Categorical Exclusion Documentation Format for Actions Other Than Hazardous Fuels and Fire Rehabilitation Actions

Bumble Bee Area Bat Gates
DOI-BLM-AZ-P010-2013-0003-CX

A. Background

BLM Office: Hassayampa Field Office (HFO)
Lease/Serial/Case File No.: NA
Proposed Action Title/Type: Bumble Bee Area Bat Gates
Location of Proposed Action: Five AML sites near Bumble Bee, AZ

Description of Proposed Action: Based on recommendations from the Arizona Game & Fish Dept., BLM and Bat Conservation International (BCI) would install bat gates on one open shaft and five open adits, located on public lands at five different sites along Bumble Bee Road, near Bumble Bee, AZ. The sites to be gated are: 1) AZ9N2E16002; 2) AZ9N2E16003; 3) AZ10N2E07001; 4) AZ10N2E21001; and, 5) two features at the Hidden Treasure Mine. Gating the AML features would significantly improve public safety for people recreating at these easily accessible sites, as the associated physical safety hazards would be securely mitigated. The bat gates would be designed, fabricated and installed by BCI. All relevant mining claimants have already been contacted, and they do not object to the proposed actions. The five sites to be gated are:

BLM Site Name	Latitude	Longitude	Comments
AZ9N2E16002	34.123882	-112.163933	150 ft. deep open adit
AZ9N2E16003	34.124213	-112.164662	450 ft. deep open adit
AZ10N2E07001	34.259684	-112.194265	100 ft. deep open shaft
AZ10N2E21001	34.231591	-112.155976	80 ft. deep open adit
Hidden Treasure Mine	34.253828	-112.178815	2 adjacent adit portals

B. Land Use Plan Conformance

Land Use Plan (LUP) Name: Bradshaw-Harquahala Record of Decision and Approved Resource Management Plan
Date Approved/Amended: April 2010

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

X 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):

The Bradshaw-Harquahala Record of Decision and Approved Resource Management Plan, approved April 2010, states on page A-24, in Public Safety – Standard Operating Procedures –

Abandoned Mine Lands: "Inspect abandoned mine land sites to identify all physical hazards presenting a safety risk to the public, and take appropriate action to mitigate any hazards and prevent public access to abandoned mine land contaminated areas."

C: Compliance with NEPA:
The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 Departmental Manual (DM) 11.9: Appendix 4, J (8) – Installation of minor devices to protect human life, (e.g., grates across mines), and, Appendix 4, J (10) -- Removal of structures and materials of no historical value, such as abandoned automobiles, fences, and buildings, including those built in trespass and reclamation of the site when little or no surface disturbance is involved.

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 11.9 apply.

I considered the following when reviewing the proposed project:

• The act of installing bat gates on the open mine shaft and adits will have a positive effect on public health & safety, given that the sites are located in a high-use recreation area in the I-17 corridor north of metropolitan Phoenix, and are easily accessible via Maggie Mine Road and Bumble Bee Road by any passenger or recreational vehicle. The motorized portion of the Black Canyon National Recreation Trail in fact traverses the Hidden Treasure Mine site, making it particularly desirable to gate the two open adits there.

• No Threatened & Endangered (T&E) habitat or species are present in this area, according to wildlife surveys completed by biologists from BLM and the Arizona Game & Fish Dept. The installation of the gates will serve to protect wildlife habitat actively used by non-T&E bats and other species.

• Cultural surveys have been completed for the sites. No cultural or historic features would be impacted by the proposed gating. Standard stipulations apply, along with the following special stipulation: "During the gate installation work, the contractor will carefully avoid all historic structures. An environmental monitor will ensure that the work is carried out away from all historic features".

• According to an LR2000 Mining Claim Geo Report run on October 19, 2012, there are active mining claims at the AZ10N2E07001, AZ10N2E21001 and Hidden Treasure Mine sites. All of the relevant claimants have been notified by letter of the proposed AML reclamation work, and none have objected.

