

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

Project Name

NEPA Number DOI- BLM-AZ-C030-2013-0034-CX

A. Background

BLM Office: Lake Havasu Field Office

Lease/Serial/Case File No.: AZA 36315

Proposed Action Title/Type: Jack Graves Mineral Materials Negotiated Sale

Location of Proposed Action:

The subject lands are located approximately 2.5 miles northwest of Bouse, Arizona within T7N, R17W, Sec. 8, SW1/4NW1/4SE1/4, N1/2NW1/4SW1/4SE1/4. Access to the site is from Arizona State Highway 72, west on Yellowbird Road, north on La Posa Road to the site (see Exhibit 1).

Description of Proposed Action:

Jack Graves (the "applicant") submitted an application requesting a five-year contract for the removal of 1,250 cubic yards of reddish rhyolite decorative stone material. Active mining claims cover the proposed contract area. The claimant, Frederick Bauman of Searchlight Exploration, LLC, was contacted on May 6, 2013, to sign a waiver for BLM to sell mineral materials from his mining claims. Mr. Bauman signed the waiver on July 9, 2013.

If the operator of the contract suspects he/she encountered gold the operator shall contact BLM. The potential gold bearing material shall be stockpiled at the site for Mr. Bauman of Searchlight Exploration and/or the lessee determine the material contains gold they will need to follow the 43 CFR 3809 regulations to remove the gold bearing material from the site. If the material is found not to contain gold, then Mr. Graves could use it as a salable mineral.

The mineral material to be removed is a reddish rhyolite (fine crystalline volcanic rock) with some breccia. The conversion from tons to cubic yards for this material is approximately 1.4 tons per cubic yard based on a sample collected from the site. Mr. Graves could be authorized a contract up to 1,250 cubic yards for this site.

The area to be mined covers approximately five acres. No improvements will be needed on the trail leading to the site. The access road will not be included in the contract because all traffic will be on existing routes. There may be a screen at the site during times of activity and equipment to move and haul material. There may also be some stockpiles of material. The site will be active on an as-needed basis.

B. Land Use Plan Conformance

Land Use Plan Name: *Lake Havasu Field Office Resource Management Plan*

Date Approved/Amended: May, 2007

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

Decision MI-9 states on page 43 that "The total area open to mineral material disposal is 1,044,027 acres, and 299,297 acres are restricted from mineral development as shown on Map 16." The application is located in an area open to disposal.

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 11.9 F (10), Disposal of mineral materials, such as sand, stone, gravel, pumice, pumicite, cinders, and clay, in amounts not exceeding 50,000 cubic yards or disturbing more than 5 acres, except in riparian areas.

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 (See Attachment 1), and none of the extraordinary circumstances described in 516 DM2 apply.

I considered the possibility of significant impacts by authorizing this action, but there are none as demonstrated by the signatures in Attachment 1.

D. Signature

Authorizing Official:


(Signature)

Date:



Name: Kimber Liebhauer

Title: Field Manager

Contact Person

For additional information concerning this CX review, contact:

Amy Titterington, Geologist

BLM Lake Havasu Field Office

2610 Sweetwater Avenue

Lake Havasu City, Arizona 86406

(928)-505-1213.

