

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

## Project Name

NEPA Number DOI- BLM-AZ-C030-2013-0035-CX

### A. Background

BLM Office: Lake Havasu Field Office

Lease/Serial/Case File No.: AZA 36328

Proposed Action Title/Type: Larry Ojeda Competitive Sale Contract

Location of Proposed Action: The site is southeast of Golden Shores, Arizona, located within T 16 N, R 21 W, Section 24, NE¼NW¼.

#### Description of Proposed Action:

Mr. Larry Ojeda submitted an application for a sand and gravel mineral material contract covering 5 acres for 15,000 cubic yards of material over a ten year period. The site is southeast of Golden Shores, Arizona, located within T 16 N, R 21 W, Section 24, NE¼NW¼. The cultural and biological surveys were completed in June and July 2013. The operation will consist of screening material and having associated stockpiles. No mining related equipment will be stored on site. The boundary of the site is clearly marked and will remain under five acres, which includes the access road. Mineral materials will not be removed below the elevation of the existing wash.

### 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: Kimber Liebhauser  
(Signature)

Date: 9/9/13

Name: Kimber Liebhauser  
Title: Field Manager, Lake Havasu Field Office

**Contact Person**

For additional information concerning this CX review, contact Amy Titterington, Geologist, Lake Havasu Field Office, 2610 Sweetwater Avenue, Lake Havasu City, Arizona 86406.

**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 8/16/13</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 8/16/13</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 8/16/13</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 8/16/13</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 8/16/13</i>
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	No incremental changes are anticipated.  <i>AT 8/16/13</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 #35.  <i>GWS / 8/16/13</i>
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 8/16/13</i>
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.	No. See stipulation #35.  <i>GWS / 8/16/13</i>
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).	No. It is anticipated that this action will have a mostly positive impact due to regional economic contributions and the fact that this type and scale of operations have previously been authorized at this location. <i>AT 8/16/13</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 #35.  GWS / 8/16/13
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.  JH 8/16/13

Approval and Decision

Attachment 2

Compliance and assignment of responsibility (Amy Titterington):

Amy Titterington 8/16/13

Monitoring and assignment of responsibility: (Amy Titterington):

Amy Titterington 8/16/13

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:

8/16/13

Reviewed by:

David Daniels  
David Daniels  
NEPA Coordinator

Date:

Reviewed by:

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

Date:

9/9/13

Project Description: Mr. Larry Ojeda submitted an application for a sand and gravel mineral material contract covering 5 acres for 15,000 cubic yards of material over a five year period. The site is southeast of Golden Shores, Arizona, located within T 16 N, R 21 W, Section 24, NE $\frac{1}{4}$ NW $\frac{1}{4}$ . The cultural and biological surveys were completed in June and July 2013. The operation will consist of screening material and having associated stockpiles. No mining related equipment will be stored on site. The boundary of the site is clearly marked and will remain under five acres, which includes the access road. Mineral materials will not be removed below the elevation of the existing wash.

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:

