



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Phoenix District
Lower Sonoran Field Office
21605 North 7th Avenue
Phoenix, Arizona 85027
www.blm.gov/az/

In Reply Refer To:
43 CFR 3600 (AZP020)
DOI-BLM-AZ-P020-2015-0001-CX

DECISION

SWRP Mineral Materials Exploration Permit DOI-BLM-AZ-P020-2015-0001-CX

The Bureau of Land Management, Lower Sonoran Field Office, has prepared a Categorical Exclusion for the SWRP Mineral Materials Exploration Permit project, DOI-BLM-AZ-P020-2015-0001-CX. The proponent, Southwest Rock Products, LLC (SWRP), proposes to drill five exploration holes pursuant to 43 CFR 3601.30, each hole to be 40 ft. deep and 4 inches in diameter, to test for the presence and quality of basalt on public lands in T4S, R8E, sec. 13, SE $\frac{1}{4}$ and T4S, R9E, sec. 18, SW $\frac{1}{4}$, G&SRM, about 8 miles southeast of San Tan Valley, AZ.

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 Lower Sonoran Record of Decision & Approved Resource Management Plan (approved September 2012) and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed, subject to the special stipulations attached to the Categorical Exclusion documentation.

RATIONALE

BLM's policy is to make mineral materials available unless it is detrimental to the public interest to do so. The subject lands are not recommended for withdrawal or segregated from minerals actions, and are open to discretionary mineral materials disposal via sales or free-use permits on a case-by-case basis. Authorizing a mineral materials exploration permit onsite for the drilling of five shallow exploration holes is not detrimental to the public interest. The authorization does not give the proponent a preference right to a subsequent sales contract or free use permit, and any such contracts or permits would be discretionary subject to further environmental review.

AUTHORITY

This Decision is in conformance with the National Environmental Policy Act (NEPA) of 1969 (P.L. 91-190) as amended (72 USC 4321 et. seq.); Land and Water Conservation Fund Act of 1965 (P.L. 88-578) as amended; Mining and Minerals Policy Act of 1970 (30 USC § 21a);

General and Title V of the Federal Land Management Policy Act of 1976 (FLPMA); and 43 CFR 3601.6.

APPEAL OF THE DECISION

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office at the above address 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 at 43 CFR 3256.11 or 43 CFR 3200.5 for a stay 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 IBLA and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed in 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 regulation, a petition for a stay of a decision pending appeal must show sufficient justification based on the following standards:

1. The relative harm to 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.
4. Whether the public interest favors granting the stay.



Edward J. Kender
Manager
Lower Sonoran Field Office

11/21/14

Date

**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

NEPA No.: P020-2015-0001-CX

Case File No.: AZA-36590

Proposed Action Title/Type: SWRP Mineral Materials Exploration Permit

Applicant: Southwest Rock Products, LLC

Location of Proposed Action: T4S, R8E, sec. 13, SE 1/4 and T4S, R9E, sec. 18, SW 1/4, G&SRM

Description of Proposed Action: Southwest Rock Products proposes to drill five exploration holes pursuant to 43 CFR 3601.30, each hole to be 40 ft. deep and 4 inches in diameter, to test for the presence and quality of basalt on public lands immediately south of Vulcan Materials Company's Queen Creek Quarry contract area. Access to the drill sites is via Franklin Road on the south side of the public lands onsite. See the attached map for drill hole locations

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.: 2.2.15 Minerals Management, MM-1.1.12, page 2-88: All BLM-administered lands not recommended for withdrawal or segregated from minerals actions will be open to discretionary mineral materials disposal via sales or free-use permits on a case-by-case basis, in accordance with resource management objectives.

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 F(9) – Digging of exploratory trenches for mineral materials, except in riparian areas. 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. ;

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:

Matt Plis, Environmental Engineer	11/21/14
Cheryl Blanchard, Archaeologist	11/21/14
Ron Tipton, Wildlife Biologist	11/21/14

Gloria Tibbetts 
 PLANNING & ENVIRONMENTAL SPECIALIST

11/21/14
 DATE

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	No	Rationale: The drilling of five 40 ft. deep exploration drill holes will have no impact on public health or safety.	Preparer's Initials <u>MP</u>
	X		

(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 drilling of five 40 ft. deep exploration drill holes will not significantly impact the resources listed above.	Preparer's Initials <u>MP</u>
	X		

(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 drilling of five 40 ft. deep exploration drill holes does not have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.	Preparer's Initials <u>MP</u>
	X		

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

Yes	No	Rationale: The proposed exploration project does not have highly uncertain and potentially significant environmental effects or involves unique or unknown environmental risks.	Preparer's Initials <u>MP</u>
	X		

(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 proposed project does nor establish a precedent for future action or represent a decision in principal about future actions. Authorizing a mineral material exploration project does not give preference rights to sales contracts or free-use permits, as the issuance of those contracts and permits are discretionary actions.
	X	

Preparer's Initials MP

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

Yes	No	Rationale: The proposed project has no direct relationship to other actions with individually insignificant, but cumulatively significant effects.
	X	

Preparer's Initials MP

(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	Rationale: The proposed project will not impact properties listed, or eligible for listing, in the National Register of Historic places.
	X	

Preparer's Initials CB

(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	Rationale: The proposed project will not impact species listed, or proposed to be listed, in the List of Endangered or Threatened Species, or their designated Critical Habitat.
	X	

