

**NATIONAL ENVIRONMENT POLICY ACT (NEPA)  
COMPLIANCE RECORD FOR CATEGORICAL EXCLUSIONS (CX)  
U.S Department of Interior  
Bureau of Land Management**

**PART I. - PROPOSED ACTION**

**BLM Office:** Yuma Field Office (YFO)

**NEPA No.:** DOI-BLM-AZ-C020-2015-015-CX

**Proposed Action Title/Type:** YFO AML Emergency Fencing

**Applicant:** BLM YFO

**Location of Proposed Action:** 9 locations within the following (see map)

Gila and Salt River Meridian  
La Paz County, Arizona  
T. 3 N., R. 20 W.

Gila and Salt River Meridian  
La Paz County, Arizona  
T. 4 N., R. 20 W.

**Description of Proposed Action:** The BLM proposes to install emergency fencing and warning signage on nine abandoned mine workings (see Table 1) on BLM-managed lands within the Colorado River District (CRD), Yuma Field Office (YFO). The nine sites were inventoried by Arizona Game and Fish Department and are rated with a high hazard rating score which is based on criteria that includes proximity to roads, recreational uses, type of opening, and other public hazards. Existing roads will be used for access. No new roads will be built or improved. The mine workings will be accessed by two track roads. Fencing will be constructed with hand tools and will be temporary. All claimants associated with these workings have received notification of BLM's intent to install emergency fencing. Fencing and signing of sites will be done as temporary site mitigation to reduce the risk of endangering the public in those areas.

**TABLE 1: LIST OF SITES AND RECOMMENDATIONS**

# on Map	MINE NAME (AZSMI)	HAZARD SCORE	UTMs (Easting, Northing)
1	1403N20W03AO096	36	748990, 3725052
2	1403N20W03SO097	35	748930, 3724970
3	1403N20W04AO16	34	747789, 3724900
4	1404N20W34VO3	33	749645, 3724624
5	1403N20W03OT014	33	749758, 3724350
9	1403N20W03OT011	31	747301, 3724431
11	1404N20W33IO1	27	747781, 3724915
13	1403N20W03OT013	27	749343, 3724641
14	1403N20W04OT11	27	747461, 3724821

**PART II. – PLAN CONFORMANCE REVIEW**

**This proposed action is subject to the following land use plan(s):** Yuma Field Office Record of Decision (ROD) Approved Resource Management Plan (RMP)

**Decisions:**

**YFO RMP HM-003:** “Reduce the public risk by implementing fencing, signs, and ultimately closure of abandoned mine openings.”

**YFO RMP HM-004:** “For abandoned mines posing a public safety hazard, design protective fences or closures to accommodate existing or future use by wildlife (i.e., bats, small mammals, and owls).”

**YFO RMP AA-320:** “Cooperate with the appropriate Arizona and California State agencies to identify the location of abandoned mines and prospects.”

**YFO RMP AA-321:** “Reclamation and mitigation work done on abandoned mine sites will be monitored to ensure compliance with laws and regulations and with the terms of the work order or contract. Abandoned mine sites requiring clean-up will be monitored to protect and safeguard human health, prevent/restore

environmental damage and to limit the BLM's liability. This monitoring includes such things as conducting periodic water and soil sampling, monitoring for re-vegetation of reclaimed areas, dust control, erosion and other signs of potential danger to human health and harm to the environment.”

**Date plan approved/amended:** January 29, 2010

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., (8): Installation of minor devices to protect human life (e.g. grates across mines).

**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

The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215(a)-(1)) apply. The project would:			
<b>(a) Have significant impacts on public health or safety.</b>			
Yes	<b>No</b>	The nature of the proposed project is such that it would mitigate impacts on public health and safety and would not impact them negatively.	Preparer's Initials: TJ
<b>(b) Have significant impacts on such natural resources and unique geographic characteristics as historical 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); flood plains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.</b>			
Yes	<b>No</b>	Biological surveys indicate that there will be no significant impacts on the migratory birds and other ecologically significant or critical areas. The nature of the proposed project is temporary and therefore would not significantly impact cultural or historical resources. See Part V, Mitigation Measures.	Preparer's Initials: JFM & ES
<b>(c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].</b>			
Yes	<b>No</b>	The nature of the proposed project (to ameliorate public health or safety risks) is not known to be highly controversial.	Preparer's Initials: TJ
<b>(d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.</b>			
Yes	<b>No</b>	The fencing of AML is routine and does not have highly uncertain or potentially significant environmental effects.	Preparer's Initials: TJ
<b>(e) Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.</b>			
Yes	<b>No</b>	AML remediation is routine and would not set any precedent.	Preparer's Initials: TJ
<b>(f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.</b>			

