the nature and significance of hazardous features at these sites and, as above, construct buck-and-pole fences and post warning signs. These barrier fences will be temporary in nature as these sites will be reclaimed as funding allows. The fences will just be set in place on the soil surface and their construction will not cause disturbance to the soil or vegetation. For that reason, the following guidance is issued for implementation of this priority project.

The State Office Project Managers and Environmental Protection Specialist have reviewed the proposed action and the conditions under which it would be implemented. Departmental Manual 516, Chapter 11.5, Part H, Categorical Exclusions, Paragraph (8) provides that the proposed action of "Installation of minor devices to protect human life (e.g., grates across mines)" may be excluded from additional environmental analysis. The BLM has determined that the proposed action would not individually or cumulatively have a significant effect on the quality of the human environment, and therefore, neither an environmental assessment nor an environmental impact statement is required. The proposed action would provide for public safety and conforms to all of the Resource Management Plans. Therefore, I have approved this action under the subject Categorical Exclusion.

As part of that approval, however, the project will still comply with State Historical Preservation Officer (SHPO) protocol. Pursuant to the Wyoming State Protocol between the BLM and the State Historic Preservation Office, construction of buck and pole fences to

remediate a health and safety issue around historic mine shafts, will fall under the actions exempt from case-by-case review found in Appendix B. Specifically item 22 (authorizing or installing devices to protect human or animal life that do not involve new surface disturbance) and item 26 (new fence construction and modifications of existing fence lines that do not require disturbance beyond placement of posts and will not result in concentrations of animals or creation of two track trails from vehicles) will apply. The SHPO has been contacted and agrees with this determination. In order to complete the Section 106 process, a records check of the applicable sections, as well as a CRMTracker entry for each location, should be sufficient. If an historic property is identified by the records check, it may be necessary to perform a field check. Enlarging the fenced area may also be necessary to accommodate the site. If additional mining locations are discovered and designated for fencing after the initial records check is completed, the Field Office will be notified and allowed time to conduct a subsequent records check. An additional CRMTracker entry will be necessary as well.

Considering the nature of this project and the issues it is addressing I ask that you give highest possible priority to completing the Section 106 process as described. Please contact Marty Griffith (775-6093) if you have any questions.

/s/Jane Darnell  
Acting

1 Attachment

1 – AML Site Inspection/Public Protection Project (4 pp.)