Preparer's Initials RT

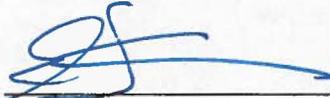
(i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		
Yes	No <input checked="" type="checkbox"/>	Rationale: The proposed project will not violate a Federal, State, local, or Tribal law or requirement imposed for the protection of the environment. 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 project will not adversely affect 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: The proposed project will not limit access to, or adversely affect, Indian sacred sites. 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 <input checked="" type="checkbox"/>	Rationale: The proposed project is not expected to contribute to the introduction, continued existence, or spread of noxious weeds or invasive species. If noxious weeds or invasive plants are detected during an inspection, the permittee shall be required to implement weed control, prevention, and treatment factors to remove the seed source and limit seed transport into the project site. Preparer's Initials <u>MP</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: Special stipulations attached.

APPROVING OFFICIAL: _____



DATE: _____

11/21/14

TITLE: _____

LOWER SONORAN 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.



AZA-36590

Special Stipulations, Exploration Permit AZA-36590

1. Exploration at the subject site shall be in conformance with the request submitted by the permittee on August 7, 2014, any subsequently approved amendments to that request, and in accordance with the stipulations herein after set forth. The permittee will obtain and keep current and in good standing all permits required by the various City, County, State, and Federal agencies and will abide by stipulations as set forth in said permits. Permittee will comply with all applicable Federal, State, County, and City environmental standards and permits.
2. The permittee shall take fire precaution and conservation measures and shall dispose of slash or other debris resulting from operations authorized hereunder in accordance with instructions from the Authorized Officer.
3. The Bureau of Land Management (BLM) cannot guarantee access into the subject site, as it is located within an isolated parcel of public land. Permittee is solely responsible for obtaining legal access across the non-Federal lands surrounding the site. BLM authorization of the exploration permit does not imply that Federal approval has been granted to the permittee or their customers the right to transport trucks and rock products across any City, County, State, Federal, or private property or roads. Permittee or their contractors shall be held liable for any damages to such property. No new access road segments are to be constructed on the BLM-administered lands onsite, in conformance with the permittee's exploration permit application.
4. BLM's approval of this exploration permit shall not be construed to effect a preemption of Arizona State laws and regulations or to imply that BLM has granted any approvals normally under the purview or regulatory authority of City, County, State, or other Federal agencies.
5. Any cultural and/or paleontological resource (prehistoric or historic site or object) discovered by the permittee, or any person working on his behalf, on the subject lands shall be reported immediately to the Bureau of Land Management's authorized officer. It is unlawful to disturb, deface, or remove these cultural and paleontological resources unless authorized by the Bureau of Land Management under a cultural resources use permit. The permittee 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 scientific values.
6. A potentially National Register eligible archaeological site (AZ U:15:825(ASM)) exists near one of the proposed drill sites, as described in the cultural resources survey report the permittee's contractor has submitted to BLM. BLM understands that the permittee will shift the drill site 150 ft. south of the originally proposed location to entirely avoid the site, leaving a 180 ft. buffer between the drilling pad area and the southern boundary of AZ U:15:825(ASM). No vehicular traffic is to occur north of the revised drill pad location. Permittee shall utilize a cultural site monitor during the process of siting and constructing the drill pad, drilling the hole, and reclaiming the hole, drill pad and access route, in order to ensure that the AZ U:15:825(ASM) site remains undisturbed.
7. The permittee shall defend, and hold harmless the United States and/or its agencies and representatives against and from any and all demands, claims, and liabilities of every nature whatsoever, including, but not necessarily limited to, damage to property and injuries or death of persons arising from any activity connected with the permittee's use or occupancy of the lands described in this permit, or with the activity authorized under this permit.

8. The area will be reclaimed in accordance with the provisions and reclamation guidelines as found in the permittee's request, and BLM's Metropolitan Phoenix Mineral Materials Program Guidelines 1995, and H-3041-1 Solid Mineral Reclamation Handbook. Drill holes will be abandoned in accordance with Arizona Department of Water Resources requirements, and any ground disturbance created during this project will be contoured and hand-raked to match the surrounding terrain.

9. Solid waste will be disposed of in accordance with local laws. The permittee shall promptly remove and dispose of all waste caused by its activities as directed by the authorized officer. The term waste as used herein means all discarded matter, but not limited to human waste, trash, garbage, refuse, petroleum products, ashes and equipment. Wastes shall be disposed of in a sanitary landfill unless otherwise approved by the authorized officer. No burial of wastes on site is allowed. The area shall be maintained at all times in a condition that is not hazardous to humans or livestock.

10. Prior to removal of protected plants, the permittee must have prior approval and the necessary authorizations issued by the State of Arizona.

- The permittee must notify the Arizona Department of Agriculture and Horticulture 30 days before the beginning surface disturbance for possible salvage of Arizona protected plants.

- Saguaros, particularly the single stemmed ones, should be transplanted just off the project site onto adjacent BLM lands following saguaro transplanting protocol, or an on-site nursery should be established, and the saguaros used as part of the reclamation process.

11. If noxious weeds or invasive plants are detected during an inspection, the permittee shall be required to implement weed control, prevention, and treatment factors to remove the seed source and limit seed transport into the project site. Suitable weed treatment and prevention techniques will be established by the BLM.

12. Pursuant to 43 CFR 3601.30(b), you must submit your sampling and testing findings to BLM.