

**NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)
COMPLIANCE RECORD FOR CATEGORICAL EXCLUSIONS (CX)
U.S. Department of Interior
Bureau of Land Management**

PART I. – PROPOSED ACTION

**BLM Office: Lower Sonoran Field Office
2014-0002-CX**

NEPA No.: DOI-BLM-AZ-P020-

Case File No.: N/A

Proposed Action Title/Type: Agua Caliente Road AML

Applicant: BLM

Location of Proposed Action: T2S, R6W, sec. 28; T2S, R9W, secs. 28 & 30; T3S, R9W, sec. 7

Description of Proposed Action: Bat Conservation International (BCI), under a BLM Nationwide Memorandum of Understanding with BCI, would design and install bat gates on 5 open abandoned mine shafts, located along and near Agua Caliente Road. BLM would also backfill two open shafts and two prospect pits at the Buckeye Copper Mine, with material from the adjacent waste rock dumps, obtaining, if necessary, additional earthen material from the immediate vicinity. Reclaiming the AML features would significantly improve public safety for people recreating at these relatively easily accessible sites, as the associated physical safety hazards would be permanently mitigated or eliminated. The mining claimants at the Buckeye Copper Mine have disclaimed any responsibility for the shafts onsite, and there are no claimants at the remaining sites, meaning that BLM is solely liable for these hazards.

The five features to be bat gated are:

Site Name	Latitude	Longitude	Description
Buckeye Copper Mine #1	33.226474	-112.869856	~50 ft. deep shaft with concrete collar
AZ2S6W28004	33.228229	-112.871877	~50 ft. deep shaft on hillside
AZ2S9W28006	33.230336	-113.184811	~90 ft. deep cribbed shaft
AZ2S9W30001	33.226210	-113.227691	~50 ft. deep inclined shaft
AZ3S9W07001	33.184179	-113.235270	~100 ft. deep timbered shaft

The four features to be backfilled are:

Site Name	Latitude	Longitude	Description
Buckeye Copper Mine #2	33.226238	-112.873029	~200 ft. deep shaft w/ large waste rock dump
AZ2S6W28012	33.223950	-112.873401	~25 ft. deep shaft next to road
AZ2S6W28013	33.228742	-112.873806	2 adjacent prospect pits next to road

Part II. – PLAN CONFORMANCE REVIEW

This proposed action is subject to the following land use plan(s): Lower Sonoran Record of Decision & Approved Resource Management Plan

Decisions and page nos.: 2.2.22 Hazardous Materials and Public Safety, PS-1.1: Identify naturally occurring or man-made public safety hazards on public lands and take appropriate action to protect public health and safety, page 2-134.

Date plan approved/amended: September 2012

This proposed action has been reviewed for conformance with these plans (*43 CFR 1610.5-3, BLM Manual 1601.04.C.2*).

PART III. – NEPA COMPLIANCE DETERMINATION REVIEW

A. The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 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.;

And

B. Extraordinary Circumstances Review: In accordance with **43 CFR 46.215**, any action that is normally categorically excluded must be subjected to sufficient environmental review to determine if it meets any of the 12 Extraordinary Circumstances described. If any circumstance applies to the action or project, and existing NEPA documentation does not adequately address it, then further NEPA analysis is required.

IMPORTANT: Appropriate staff should review the circumstances listed in Part IV, comment and initial for concurrence. Rationale supporting the concurrence should be included in the appropriate block.

Part IV. – EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION

PREPARERS:

DATE:

Matthew Plis, Environmental Engineer	1/28/14
Cheryl Blanchard, Archaeologist	1/29/14
Ron Tipton, Biologist	1/31/14

/S/ _____
 PLANNING & ENVIRONMENTAL SPECIALIST

2-6-14 _____
 DATE

The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215(a)-(l)) apply. The project would:

(a) Have significant impacts on public health or safety.

Yes	No	Rationale: The act of gating or backfilling the open mine shafts and adits will have a positive impact on public health & safety.
	X	
		Preparer's Initials <u>MP</u>

<p>(b) 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.</p>		
Yes	No <input checked="" type="checkbox"/>	<p>Rationale: The proposed reclamation work would not significantly impact any of the resources listed above.</p> <p style="text-align: right;">Preparer's Initials <u>MP</u></p>
<p>(c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].</p>		
Yes	No <input checked="" type="checkbox"/>	<p>Rationale: The environmental effects of the proposed reclamation work are not controversial. The Phoenix District has implemented many similar projects in recent years.</p> <p style="text-align: right;">Preparer's Initials <u>MP</u></p>
<p>(d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.</p>		
Yes	No <input checked="" type="checkbox"/>	<p>Rationale: The environmental effects of the proposed reclamation work are predictable and well-known.</p> <p style="text-align: right;">Preparer's Initials <u>MP</u></p>
<p>(e) Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.</p>		
Yes	No <input checked="" type="checkbox"/>	<p>Rationale: This reclamation work would not set a precedent for future actions, or represent a decision in principal for future actions.</p> <p style="text-align: right;">Preparer's Initials <u>MP</u></p>
<p>(f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.</p>		
Yes	No <input checked="" type="checkbox"/>	<p>Rationale: There are no significant cumulative effects associated with this reclamation work.</p> <p style="text-align: right;">Preparer's Initials <u>MP</u></p>

(g) Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.		
Yes	No <input checked="" type="checkbox"/>	Rationale: The proposed reclamation work would not significantly impact any listed or eligible NRHP properties. Preparer's Initials <u>CB</u>
(h) 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 <input checked="" type="checkbox"/>	Rationale: Wildlife surveys of the sites by biologists from BLM, Bat Conservation International, and the Arizona Game & Fish Dept. found that there will be no impacts to listed or proposed T&E species or habitat. Preparer's Initials <u>RT</u>
(i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		
Yes	No <input checked="" type="checkbox"/>	Rationale: The proposed reclamation work will not violate any Federal, State, local or tribal laws or regulations. Preparer's Initials <u>MP</u>
(j) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		
Yes	No <input checked="" type="checkbox"/>	Rationale: The proposed reclamation work will have no adverse effect on low income or minority populations. Preparer's Initials <u>MP</u>
(k) 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 <input checked="" type="checkbox"/>	Rationale: There are no known Indian sacred sites in or near the Abandoned Mine Land sites to be reclaimed under the proposed action. Preparer's Initials <u>CB</u>

(l) 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.

Preparer's Initials RT

PART V. –COMPLIANCE REVIEW CONCLUSION

I have reviewed this plan conformance and NEPA compliance record, and have determined that the proposed project is in conformance with the approved land use plan and that no further environmental analysis is required.

MITIGATION MEASURES/OTHER REMARKS: Standard cultural stipulations apply, along with the following special stipulation: "During the gating and backfilling work, an environmental monitor will ensure that the contractor carefully avoids detrimental impacts to all historic and pre-historic structures and features".

Also, prior to backfilling the two open shafts, smoke grenades would be dropped into them in order to exclude any owls, bats or other wildlife that could possibly be present.

APPROVING OFFICIAL: _____ DATE: _____

TITLE: _____

Note: The signed conclusion on this compliance record is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. A separate decision to implement the action should be prepared in accordance with program specific guidance.