

ASDO NEPA DOCUMENT ROUTING SHEET

NEPA Document Number: DOI-BLM-AZ-A010-2014-0003-CX

Project Title: Dust Monitoring at the Arizona 1 and/or Pinenut mines

Project Lead: Rody Cox

Date that any scoping meeting was conducted: N/A

Date that concurrent, electronic distribution for review was initiated: March 6, 2014

Deadline for receipt of responses: Thursday, March 27, 2014

ID Team/Required Reviewers will be determined at scoping meeting or as a default the following:

Gloria Benson, Tribal Liaison
Whit Bunting, Range/Vegetation/Weeds/S&G
Laurie Ford, Lands/Realty/Minerals
Jon Jasper, Recreation/Wilderness/VRM
John Herron, Cultural Resources
Ray Klein, GCPNM Supervisory Ranger
Jace Lambeth, Special Status Plants
John Sims, Supervisory Law Enforcement
Richard Spotts, Environmental Coordinator
Jeff Young, Wildlife/T&E Animals
Lorraine Christian, Field Manager, ASFO

Required Recipients of electronic distribution E-mails only (not reminders):

Steve Rosenstock (E-mail address: srosenstock@azgfd.gov)
Daniel Bulletts (E-mail address: dbulletts@kaibabpaiute-nsn.gov)
Peter Bungart (E-mail address: pbungart@circaculture.com)
Dawn Hubbs (E-mail address: dawn.hubbs101@gmail.com)

(Mr. Rosenstock is an Arizona Game and Fish Department (AGFD) Habitat Program Manager. Mr. Bulletts is acting Environmental Program Director for the Kaibab Paiute Tribe (KPT). Mr. Bungart and Ms. Hubbs are cultural staff for the Hualapai Tribe. They may review and/or forward on ASDO NEPA documents to other employees. If a Project Lead receives comments from any AGFD employee on their draft NEPA document, they should include them in the complete set/administrative record and share them with Jeff Young as the ASDO Wildlife Team Lead. Mr. Young will then recommend how these comments should be addressed. If a Project Lead receives comments from any KPT or Hualapai Tribe employee, they should include them in the complete set/administrative record and share them with Gloria Benson as the ASDO Tribal Liaison. Ms. Benson will then recommend how these comments should be addressed.)

Discretionary Reviewers:

Jo Ellen Hinck (E-mail address: jhinck@usgs.gov)

**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: Arizona Strip Field Office **NEPA No.:** DOI-BLM-AZ-A010-2014-0003-CX
Case File No.: AZA-25969 and/or AZA-25970

Proposed Action Title/Type: Dust Monitoring at the Arizona 1 and/or Pinenut mines

Applicant: None

Location of Proposed Action: G&SRM, T. 36 N., R. 5 W., Sec. 22, 23 and/or T. 36 N., R. 4 W., Sec.2

Description of Proposed Action: The proposed action is to install a weather station and Big Spring Number Eight (BSNE) dust traps at the Arizona 1 and/or Pinenut mines for monitoring purposes. Three dust traps would be mounted on a 1.5 meter pole to be set in the ground and oriented to intercept prevailing wind patterns. It is proposed to install a weather station inside the mine compound and an array of 12 poles with the BSNE dust traps outside of the mine compound. The 12 poles with dust traps would be individually fenced using metal t-posts to prevent interference by livestock. Arizona Strip Field Office personnel would periodically collect samples from the dust traps until the mines are reclaimed. No new roads would be constructed. During mine reclamation the weather station and dust traps would be removed.

PART II. – PLAN CONFORMANCE REVIEW

This proposed action is subject to the following land use plan(s): Arizona Strip Field Office Resource Management Plan (RMP)

Decisions and page nos.: DFC-WS-01 and MA-WS-01, page 2-8

Date plan approved/amended: January 29, 2008

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, J.3. “Conducting preliminary hazardous materials assessments and site investigations, site characterization studies and environmental monitoring. Included are siting, construction, installation and/or operation of small monitoring devices such as wells, particulate dust counters and automatic air or water samples.” and J.9 “Construction of small protective enclosures, including those to protect reservoirs and springs and those to protect small study areas.”;**

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, check the appropriate box (yes/no), comment and initial for concurrence. Add any appropriate additional reviewers and applicable manager. Rationale supporting the concurrence should be included in the appropriate block. If no response is received from a mandatory reviewer, enter the comment due date along with the notation "No response received."

