

ASDO NEPA DOCUMENT ROUTING SHEET

NEPA Document Number: **DOI-BLM-AZ-A010-2014-0007-CX**

Project Title: Hack Canyon Gabions

Project Lead: Rody Cox

Date that any scoping meeting was conducted: N/A

Date that concurrent, electronic distribution for review was initiated: April 2, 2014

Deadline for receipt of responses: Wednesday, April 23, 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
Diana Hawks, 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:

None

**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-A010-2014-0007-CX
Case File No.: AZA-26004

Proposed Action Title/Type: Hack Canyon Gabions

Applicant: Arizona Strip Field Office

Location of Proposed Action: G&SRM, T. 37 N., R. 5 W., sec. 26, NWNE

Description of Proposed Action: The Hack Canyon mines (I, II & III) were authorized under an approved plan of operations. The mines produced more than 9.5 million pounds of uranium oxide (U₃O₈) between 1981 and 1987. Reclamation occurred during 1987 and 1988. The reclamation was accepted as successful, the bond was released and the case file closed.

Subsequent flash flooding in Hack Canyon has exposed waste material containing anomalously high levels of radiation (200-1,900µR/h) in the toe of a hill that was reclaimed at the Hack I mine. The cut bank is approximately 120 feet long and up to 15 feet high. This waste material and some trash are eroding out of the cut bank and into the wash.

To remediate the erosion and exposure of the “contaminated” waste rock, it is proposed to install gabions and riprap to protect the cut bank. Currently the mobility of the contaminants includes a small component of uranium in readily water-soluble form, wind transported fines and weathered ore and waste rock that is transported downstream when the wash runs with water. The gabions and riprap would armor and cover the exposed cut bank. The level of radiation at the surface should be returned to background. The cover would protect the water soluble component of uranium, eliminate wind transported fines, and greatly reduce the potential for further erosion.

Public safety and resource protection would be addressed by covering the radioactive material and stabilizing erosion at the site.

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.: MA-WS-06, page 2-8

Surface disturbance and reclamation activities will proceed consistent with current permits and subject to the following:

- Arizona Standards for Rangeland Health will be followed to maintain or improve soil conditions. (See Grazing Management decisions).
- Activities will be the minimum necessary to accomplish the task.
- Reclamation will be required for road realignments.

- Measures to stabilize soils and minimize surface water runoff will be required, both during project activities and following project completion.
- Reclamation of all surface disturbances will be initiated during or immediately upon completion of the authorized project. Reclamation can include re-contouring the disturbed area to blend with the surrounding terrain, ripping compacted areas, replacement of topsoil, seeding, planting, and/or providing effective ground cover.
- All temporary roads will be closed and reclaimed immediately upon completion of the project. Reclaimed roads can be barricaded or signed until reclamation objectives are achieved.
- Facilities or improvements no longer necessary will be removed and the sites will be reclaimed, provided no historic properties are affected.

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, I.1. “Planned actions in response to wildfires, floods, weather events, earthquakes, or landslips that threaten public health or safety, property, and/or natural and cultural resources, and that are necessary to repair or improve lands unlikely to recover to a management-approved condition as a result of the event. Such activities shall be limited to: repair and installation of essential erosion control structures; replacement or repair of existing culverts, roads, trails, fences, and minor facilities; construction of protection fences; planting, seeding, and mulching; and removal of hazard trees, rocks, soil, and other mobile debris from, on, or along roads, trails, campgrounds, and watercourses. These activities:

- Shall be completed within one year following the event;
- Shall not include the use of herbicides or pesticides;
- Shall not include the construction of new roads or other new permanent infrastructure;
- Shall not exceed 4,200 acres; and
- May include temporary roads which are defined as roads authorized by contract, permit, lease, other written authorization, or emergency operation not intended to be part of the BLM transportation system and not necessary for long-term resource management. Temporary roads shall be designed to standards appropriate for the intended uses, considering safety, cost of transportation, and impacts on land and resources; and
- Shall require the treatment of temporary roads constructed or used so as to permit the reestablishment by artificial or natural means, or vegetative cover on the roadway and areas where the vegetative cover was disturbed by the construction or use of the road, as necessary to minimize erosion from the disturbed area. Such treatment shall be designed to reestablish vegetative cover as soon as practicable, but at least within 10 years after the termination of the contract.”;

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	April 29, 2014
Gloria Benson, Tribal Liaison	April 24, 2014
Whit Bunting, Range/Vegetation/Weeds/S&G	No response received
Diana Hawks, Recreation/Wilderness/VRM	April 22, 2014
John Herron, Cultural Resources	April 2, 2014
Ray Klein, GCPNM Supervisory Ranger	April 2, 2014
Jace Lambeth, Special Status Plants	April 21, 2014
John Sims, Supervisory Law Enforcement	April 23, 2014
Richard Spotts, Environmental Coordinator	April 2, 2014
Jeff Young, Wildlife/T&E Animals	April 22, 2014
Laurie Ford, Lands/Realty/Minerals	April 2, 2014
Lorraine Christian, Field Manager, ASFO	April 22, 2014

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	<p>Rationale: The project would remediate the exposure and erosion of the exposed waste rock. While this would have an obvious benefit to public health and safety, the impact would not be considered significant because the volume of waste rock being exposed and carried down the canyon is not extensive at this time. In addition, public visitation to the site/area is very low.</p>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Preparer's Initials <u> DCH </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	<p>Rationale: The project is located outside designated wilderness, and any lands managed to maintain wilderness characteristics. Stabilizing the cut bank would be beneficial for recreation users in the area by stopping the possible exposure to uranium waste at the mine site and downstream. Visual resources would not be affected by stabilizing the cutbank in this area because only native rock would be used, and the area was previously disturbed. No</p>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	

		wild and scenic river segments exist in this area. Preparer's Initials <u> DCH </u>
(c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: Stabilizing the cut bank and preventing further erosion of contaminated waste rock would have positive environmental effects. There are no unresolved conflicts concerning alternative uses of available resources at this location. Preparer's Initials <u> RPC </u>
(d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: The construction of gabions and covering the exposed cut bank is certain to have beneficial environmental effects with no unique or unknown environmental risks. The impact would not be considered significant because the volume of waste rock being exposed and carried down the canyon is not extensive at this time. Preparer's Initials <u> RPC </u>
(e) Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: Since the proposed action results in minor positive 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 <u> RPC </u>
(f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: The construction of gabions and covering the exposed cut bank is a stand-alone action without cumulative effects. It is unrelated to other actions that might have individually insignificant but cumulatively significant environmental effects. Preparer's Initials <u> RPC </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: There are no properties listed, or eligible for listing, on the National Register of Historic Places in the project area. 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 listed species present for disturbance associated with the proposed action to occur. <div style="text-align: right;">Preparer's Initials <u> JNY </u></div>
(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 4/24/14 <div style="text-align: right;">Preparer's Initials <u> RPC </u></div>
(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. <div style="text-align: right;">Preparer's Initials <u> RPC </u></div>
(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 4/24/14 and J. Herrons Cultural Resource Compliance Documentation record dated 4/2/14. <div style="text-align: right;">Preparer's Initials <u> RPC </u></div>
(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 <input type="checkbox"/>	No <input checked="" type="checkbox"/>	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. <div style="text-align: right;">Preparer's Initials <u> RPC </u></div>
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: Diana Hawks DATE: May 9, 2014
acting
TITLE: Field Manager, Arizona Strip Field Office

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
HACK CANYON GABIONS
DOI-BLM-AZ-A010-2014-0007-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: Diana Hawks

Date: 5/9/2014

for Name: Lorraine M. Christian
Title: Arizona Strip Field Manager

Attachment: Form 1842-1