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

Attachment 1: Extraordinary Circumstances Review

Extraordinary Circumstances	Comment (Yes or No with supporting Rationale)
1. Have significant effects on public health or safety.	No impacts are anticipated. <i>AT 7/26/13</i>
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness 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; and other ecologically significant or critical areas.	No. The Proposed Action is in a historically disturbed area and is similar to previously authorized operations. No impacts on natural resources, unique geographic characteristics, historic or cultural resources, or recreation areas are anticipated. <i>AT 7/26/13</i>
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].	No effects or concerns are anticipated. <i>AT 7/26/13</i>
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	No environmental risks are anticipated by this action. See stipulations. <i>AT 7/26/13</i>
5. Establishes a precedent for future action or represents a decision in principle about future actions with significant environmental effects.	No significant environmental effects are anticipated by this action. <i>AT 7/26/13</i>
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	No incremental changes are anticipated. <i>AT 7/26/13</i>
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.	No. See stipulation #23. <i>George Shannon, Jr., Ph.D. 7/29/13 GWS</i> George Shannon, Jr., Ph.D., LHFO Archaeologist
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.	No. See stipulations. <i>JH 7/29/13</i> Jennifer House, LHFO Wildlife Biologist
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.	No. See stipulation #23. <i>GWS 7/29/13</i> George Shannon, Jr., Ph.D., LHFO Archaeologist
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).	No low income or minority populations live in the proposed area. <i>AT 7/26/13</i>
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).	No. See stipulation #23. <i>GWS 7/29/13</i> George Shannon, Jr., Ph.D., LHFO Archaeologist
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).	No. See stipulations. <i>JH 7/29/13</i> Jennifer House, LHFO Wildlife Biologist

Approval and Decision

Attachment 2

Compliance and assignment of responsibility (Amy Titterington):

Amy Titterington 7/29/13

Monitoring and assignment of responsibility: (Amy Titterington):

Amy Titterington 7/29/13

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. Therefore, it is categorically excluded from further environmental review.

Prepared by:

Amy Titterington
Amy Titterington, Geologist
Project Lead

Date: 7/29/13

Reviewed by:

David Daniels
David Daniels
NEPA Coordinator

Date: 7-30-13

Reviewed by:

Amanda M. Dodson
Amanda Dodson
Assistant Field Manager, Lands & Resources

Date: 7/29/13

Project Description: Jack Graves (the "applicant") submitted an application requesting a five-year contract for the removal of 1,250 cubic yards of reddish rhyolite decorative stone material. Active mining claims cover the proposed contract area. The claimant, Frederick Bauman of Searchlight Exploration, LLC, was contacted on May 6, 2013, to sign a waiver for BLM to sell mineral materials from his mining claims. Mr. Bauman signed the waiver on July 9, 2013.

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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, with the following stipulations (if applicable).