D: Signature

Review: *We have determined that the proposal is in accordance with the categorical exclusion criteria and that it would not involve any significant environmental effects (see Attachment 1). Therefore, it is categorically excluded from further environmental review.*

Prepared by: Matthew Plis 10/22/12

Matthew Plis
Project Lead

Reviewed by: Leah B Baker

Leah Baker
Planning & Environmental Coordinator

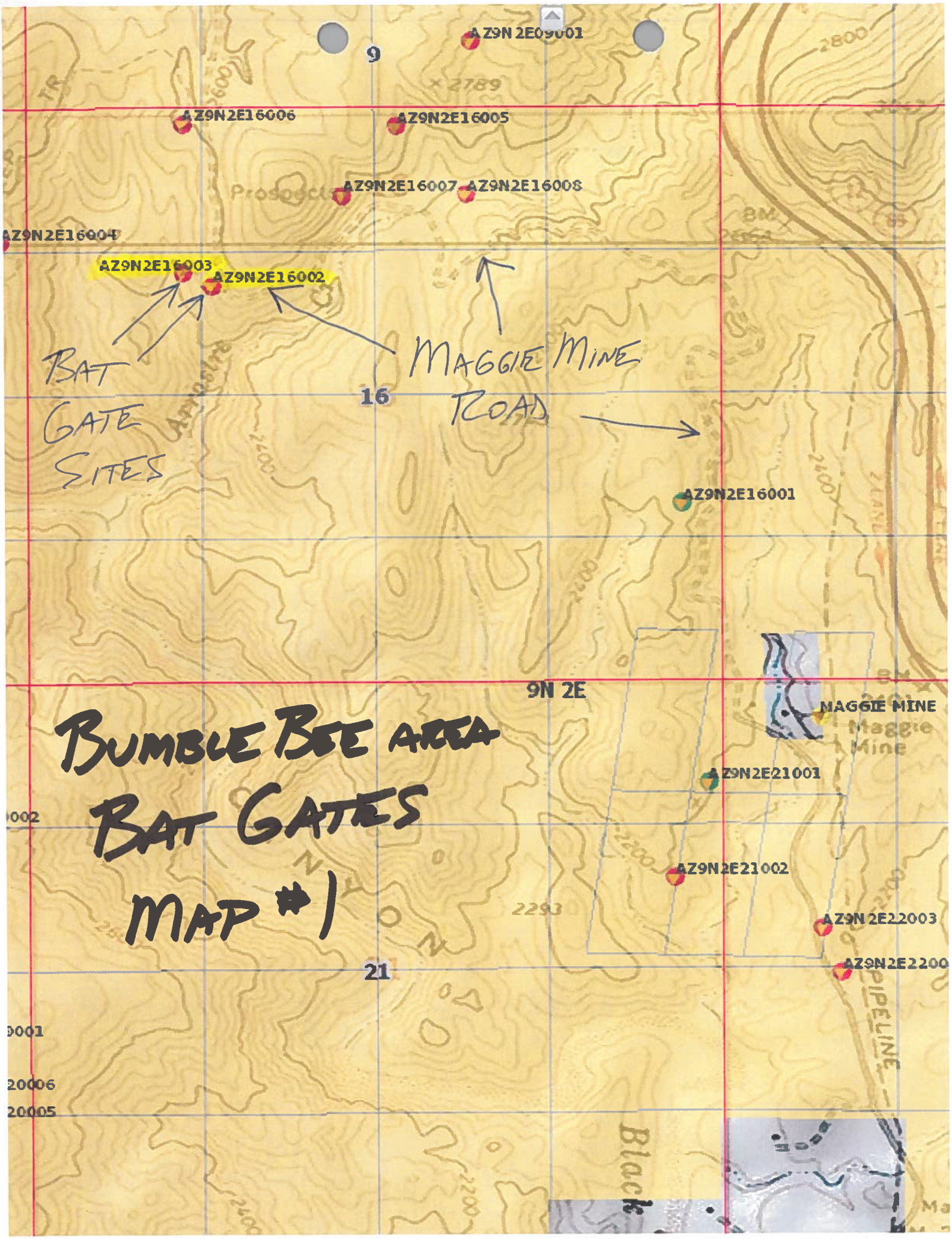
Approved by: D. Remington Hawes 10/30/2012

