

**NEPA COMPLIANCE RECORD
CATEGORICAL EXCLUSION (CX)
Tucson Field Office**

NEPA #: DOI-BLM-AZ-G020-2013-0030-CX

Serial/Case File No. AZA-35501

Proposed Action Title/Type: Conveyance of Mineral Interest

Location of Proposed Action: Lots 1-4, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$; T. 8 S., R. 10 E., Section 35, G&SR Meridian, Pima County, Picacho Pass 7.5 topo map.

Description of Proposed Action: On September 22, 2010, Lotocka, LLC filed an application for a Conveyance of Mineral Interest. The above described surface lands are owned by this LLC they are pursuing the patent of the subsurface. A mineral report was completed on January 17, 2013. The Mineral Report concludes the lands identified in this application are classified by BLM's as prospectively valuable for oil and gas, are not prospectively valuable for geothermal resources, and have low potential for other leasable minerals. The lands identified in this application are also known to have low potential for salable and locatable minerals. Therefore, it is the BLM conclusion that we convey, to the applicant, salable, and locatable minerals interest, exclusive of oil and gas showing no value to the federal government. The proposed action qualifies as a CX under Departmental Manual 516, 11.9, Appendix 4 E.9 that reads, "Actions taken in conveying mineral interest where there are no known mineral values in the land under Section 209(b) of the Federal Land Policy and Management Act of 1976 (FLPMA)".

Applicant if any: Lotocka, LLC

PART I: PLAN CONFORMANCE REVIEW. This proposed action conforms, and is in accordance with the decisions of to the following land use plan: The Phoenix Resource Management Plan, September 29 1989 (Phoenix RMP). Even though it is not specifically provided for, because it is consistent with the following LUP decision(s) (objectives, terms, and conditions): Phoenix RMP does not prohibit the conveyance of minerals interest. "Mineral exploration and development are generally encouraged on public land in keeping with the Bureau's multiple resource concepts. Overall guidance on the management of mineral resources appears in the Mining and Minerals Policy Act of 1970, Sec. 102 (a)(12) of FLMPA, National Material and Minerals Policy, Research and Development Act of 1980 and the BLM's Mineral Resources Policy of May 29, 1984.

The proposed action has been reviewed and determined to be in conformance with this plan (43 CFR 1610.5, BLM MS 1617.3).

/s/ Linda L. Dunlavey

7/24/2013

Linda Dunlavey
Realty Specialist

Date

**PROGRAM CONSULTATION & COORDINATION/CX CHECKLIST
BUREAU OF LAND MANAGEMENT
TUCSON FIELD OFFICE**

PART II: CATEGORICAL EXCLUSION REVIEW

NEPA #: DOI-BLM-AZ-G020-2013-0030-CX

ASSIGNMENT AND REVIEW

Subactivity: L5821000 EY0000
Case/Project No.: AZA 35501

Location (legal description): Lots 1-4, S½NE¼, E½NW¼, E½W½NW¼, N½S½; T. 8 S., R. 10 E., Section 35, G&SR Meridian, AZ

Project Name: Issuance of Patent for Conveyance of Mineral Interest
NLCS Unit: N/A
Quad Name: Picacho Pass 7.5 topo map
Project Lead Linda L. Dunlavey

Technical Review:

Applies? Yes or No	NAME	EXCEPTION	SIGNATURE	DATE
NO		(1) Have Significant adverse effects on public health or safety? <i>This action would have no significant environmental effects . The surface lands are under private ownership.</i>	NEPA TEAM	7/15/13
NO		(2) Have adverse effects on such unique geographic characteristics as historic or cultural resources, parks, recreation or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains or ecologically significant or critical areas including those listed on the Department's National Register of Natural Landmarks. <i>No 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;; and other ecologically significant or critical areas exist in the affected environment nor would any of these resources be impacted. Mining Claims have encumber the area of interest in the past. Historical record shows that oil and gas leases have been issued over the area of interest, but BLM will have exclusive rights to oil and gas.</i>	NEPA TEAM	7/15/13
NO		(3) Have highly controversial environmental effects <i>The proposed action is not controversial nor are there any unresolved conflicts concerning alternative uses of available resources.</i>	NEPA TEAM	7/15/13
NO		(4) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. <i>Subsurface lands have been transferred to private ownership no significant environmental effects have resulted.</i>	NEPA TEAM	7/15/13
NO		(5) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects. <i>Any additional proposals would be analyzed and a separate decision would be arrived at based on the analysis.</i>	NEPA TEAM	7/15/13
NO		(6) Have a direct relationship to other actions with individually insignificant, but cumulatively significant effects.	NEPA TEAM	7/15/13

Applies?	NAME	EXCEPTION	SIGNATURE	DATE
		<i>Subsurface lands have been transferred to private ownership with no cumulatively significant effects.</i>		
NO		(7) Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places. <i>No such properties are known to exist that could be impacted by the proposed action.</i>	NEPA TEAM	7/15/13
NO		(8) Have adverse effects on species listed on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species. <i>No listed species or species proposed to be listed are found within the affected environment for the proposed action.</i>	NEPA TEAM	7/15/13
NO		(9) Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment. <i>No laws or requirements imposed for the protection of the environment would be violated.</i>	NEPA TEAM	7/15/13
NO		(10) Have a disproportionately high and adverse effect on low income or minority populations. <i>The effects to the population as a whole resulting from the proposed action would be the same.</i>	NEPA TEAM	7/15/13
NO		(11) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners. <i>No limitations to access sacred or any other sites would result from the proposed action.</i>	NEPA TEAM	7/15/13
NO		(12) Contribute to the introduction, continuation existence, or spread of noxious weeds or non-native invasive species. <i>N/A</i>	NEPA TEAM	7/15/13

Final Review:

Unit Manager/Supervisor: /s/Karen Simms Date: 7/25/2013
Karen Simms
Assistant Field Manager

Environmental Coordinator: /s/ Daniel Moore Date: 7/25/2013
Daniel Moore
Planning and Environmental Coordinator

The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9: E(9) Actions taken in conveying mineral interest where there are no known mineral values in the land under Section 209(b) of the Federal Land Policy and Management Act of 1976 (FLPMA).

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. It has been reviewed to determine if any of the exceptions described in 516 DM 2, Appendix 2, apply.

The action does not have significant adverse effects on public health and safety nor does the action adversely affect such unique geographic characteristics as historic or cultural resources, parks, recreation, or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks. The action does not have highly controversial environmental effects nor have highly uncertain environmental effects or involve unique or unknown environmental risk nor does it adversely affect a species listed or proposed to be listed on the list of endangered or threatened species. It does not establish a precedent for future action or represent a decision in principle about a future consideration with significant environmental effects or related to other actions with individually insignificant but cumulatively significant environmental effects. The proposed action does not adversely affect properties listed or eligible for listing in the National Register of Historic Places or threaten to violate a Federal, State, local or tribal law or requirements imposed for the protection of the environment or which require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands) or the Fish and Wildlife Coordination Act.

Authorized Official: /s/ David Baker Date: 7/25/2013

David Baker
Acting Tucson Field Manager