PART IV. – EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION

PREPARERS/REVIEWERS:	DATE:
Rody Cox, Project Lead	March 27, 2014
Gloria Benson, Tribal Liaison	March 27, 2014
Whit Bunting, Range/Vegetation/Weeds/S&G	March 31, 2014
Jon Jasper, Recreation/Wilderness/VRM	No response received
John Herron, Cultural Resources	March 13, 2014
Ray Klein, GCPNM Supervisory Ranger	March 16, 2014
Jace Lambeth, Special Status Plants	March 26, 2014
John Sims, Supervisory Law Enforcement	March 27, 2014
Richard Spotts, Environmental Coordinator	March 24, 2014
Jeff Young, Wildlife/T&E Animals	March 21, 2014
Laurie Ford, Lands/Realty/Minerals	March 25, 2014
Lorraine Christian, Field Manager, ASFO	Reviewed prior to distribution to IDT

The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215(a)-(1)) apply. The project would:

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

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: The placing of a weather station and dust monitors on poles at the Arizona 1 and/or Pinenut mines to monitor the levels of dust at the mines would increase the information on the amount of dust created and transported at the mines. This could increase the understanding as to how the dust produced by the mines could potentially affect the health of mine workers and affect nearby resources.
		Preparer's Initials <u>R. Cox</u>

(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.

Yes

No

Rationale: The natural resources and unique geographic characteristics listed above do not occur at the locations for the proposed monitoring activities. BLM's resource specialists have inventoried these locations and documented the proposed action would have no significant impacts on migratory birds and historic or cultural resources. See J. Herron's Cultural Resource Compliance Documentation record dated 3/13/14 and J. Young's email dated 3/21/14.

Preparer's Initials R. Cox

(c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].

Yes

No

Rationale: The placing of a weather station and dust monitors on poles at the Arizona 1 and/or Pinenut mines to monitor the levels of dust at the mines would have minimal effects to the environment. There are no unresolved conflicts concerning alternative uses of available resources at these locations.

Preparer's Initials R. Cox

(d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

Yes

No

Rationale: The placing of a weather station and dust monitors on poles at the Arizona 1 and/or Pinenut mines to monitor the levels of dust at the mines would have minimal effects to the environment and does not involve unique or unknown environmental risks.

Preparer's Initials R. Cox

(e) Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.

Yes

No

Rationale: The placing of a weather station and dust monitors on poles at the Arizona 1 and/or Pinenut mines to monitor the levels of dust at the mines would have minimal effects to the environment. Since the proposed action results in minimal environmental effects, it would not establish a precedent or represent a decision in principal about future actions with potentially significant environmental effects.

Preparer's Initials R. Cox

(f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.

Yes

No

Rationale: The placing of a weather station and monitoring of dust at the mines are stand-alone actions without cumulative effects. The equipment would be removed during mine reclamation and there would be no direct relationship to other actions with individually

		insignificant but cumulatively significant environmental effects. Preparer's Initials <u>R. Cox</u>
(g) Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: An inventory conducted by a BLM specialist has documented there are no properties listed, or eligible for listing, on the National Register of Historic Places at the locations in the proposed action. Preparer's Initials <u>JMH</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 <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: The proposed action would not modify listed species habitat and there would be no potential for disturbance associated with the proposed action to listed species due to the minimal area involved and negligible ground disturbance. Preparer's Initials <u>JKL/JNY</u>
(i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: No. See G. Benson's email dated 3/27/14 Preparer's Initials <u>R. Cox</u>
(j) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: There would be no effect on low income or minority populations because the proposed action is located in a remote area away from residential populations. Preparer's Initials <u>R. Cox</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 <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: See G. Benson's email dated 3/27/14 and J. Herrons Cultural Resource Compliance Documentation record dated 3/13/14. Preparer's Initials <u>R. Cox</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 nature of the proposal is such that there would be little effect on vegetation including non-native invasive species or noxious weeds due to the minimal area involved and negligible ground disturbance. No new roads would be constructed.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	
		Preparer's Initials <u>R. Cox</u>