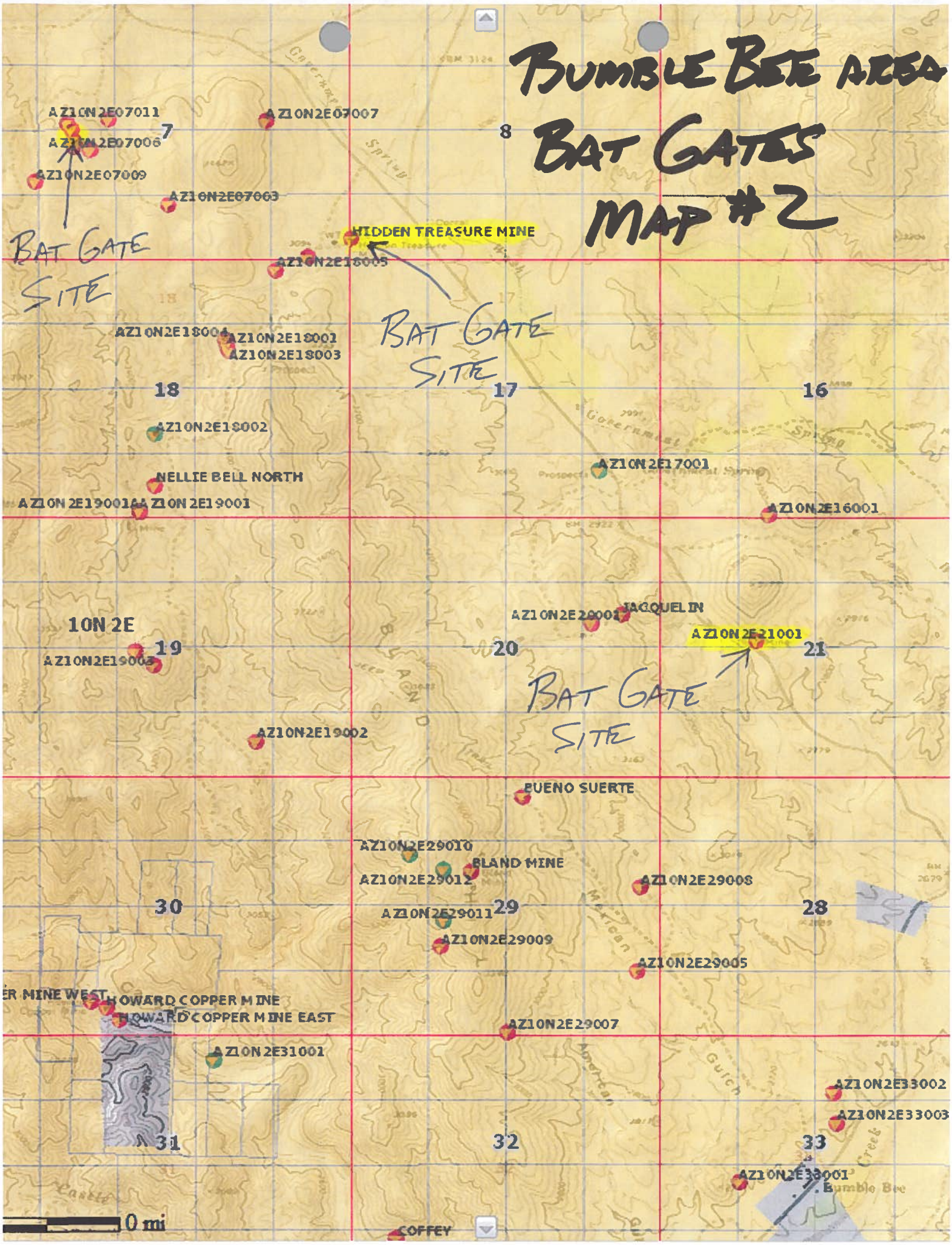
D. Remington Hawes
Field Manager

Contact Person

For additional information concerning this CX review, contact: Environmental Engineer Matt Plis, Phoenix District Office, 21605 N. 7th Avenue, Phoenix, Arizona 85027, 623-580-5500.

Note: A separate decision document (see Attachment 2) must be prepared for the action covered by the CX.


AZ9N2E09001
9
AZ9N2E16006
AZ9N2E16005
AZ9N2E16007
AZ9N2E16008
AZ9N2E16004
AZ9N2E16003
AZ9N2E16002
BAT GATE SITES
MAGGIE MINE ROAD
16
AZ9N2E16001
9N 2E
MAGGIE MINE
Maggie Mine
AZ9N2E21001
AZ9N2E21002
AZ9N2E22003
AZ9N2E2200
21
PIPELINE
BUMBLE BEE AREA
BAT GATES
MAP #1


BUMBLE BEE AREA
BAT GATES
MAP #2
AZ10N2E07011
AZ10N2E07006
AZ10N2E07007
AZ10N2E07009
AZ10N2E07003
7
8
BAT GATE SITE
HIDDEN TREASURE MINE
AZ10N2E18005
BAT GATE SITE
AZ10N2E18004
AZ10N2E18001
AZ10N2E18003
18
17
16
AZ10N2E18002
AZ10N2E17001
NELLIE BELL NORTH
AZ10N2E19001A
AZ10N2E19001
AZ10N2E16001
10N 2E
19
20
21
AZ10N2E19003
AZ10N2E20001
JACQUELIN
AZ10N2E21001
BAT GATE SITE
AZ10N2E19002
BUENO SUERTE
AZ10N2E29010
BLAND MINE
AZ10N2E29012
AZ10N2E29008
30
29
28
AZ10N2E29011
AZ10N2E29009
AZ10N2E29005
ER MINE WEST
HOWARD COPPER MINE
HOWARD COPPER MINE EAST
AZ10N2E29007
AZ10N2E31001
AZ10N2E33002
AZ10N2E33003
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32
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AZ10N2E33001
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COFFEY

