

DECISION MEMORANDUM
Waste Management; CMI
DOI-BLM-AZ-G020-2015-0013-CX
AZA-36886

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

Project Description

On February 21, 2012 Waste Management formerly DKL Holdings filed an application for a Conveyance of Mineral Interest of the subsurface on the following described lands:

T.12 S., R. 10 E., Gila and Salt River Meridian
Sec. 1, Lots 1-3, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$.

The proposed action qualifies as a CX under Departmental Manual 516, 11.9, E(5) that reads; Actions taken in conveying mineral interest where there are no known mineral values in the land under Section 209(b) of the Federal Land Policy and Management Act of 1976 (FLPMA).

The above described surface lands are owned by this company. They are pursuing the patent of the subsurface. A preliminary mineral report was completed. The Mineral Report concludes the lands identified in this application are classified by BLM as prospectively valuable for oil and gas, are not prospectively valuable for geothermal resources, and have low potential for other leasable minerals. The lands identified in this application are also known to have low potential for salable and locatable minerals. Therefore, it is the BLM's decision that we convey, to the applicant, salable, and locatable minerals interest, exclusive of oil and gas showing no value to the federal government.

Approval and Decision

Based on a review of the project described in the attached Categorical Exclusion documentation and Field Office staff recommendations, I have determined that the project is in conformance with the The Phoenix Resource Management Plan (RMP), which does not prohibit the conveyance of minerals interest. Specifically, in the Phoenix RMP "Mineral exploration and development are generally encouraged on public land in keeping with the Bureau's multiple resource concepts".

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 Form 1842-1, which can be

found in the Tucson Field Office. 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.

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.

_____/s/_____
Karen Simms, Acting Tucson Field Office Manager

_____5/14/15_____
Date

Attachment: G020-2015-0013-CX