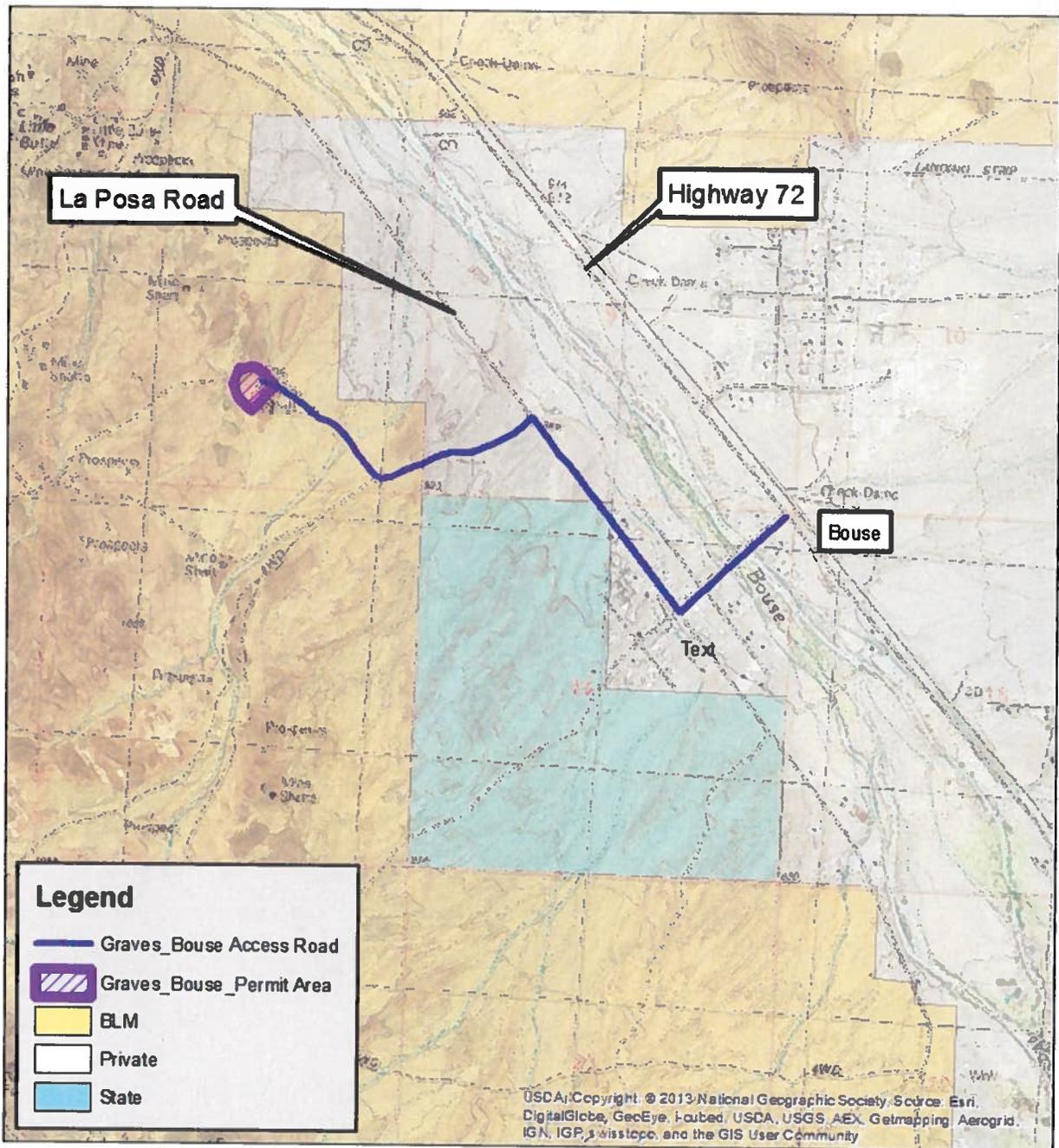
Approved By:  Date: 7/29/13
Kimber Liebhauser
Field Manager, Lake Havasu Field Office

Exhibits:

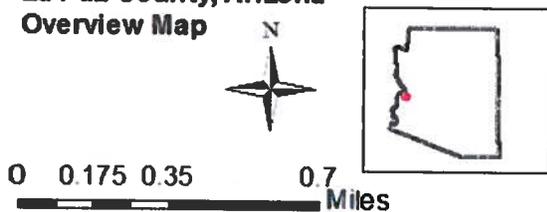
- 1) **Map**
- 2) **Stipulations**

Exhibit 1 – Maps

Jack Graves - AZA 36315



**Jack Graves Mineral Materials Contract
La Paz County, Arizona
Overview Map**



USDA, Copyright. © 2013 National Geographic Society. Source: Esri, DigitalGlobe, GeoEye, Earthstar, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