Determination Key

- NP = not present in the area impacts by the proposed or alternative actions
- NI = present but not affected o a degree that detailed analysis is required
- PI = present with potential for relevant impact that need to be analyzed in detail in the environmental document

NC = (DNAs only) actions and impacts not changed from those disclosed in the existing NEPA documents. Rationale can include NI and NP discussions

Determination	Resource	Rationale for Determination	Signature	Date
	Air Resources			
	ACECs			
	BLM Natural Areas			
NI	Cultural Resources		[illegible]	10-19-12
	Environmental Justice			
	Prime/Unique Farmlands			
NI	Fish/Wildlife, Migratory Birds		[illegible]	10-15-12
	Geological Resources			
	Hydrologic Function and Floodplains			
	Invasive Species/ Noxious Weeds			
	Lands/Access			
	Livestock Grazing			
	Mining and Minerals			
	Native American Religious Concerns			
	Paleontology			
	Public Safety			
	Rangeland Health			
	Recreation			
	Socioeconomics			
	Soils			
	Transportation/Travel			
NI	T&E/Candidate Species	Desert tortoise No impact	[illegible]	10-15-12
	Hazardous Wastes			
	Water Resources			
	Wetlands/Riparian			
	Wild and Scenic Rivers			
	Wilderness/WSA			
	Wildland Fire/Fuels			
	Visual Resources			
	Wild Horses and Burros			
	Wilderness Characteristics			

Consider using the worksheet below in place of the work request form.

