



# United States Department of the Interior



## BUREAU OF LAND MANAGEMENT

Phoenix District

Hassayampa Field Office

21605 North 7th Avenue

Phoenix, Arizona 85027

[www.blm.gov/az/](http://www.blm.gov/az/)

In Reply Refer To:

3809 (P010) JS

AZA – 36623

NOV 26 2014

CERTIFIED MAIL – RETURN RECEIPT REQUESTED: 7013 1570 0000 7962 7258

### DECISION

Anglo-American Exploration (USA), Inc. :  
Mr. Jonathan Boswell : Surface Management  
12480 N. Rancho Vistoso Blvd., Ste. 130 :  
Oro Valley, AZ 85755 :

### Occupancy Concurrence

Your Notice to conduct exploration drilling and access improvement in section 12, T. 6 N., R. 6 W., G&SRM, Maricopa County, Arizona, was received on October 16, 2014, and subsequently modified on October 28 and November 14, 2014.

Your request for 24 hour operation from December 1, 2014 to December 30, 2014 in your revised Notice of November 14, 2014 qualifies that use as “occupancy” as defined by 43 CFR 3715.0-5 (enclosed). Subsequent electronic communications on November 25, 2014 expanded the amount of equipment (additional drill rig and associated equipment) that would be on site during drilling operations, and redesignated the drilling duration to be December 8, 2014 through December 30, 2014.

Per the regulations at §3715.3-1, you may not begin occupancy (placement of fences, trailers, equipment, and supplies) until the following have occurred:

- (a) You have complied with either 43 CFR part 3800, subpart 3802 or 3809 and this subpart, and BLM has completed its review and made the required determinations under the applicable subparts, and
- (b) You have obtained all federal, state and local mining, reclamation, and waste disposal permits, approvals, or other authorizations for the particular use or occupancy as required under this subpart.

The BLM has issued a separate decision establishing the term of your mining Notice AZA – 36623 to last until November 24, 2016, or is terminated, whichever occurs first. This Occupancy Concurrence will remain in effect until the associated Notice expires on November 24, 2016 or is terminated, unless you notify this office beforehand that operations have ceased and reclamation is complete.

This concurrence consists of the following elements:

1. The vehicles and support equipment listed below
  - a. 2 (two) Truck mounted LF90 core drill rigs
  - b. 7 (seven) 4x4 support trucks
  - c. 2 (two) portable light plants
  - d. 2 (two) mixing units
  - e. 2 (two) portable toilets (serviced by Day & Night Portable Toilets weekly)
  - f. 1 Drill-rod tender truck
  - g. 1 4x4 4,000 gallon capacity water truck
  - h. 1 Backhoe
2. Approximately 100 feet (total) of fencing to prevent large animals or recreation users from falling into the sump.
3. Signage indicating "Restricted Area" or similar warning near active operations.
4. Minimum 6 mil thickness plastic sheeting under drill rigs during active operations and under any drilling mud additive stockpiles. Plastic sheeting will be bermed to prevent runoff from stormwater or leaking liquid.
5. Minimum 37 gallon absorbent capacity spill kit on site at each drill pad.
6. At least one but not more than three trash receptacles at each occupied site to be collected and disposed of daily.
7. Temporary storm water diversion berms as specified in the "Storm water Management" section of your revised Notice submitted on November 14, 2015.

According to the regulations at §3715.5(b) and (c), your use(s) and occupancies must conform to all applicable federal and state environmental standards and you must have obtained all required permits before beginning. This means getting permits and authorizations and meeting standards required by state and federal law. Please consult with the appropriate state permitting authorities.

Reclamation of your occupancy will consist of abandoning all borehole(s) according to the standards promulgated by the Arizona Department of Water Resources (ADWR) for well registration number 55-917537 (record enclosed), and submitting a copy of the accepted and completed ADWR Form 55-57 to this office.

You must also reclaim disturbances created by your occupancy as you describe in your revised Notice of November 14, 2014 (enclosed), including replacing cleared topsoil and replacing vegetation set aside during operations. Contact this office prior to reclamation completion for a suitable replanting / reseeding mixture at each disturbance.

Prior to achieving Terminal Depth (TD) at either borehole, contact Geologist Judd Sampson or Surface Protection Specialist Roy Draper so that we may verify proper abandonment and reclamation with the driller and supervising geologist on site.

This concurrence is based on your adherence to the mitigation measures listed in the Determination of NEPA Adequacy (DNA) dated November 25, 2014 (enclosed), including the following:

1. "Performance Measures" and "Actions and Activities Not Allowed" found in Appendix 4 of the Programmatic Environmental Assessment for Selected Actions Taken for Mining Claim and Millsite Use and Occupancy in Arizona, dated November 18, 1997.
2. All "Specific Measures to Prevent Undue Degradation" from your Notice modification submitted November 14, 2014
3. The Performance Standards of 43 CFR 3715.5 and 43 CFR 3809.420

This concurrence is non-transferable. Your occupancy must maintain compliance with the provisions of §3715.2 and §3715.2-1.

#### Appeal of a Decision under 43 CFR 3715

If you are adversely affected by this decision, you may appeal to the IBLA under 43 CFR part 4. If you appeal this decision, you must file a Notice of Appeal to this office at 21605 North Seventh Avenue, Phoenix, Arizona 85027 within 30 days from receipt of this decision. As the appellant you have the burden of showing that the decision appealed from is in error. Enclosed is BLM Form 1842-1 that contains information on taking appeals to the IBLA.

This decision will remain in effect while the IBLA reviews the case, unless a stay is granted by the IBLA. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

#### Request for a Stay

If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by Interior Board of Land Appeals (IBLA), 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 this notice of appeal and petition for a stay must also be submitted to each party named in the 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 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 where 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 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.

Please contact Geologist Judd Sampson at (623) 580-5576 with any questions.

Sincerely,

  
Rem Hawes  
Field Manager

Enclosures:

- 1 – Title 43, Subtitle B, Chapter II, Subchapter C, Part 3710, Subpart 3715 of the Code of Federal Regulations, Use and Occupancy Under the Mining Laws
- 2 – Arizona Department of Water Resources Well Registry Information for registration number 55-805207, accessed November 25, 2014.
- 3 – DOI-BLM-AZ-P010-2015-0002-DNA, Determination of NEPA Adequacy, including mitigation measures.
- 4 – Form 1842-1, Information on Taking Appeals to the Interior Board of Land Appeals.