Kimber Liebhauser  
Kimber Liebhauser  
Field Manager, Lake Havasu Field Office

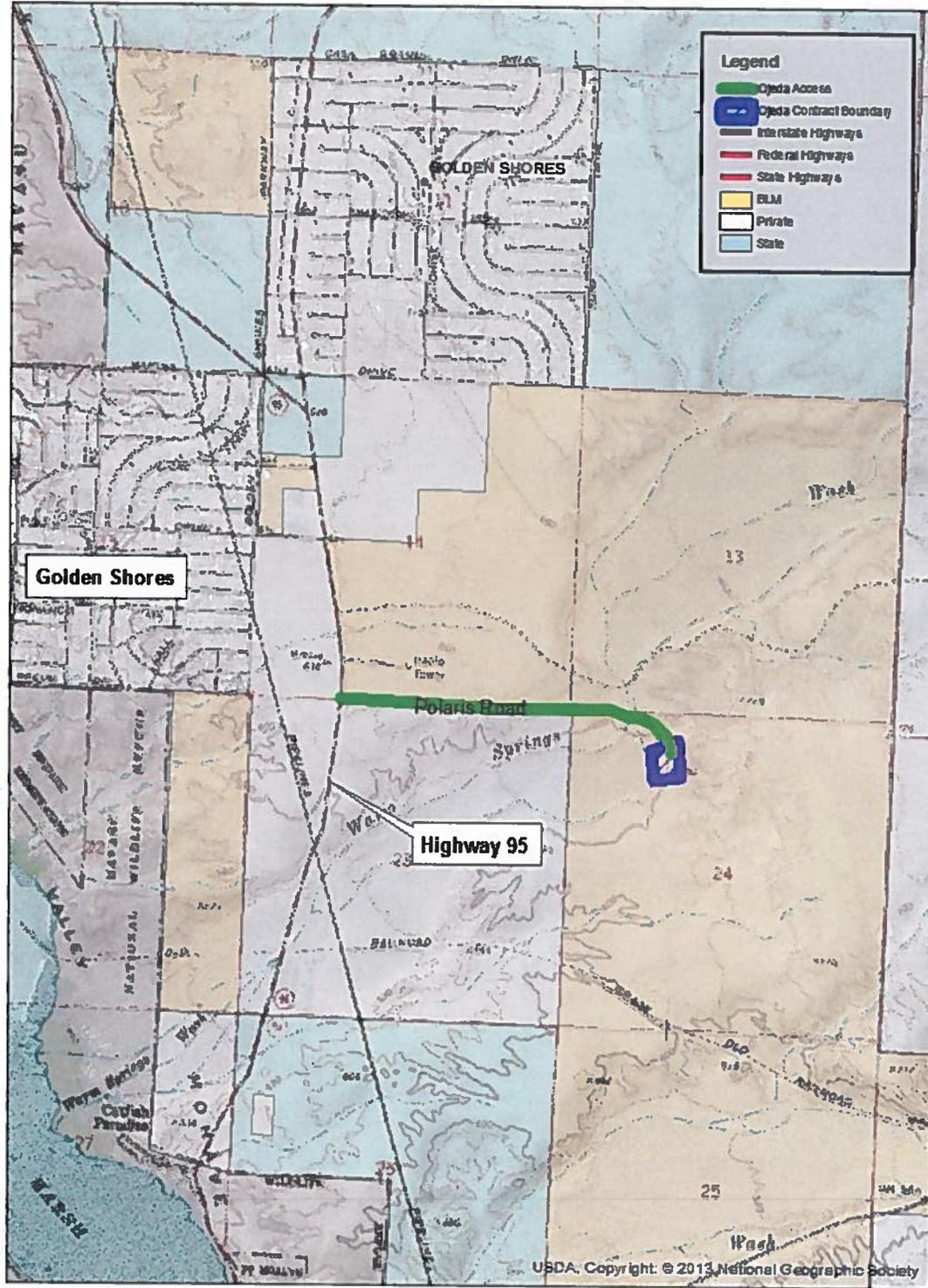
Date:

9/9/13

**Exhibits:**

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

# Ojeda AZA 36328



**Ojeda Mineral Material Contract  
Mohave County, Arizona  
Overview Map**



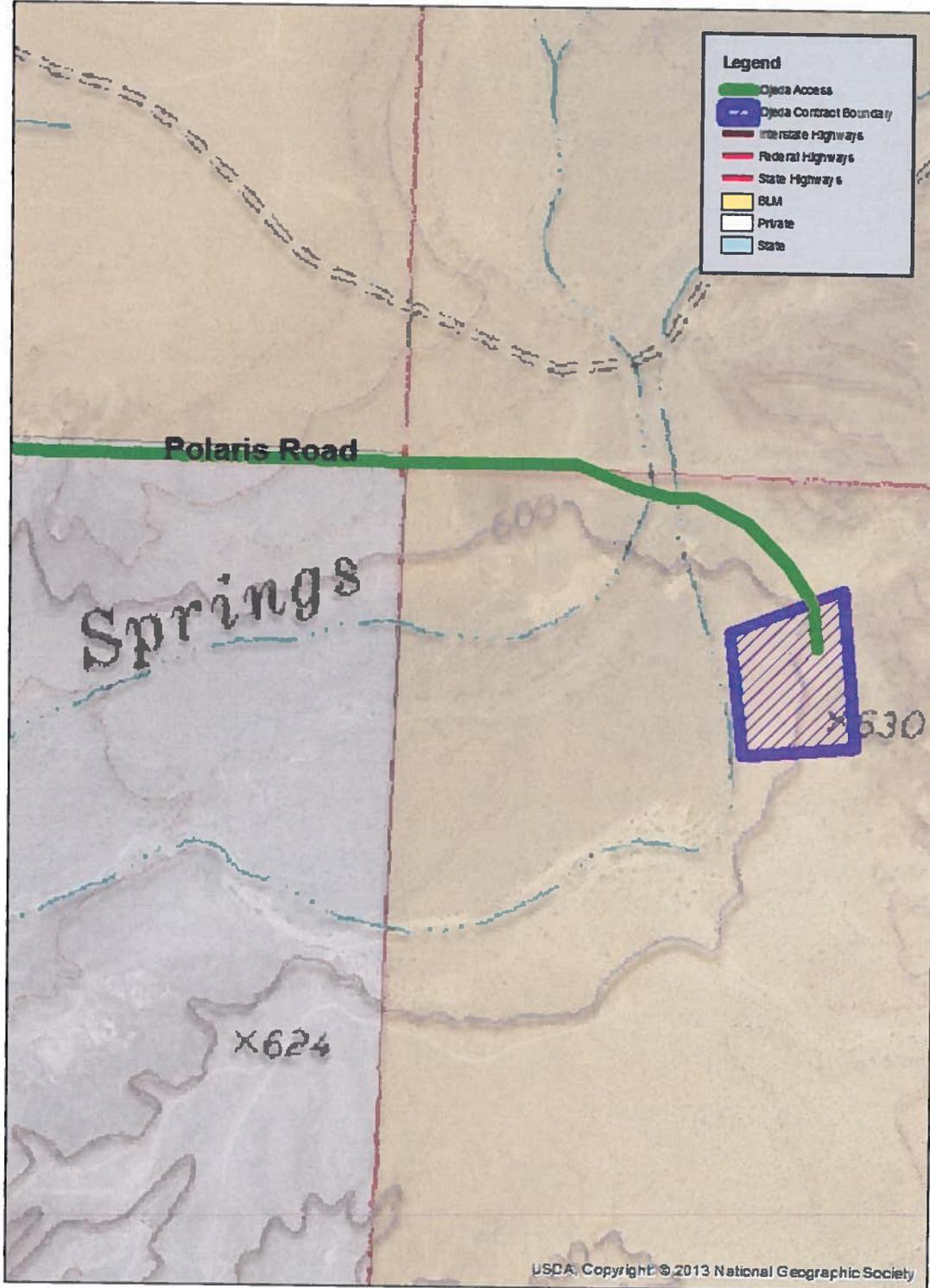
**Surface Management Responsibility - Custom 1:24,000 Scale**