Yes	<b>No</b>	A review of other actions in the area did not indicate that any cumulatively significant environmental impacts would result from the project.	Preparer's Initials: TJ
(g) Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.			
Yes	<b>No</b>	The nature of the proposed project is temporary and therefore would not significantly impact resources that are listed or eligible for listing on the National Register of Historic Places. See Part V, Mitigation Measures.	Preparer's Initials: JFM
(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	<b>No</b>	Biological surveys indicate that there will be no significant impacts. See Part V, Mitigation Measures.	Preparer's Initials: ES
(i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of environment.			
Yes	<b>No</b>	Through an interdisciplinary review of this project proposal, the BLM determined that the project complies with legal requirements.	Preparer's Initials: TJ
(j) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).			
Yes	<b>No</b>	The remediation of the AML workings would benefit the recreating public equally and would not have a disproportionately high or adverse effect on low income or minority populations.	Preparer's Initials: TJ
(k) Limit access to and ceremonial use of Indian sacred site on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (executive Order 13007).			
Yes	<b>No</b>	The proposed project does not block or restrict access to any known sacred sites identified in the project area.	Preparer's Initials: TJ
(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	<b>No</b>	As necessary, the YFO would initiate and maintain a BLM-approved program to control invasive species or noxious weeds occurring within the boundary of the proposed sites.	Preparer's Initials: TJ

## **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. However, the following mitigation measures should be followed for this project.

### **MITIGATION MEASURES/OTHER REMARKS:**

Mitigation/stipulation measures identified for this action include the following:

In the event that a **desert tortoise** is encountered during operations, it should not be disturbed in any way if at all possible. If it is directly in harm's way, and person holds required State and Federal permits, it should be carefully moved, handled only as long as it takes to move it out of danger, and released unharmed.

Actions which result in impacts to archaeological or historical resources shall be subject to the provisions of the Archaeological Resources Protection Act of 1979 as amended and the Federal Land Policy and Management Act of 1976. These statutes protect cultural resources for the benefit of all Americans. No person may excavate, remove, damage, or otherwise alter or deface any historic or prehistoric site, artifact or object of antiquity located on public lands without authorization.

The holder shall immediately bring to the attention of the Field Manager (or designated representative) any cultural resources (prehistoric/historic sites or objects) and/or paleontological resources (fossils) encountered during permitted operations and maintain the integrity of such resources pending subsequent investigation. All permitted operations within 30 meters (100 feet) of the cultural resources shall cease until written authorization to proceed is received from the Authorized Officer.

<b>PREPARERS</b>	<b>SIGNATURE</b>	<b>DATE</b>
Frank Bergwall – YFO Project Manager	/s/ Frank Bergwall	3/10/15
Jennifer Frederick McGuire - Archeologist	/s/ Jennifer Frederick McGuire	3/5/15
Erica Stewart - Biologist	/s/ Erica Stewart	3/10/15

\_\_\_\_\_/s/ Arturo Lopez\_\_\_\_\_  
 PLANNING & ENVIRONMENTAL SPECIALIST  
 Art Lopez (acting)

\_\_\_\_\_3/10/15\_\_\_\_\_  
 DATE

\_\_\_\_\_/s/ Thomas Jones\_\_\_\_\_  
 ASSISTANT FIELD MANAGER  
 Thomas Jones

\_\_\_\_\_3/10/15\_\_\_\_\_  
 DATE

Note: the signed conclusion on this compliance records 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  
YFO AML Emergency Fencing  
DOI-BLM-AZ-C020-2015-015-CX  
U.S. Department of the Interior  
Bureau of Land Management  
Yuma Field Office**

**Approval and Decision**

Based on a review of the project described in the attached Categorical Exclusion documentation and Yuma Field Office (YFO) staff recommendations, I have determined that the project is in conformance with the YFO Resource Management Plan (approved January 2010) and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed with the following mitigation measures in place.

In the event that a desert tortoise is encountered during operations, it should not be disturbed in any way if at all possible. If it is directly in harm's way, and person holds required State and Federal permits, it should be carefully moved, handled only as long as it takes to move it out of danger, and released unharmed.

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The holder shall immediately bring to the attention of the Field Manager (or designated representative) any cultural resources (prehistoric/historic sites or objects) and/or paleontological resources (fossils) encountered during permitted operations and maintain the integrity of such resources pending subsequent investigation. All permitted operations within 30 meters (100 feet) of the cultural resources shall cease until written authorization to proceed is received from the Authorized Officer.

**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 made, your notice of appeal must be filed at the Yuma Field Office, 2555 E. Gila Ridge Rd., Yuma, AZ, 85365, within 30 days from receipt of this decision. The appellant has the burden of showing how the appellant is harmed and how 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 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.

APPROVING OFFICIAL: \_\_\_\_\_/s/ Arturo Lopez\_\_\_\_\_                      DATE: \_\_3/10/15

TITLE: \_\_\_\_\_Acting Field Manager\_\_\_\_\_

# 2015 AML, NINE FENCE CLOSURES: T3N and T4N, R20W