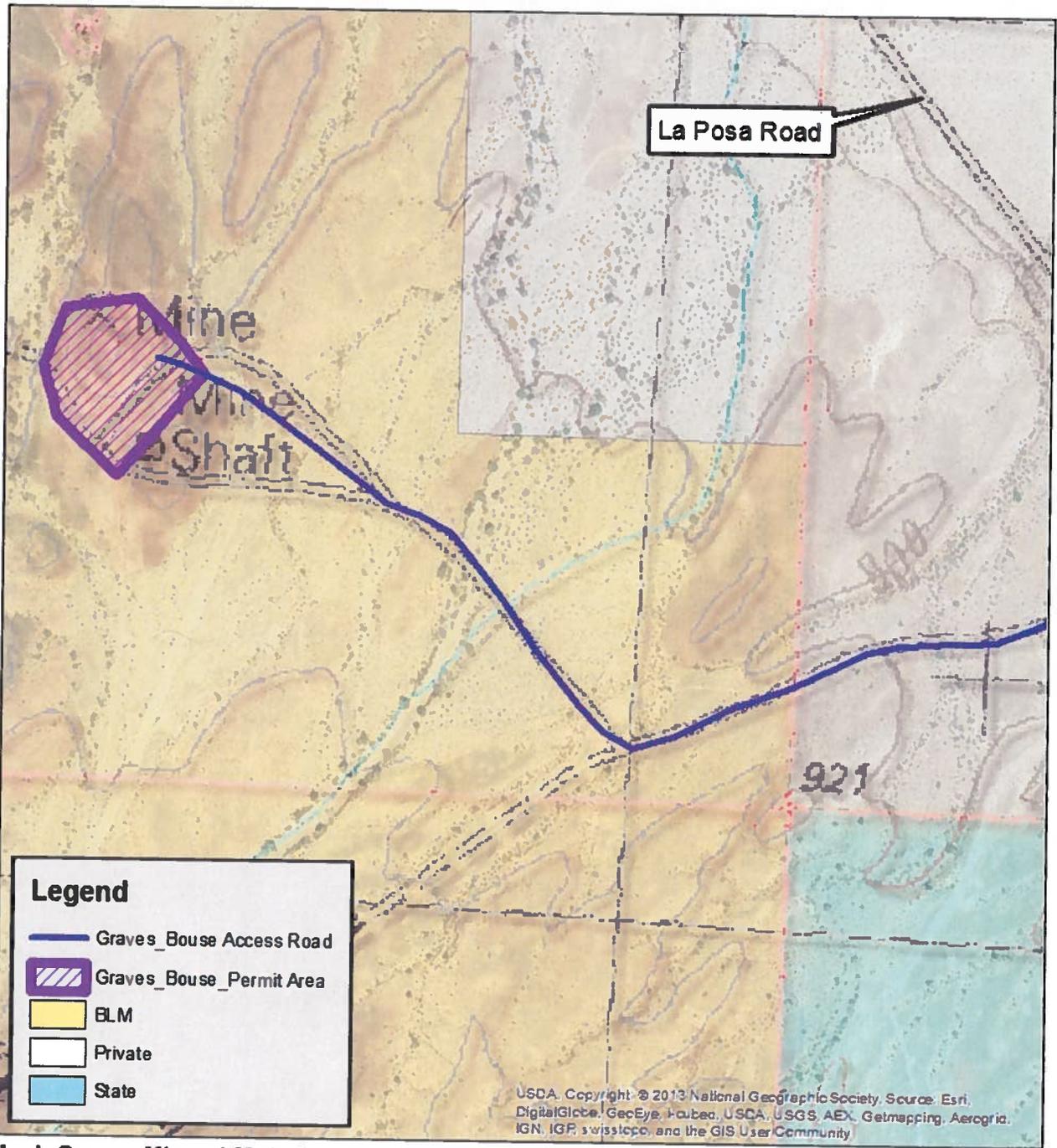
Surface Management Responsibility - Custom 1:24,000 Scale

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
LAKE HAVASU FIELD OFFICE

The Bureau of Land Management (BLM) makes no representations or warranties regarding the accuracy or completeness of this map. This map does not address encroachments or questions of location, boundary, and area when an accurate survey may disclose. This map is intended and is to be used as an illustration only. The map is merely a presentation of the data from which it was derived and is not binding on the BLM and may be revised at any time in the future. The BLM shall not be liable under any circumstances for any direct, indirect, special, incidental, or consequential damages with respect to any claim by any user or any third party on a contract or arising from the use of this map or the data from which it was derived.



