

DECISION MEMORANDUM
FY14_0024_DNA_Tombstone_AML_Remediation

Tombstone AZ Abandoned Mine Remediation

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

Project Description

77 Abandoned mine shafts and prospect pits will be filled with waste rock. These 77 mine features occur from 1 to 4 miles south of Tombstone AZ and east of Charleston Road. The project will occur from October to December 2014. The purpose of the project is to reduce and eliminate hazards at the subject mine features.

Approval and Decision

Based on a review of the project described in the attached Determination of NEPA Adequacy (DNA) and field office staff recommendations, I have determined that the project is in conformance with the *Phoenix* Resource Management Plan (approved 1988). The DNA is based on NEPA # DOI-BLM-AZ-G020-2013-0029-EA. It is my decision to approve the action as proposed

Administrative Review or Appeal Opportunities

Per BLM AML policy, known mine claimants were provided a 30 day period to identify mine features they desire to be left open. Mine claimants were contacted by registered mail and notified of their rights and responsibilities regarding hazards on their claims. No claimant indicated a desire for any mine features to be left open and un-remediated.

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 Tucson Field Office, 3201 E Universal Way, Tucson AZ 85756 within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

In accordance with 43 CFR 2931.8 (b) this decision remains in effect pending appeal unless a stay is granted. 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.

<u>/s/ Viola Hillman</u>	<u>10/17/2014</u>
Viola E. Hillman, Field Manager	Date

Attachment: Form 1842-1