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:

If in connection with operations any human remains, funerary objects, sacred objects or objects of cultural patrimony – as defined in the Native American Graves Protection and Repatriation Act (P.L. 101-601; 104 Stat. 3048; 25 U.S.C. 3001) are discovered, work would stop in the immediate area of the discovery, the remains and objects would be protected, and the BLM Field Office Manager immediately notified. The immediate area of the discovery would be avoided and protected until notification by the BLM Field Office Manager that operations may resume.

APPROVING OFFICIAL: Gorraine M. Christian DATE: April 7, 2014

TITLE: Field Manager

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.

DECISION MEMORANDUM
DUST MONITORING AT THE ARIZONA 1 AND/OR PINENUT MINES
DOI-BLM-AZ-A010-2014-0003-CX

U.S. Department of the Interior
Bureau of Land Management
Arizona Strip Field Office

Approval and Decision

Based on a review of the project described in the attached Categorical Exclusion documentation and staff recommendations, I have determined that the project is in conformance with the Arizona Strip Field Office Resource Management Plan (approved 2008) and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed with the following stipulation/mitigation measure in an effort to minimize impacts of the proposed action to social and natural environmental resources.

- If in connection with operations any human remains, funerary objects, sacred objects or objects of cultural patrimony – as defined in the Native American Graves Protection and Repatriation Act (P.L. 101-601; 104 Stat. 3048; 25 U.S.C. 3001) are discovered, work will stop in the immediate area of the discovery, the remains and objects will be protected, and the BLM Field Office Manager immediately notified. The immediate area of the discovery will be avoided and protected until notification by the BLM Field Office Manager that operations may resume.

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 Arizona Strip Field Office, 345 East Riverside Drive, St. George, Utah 84790, 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.

Signed by: Lorraine M. Christian

Date: April 7, 2014

Name: Lorraine M. Christian

Title: Arizona Strip Field Manager

Attachment: Form 1842-1

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
- AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL	A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the <i>Notice of Appeal</i> in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a <i>Notice of Appeal</i> in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).	
2. WHERE TO FILE	Field Manager, Arizona Strip Field Office Bureau of Land Management 345 East Riverside Drive St. George, Utah 84790	
NOTICE OF APPEAL.....		
WITH COPY TO SOLICITOR...	Office of the Field Solicitor Sandra Day O'Connor US Courthouse, Suite 404 401 West Washington Street, SPC-44 Phoenix, Arizona 85003-2151	
3. STATEMENT OF REASONS	Within 30 days after filing the <i>Notice of Appeal</i> , file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the <i>Notice of Appeal</i> , no additional statement is necessary (43 CFR 4.412 and 4.413).	
WITH COPY TO SOLICITOR.....	Office of the Field Solicitor Sandra Day O'Connor US Courthouse, Suite 404 401 West Washington Street, SPC-44 Phoenix, Arizona 85003-2151	AND COPY TO.....Field Manager, Arizona Strip Field Office Bureau of Land Management 345 East Riverside Drive St. George, Utah 84790
4. ADVERSE PARTIES	Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the <i>Notice of Appeal</i> , (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).	
5. PROOF OF SERVICE	Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).	
6. REQUEST FOR STAY	Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a <i>Notice of Appeal</i> (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your <i>Notice of Appeal</i> (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the <i>Notice of Appeal</i> 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 appropriate Office of the Solicitor (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.	
	Standards for Obtaining a Stay. Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (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.	

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that **all** communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

- Alaska State Office ----- Alaska
- Arizona State Office ----- Arizona
- California State Office ----- California
- Colorado State Office ----- Colorado
- Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
- Idaho State Office ----- Idaho
- Montana State Office ----- Montana, North Dakota and South Dakota
- Nevada State Office ----- Nevada
- New Mexico State Office ---- New Mexico, Kansas, Oklahoma and Texas
- Oregon State Office ----- Oregon and Washington
- Utah State Office ----- Utah
- Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.