Jack Graves - AZA 36315

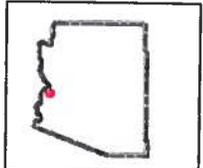


Legend

-  Graves_Bouse Access Road
-  Graves_Bouse_Permit Area
-  BLM
-  Private
-  State

USDA, Copyright © 2013 National Geographic Society, Source: Esri, DigitalGlobe, GeoEye, iSat, USCA, USGS, AEX, Getmapping, Aerogrid, IGN, IGF, swisstopo, and the GIS User/Community

Jack Graves Mineral Materials Contract La Paz County, Arizona Project Map



0 0.045 0.09 0.18 Miles

Surface Management Responsibility - Custom 1:24,000 Scale

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Exhibit 2 - Stipulations

1. The operator shall obtain all necessary federal, state and local permits prior to commencing surface disturbing activities. Approval of this material sale is contingent upon obtaining and abiding by such permits.
2. During periods of operation, the operator shall clearly mark the area and access roads (with signs, etc.) to ensure public safety.
3. All waste disposals shall comply with state and county codes.
4. No oil, grease, or other hazardous substances shall be disposed of on public land.
5. Private property or no trespassing signs shall not be posted on public lands.
6. Non-vehicular access (i.e. hikers, etc.) shall not be restricted.
7. Monthly production reports will be supplied to this office. The report will be due in this office within fifteen days following the end of the month being reported.
8. The Holder shall mine the site so that there are no steep banks, since the area is frequented by off highway vehicle users.
9. Appropriate dust control measures will be taken, in order to prevent fugitive dust emissions from the operation and access roads.
10. All bladed vegetation and excavated materials shall be stockpiled in such a manner that they do not obstruct the natural flow of water down wash systems.
11. The top 3 to 6 inches of material shall be salvaged and stockpiled to be used for reclamation activities.
12. Upon completion of operations the area shall be re-contoured to approximate surrounding contours, compacted areas shall be ripped to hasten natural re-vegetation, and the salvaged topsoil shall be re-spread.
13. Any excavations or cuts existing in the area shall be sloped to a 3:1 (horizontal: vertical) upon completion of operations.
14. If the operator of the contract suspects he/she encountered gold the operator shall contact BLM. The potential gold bearing material shall be stockpiled at the site for Mr. Bauman of Searchlight Exploration and/or the lessee determine the material contains gold they will need to follow the 43 CFR 3809 regulations to remove the gold bearing material from the site. If the material is found not to contain gold, then Mr. Graves could use it as a salable mineral.
15. Desert Tortoise. Care shall be taken not to disturb or destroy tortoises or their burrows. Handling, collecting, damaging, or destroying desert tortoises are prohibited by Arizona State Law. During all activity special care should be given to watch for and avoid any desert tortoise that may be present within the project area.

16. Handling of Desert Tortoise. If a tortoise is endangered by any activity that activity shall cease until either the tortoise moves out of harm's way of its own accord, or until the authorized biologist is able to remove the tortoise to safety. Tortoises shall be handled only by a BLM authorized Wildlife Biologist, and shall be moved solely for the purpose of preventing death or injury. The authorized biologist shall be responsible for taking appropriate measures to ensure any desert tortoise relocated from the project site is not exposed to temperature extremes which could be harmful to the animal.
17. Inspection under Vehicles. If a vehicle is left for any occasion the driver shall inspect underneath any parked vehicles immediately prior to moving the vehicles. If a desert tortoise is beneath the vehicle, the authorized Biologist shall move the tortoise from harm's way. Alternatively, the vehicle shall not be moved until the desert tortoise has left of its own accord.
18. All wildlife and migratory birds shall be observed from a distance. Any injured wildlife shall be reported to the Arizona Game & Fish Dept. at (928)342-0091.
19. Harassment of wildlife, wild horses or burros, or destruction of private and public improvements such as fences and gates is prohibited. The taking of any threatened or endangered plant or animal is prohibited.
20. State protected plant species, including all cacti shall not be disturbed, damaged, or destroyed. The taking of any threatened or endangered plant or animal is prohibited.
21. Participants will be prohibited from approaching bighorn sheep on foot or by vehicle.
22. All migratory birds shall be observed from a distance. Any injured wildlife shall be reported to the Arizona Game & Fish Dept. at (928)342-0091.
23. Because of potential for subsurface ground disturbance, and cultural and/ or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. The holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of the evaluation and any decision as to proper mitigation measures and will be made by the authorized officer after consulting with the holder.