Additional Specialists Comments

BLM Categorical Exclusions: Extraordinary Circumstances[1]

Attachment 1

The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215) apply. The project would:		
1. Have significant impacts on public health or safety		
Yes	**No**	**Rationale:** The act of gating the open mine shaft and adits will have a positive impact on public health & 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 or wilderness study areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds (Executive Order 13186); and other ecologically significant or critical areas?		
Yes	**No**	**Rationale:** The proposed reclamation work would not significantly impact any of the resources listed above.
☐	**X**	
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]?		
Yes	**No**	**Rationale:** The environmental effects of the proposed reclamation work are not controversial. The Phoenix District has implemented several similar projects in recent years.
☐	**X**	
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?		
Yes	**No**	**Rationale:** The environmental effects of the proposed reclamation work are predictable and well-known.
☐	**X**	
5. Establish a precedent for future action, or represent a decision in principle about future actions, with potentially significant environmental effects?		
Yes	**No**	**Rationale:** This reclamation work would not set a precedent for future actions, or represent a decision in principal for future actions.
☐	**X**	
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?		
Yes	**No**	**Rationale:** There are no significant cumulative effects associated with this reclamation work.
☐	**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?		

[1] If an action has any of these impacts, you must conduct NEPA analysis.

Yes	No	
☐	X	**Rationale:** The proposed reclamation work would not significantly impact any listed or eligible NRHP properties.
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?		
Yes	**No**	**Rationale:** A wildlife survey of the sites by biologists from BLM and the Arizona Game & Fish Dept. found that there will be no impacts to listed or proposed T&E species or habitat.
☐	X	
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?		
Yes	**No**	**Rationale:** The proposed reclamation work will not violate any Federal, State, local or tribal laws or regulations.
☐	X	
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?		
Yes	**No**	**Rationale:** The proposed reclamation work will have no 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 (Executive Order 13007)?		
Yes	**No**	**Rationale**: There are no known Indian sacred sites in or near the Abandoned Mine Land sites to be reclaimed under the proposed action.
☐	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 (Federal Noxious Weed Control Act and Executive Order 13112)?		
Yes	**No**	**Rationale:** The proposed reclamation work will not promote the growth of non-native invasive species.
☐	X	

Decision

Attachment 2

Project Description: Based on recommendations from the Arizona Game & Fish Dept., BLM and Bat Conservation International (BCI) would install bat gates on one open shaft and five open adits, located on public lands at five different sites along Bumble Bee Road, near Bumble Bee, AZ. The sites to be gated are: 1) AZ9N2E16002; 2) AZ9N2E16003; 3) AZ10N2E07001; 4) AZ10N2E21001; and, 5) two features at the Hidden Treasure Mine. Gating the AML features would significantly improve public safety for people recreating at these easily accessible sites, as the associated physical safety hazards would be securely mitigated. The bat gates would be designed, fabricated and installed by BCI. The relevant mining claimants have already been contacted, and they concur with the proposed actions. The five sites to be gated are:

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Hidden Treasure Mine	34.253828	-112.178815	2 adjacent adit portals

Decision: Based on a review of the project described above and field office staff recommendations, I have determined that the project is in conformance with the land use plan and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed.

Administrative Review or Appeal Opportunities

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the attached Form 1842-1. If an appeal is taken, your notice of appeal must be filed at the Hassayampa Field Office, 21605 North 7th Avenue, Phoenix, AZ, 85027, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) (request) for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the Office of the Solicitor (Department of the Interior, Office of the Field Solicitor, Sandra Day O'Connor U.S. Court House #404, 401

West Washington Street SPC44, Phoenix, AZ 85003-2151) (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

Standards for Obtaining a Stay

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

Approved By: D. Remington Hawes Date: 10/30/2012
D. Remington Hawes, Manager, Hassayampa Field Office

Attachment: Form 1842-1