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
ARIZONA STATE OFFICE  
Map produced by the BLM Arizona State Office  
Mapping/Resource Group

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# Ojeda AZA 36328



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**Ojeda Mineral Material Contract  
Mohave County, Arizona  
Project Map**



**Surface Management Responsibility - Custom 1:24,000 Scale**

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
ARIZONA STATE OFFICE  
Map produced by the BLM Arizona State Office  
Map Date: 8/2013

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## Exhibit 2 - Stipulations

1. The purchaser 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 disposal 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. Material shall not be stockpiled in the wash.
8. The purchaser shall mine the site so that there are no steep banks, since the area is frequented by off highway vehicle users.
9. 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.
10. Material shall not be stockpiled in the wash.
11. The purchaser shall mine the site so that there are no steep banks, since the area is frequented by off highway vehicle users.
12. Banks shall be left undisturbed and no removal of material is to occur within 3 feet of the banks.
13. Appropriate dust control measures will be taken, in order to prevent fugitive dust emissions from the operation and access roads. A water truck shall be on-site to prevent the dust emissions.
14. The purchaser shall not store mineral materials at the site that were not mined from this location. Any existing mineral materials that were not mined from this location shall be removed.
15. Any petroleum storage tanks shall have a maintained secondary containment system to collect any spilled material and prevent any contamination. The containment system must hold at least 1.5 times the tank's volume.
16. Any accidental oil or diesel spills shall be cleaned up and disposed of in a timely manner. In the event of an oil or diesel spill, the purchaser shall contact the Lake Havasu Field Office (LHFO) Geologist at (928) 505-1200.
17. All litter, trash, and garbage shall be controlled by placing refuse in predator-proof sealable receptacles and removing the debris regularly from the worksite.
18. The purchaser may have one closed fence in an area to contain equipment at the site.

19. The purchaser shall maintain the site in a neat and orderly fashion. The only equipment and materials allowed to remain on site must be used for mining and maintenance of mining equipment.
20. 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.
21. The top 2 to 4 inches of material shall be salvaged and stockpiled on-site to be used for reclamation activities.
22. Excavations at the site shall not be greater in depth than the existing washes running through the site.
23. 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.
24. Any excavations or cuts existing in the area shall be sloped to a 3:1 (horizontal: vertical) upon completion of operations.
25. All improvements associated with this operation shall be removed upon completion of operations and a berm shall be constructed to prevent vehicular use and dumping in the area.
26. No off road vehicular travel to the wash is authorized. All routes of travel must be on existing roads and trails and in the wash.
27. 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.
28. 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.
29. 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.
30. 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.
31. 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.
32. 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.

33. Participants will be prohibited from approaching bighorn sheep on foot or by vehicle.
34. 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.
35. Because of potential for subsurface ground disturbance, and cultural and/ or paleontological resource (historic or prehistoric site or object) discovered by the purchaser, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. The purchaser 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 scientifically important paleontological values. The purchaser 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 purchaser.
36. This contract does not authorize the extraction of material from Private, City, and State lands or the use of these lands for access or processing and stockpiling of materials produced from Federal lands.