

**U.S. Department of the Interior  
Bureau of Land Management**

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**Categorical Exclusion  
AML-Physical Safety Closures-Boomtown**

**PREPARING OFFICE**

U.S. Department of the Interior  
Bureau of Land Management





# **Categorical Exclusion**

## **AML-Physical Safety Closures-Boomtown**

**DOI-BLM-CO-F02-2015-0035 CX**

**Prepared by**  
**U.S. Department of the Interior**  
**Bureau of Land Management**  
**Canon City, CO**

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## **A. Background**

### **BLM Office:**

LLCOF020000

### **Lease/Serial/Case File No.:**

### **Proposed Action Title/Type:**

Abandoned Mine Lands-Physical Safety Closures-Boomtown

### **Location of Proposed Action:**

Teller County, 6th PM, T15S, R70W, SWNE Section 35

6th PM, T14S, R69W, Section 31 and 32

Fremont County. 6th PM, T17S, R69W, SWSW Section 14, NENE Section 22, and SW Section 28

### **Applicant:**

BLM

### **Description of Proposed Action:**

The proposed action is part of an ongoing effort to address safety issues associated with hazardous mine openings associated with past mining throughout the Royal Gorge Field Office area. The proposal is to safeguard hazardous mine openings associated with 9 abandoned mine features. These features are located along the Phantom Canyon road north of Canon City and north of Cripple Creek (Fig. 1.1 to Fig. 1.4). Openings include vertical and horizontal openings (shafts and adits respectively) that will be safeguarded either by backfilling with dump material that is on site or possible grate installation, as outlined in Table 1 (BLM features only), also see Appendix 1 for detailed descriptions and photos of features. Use of onsite dump material will ensure that the closures blend in with the surroundings. Designs for all proposed closures adhere to the General Bid Specifications for the Colorado Inactive Mine Reclamation Program, Division of Reclamation, Mining & Safety, Department of Natural Resources, State of Colorado, March 2009.

Access to all features will use existing roads and where there are no existing roads; features will be accessed via cross country travel with an ATV or other tracked vehicle. The equipment will track on the existing roads, and no new road construction will be allowed. Road surfaces will be seeded if needed. The Mini track loader is typically used to install safety closures. Road and/or trail improvements are not being considered and will not be authorized, except for light pruning of trees. If a track is not sufficient to get equipment into a feature then a hand crew will be required. If motorized vehicles are used, the number of trips will be minimized and all tracks created would be rehabilitated and seeded if necessary. In addition, any other soil disturbance associated with this reclamation work will be rehabilitated and reseeded as needed.

Critical Habitat is designated for Mexican spotted owl in Fremont County and occurs within ½ mile of the proposed action area (USFWS 2004). Protected Activity Centers for Mexican spotted owl exist in Fremont and Teller Counties and in the vicinity of the proposed abandoned mine closures. These provide the highest level of habitat protection; however do not preclude all

management activities. To ensure that conservation of Mexican spotted owl and its habitat would be met with this project, work will only be done October 15th thru March 1st.

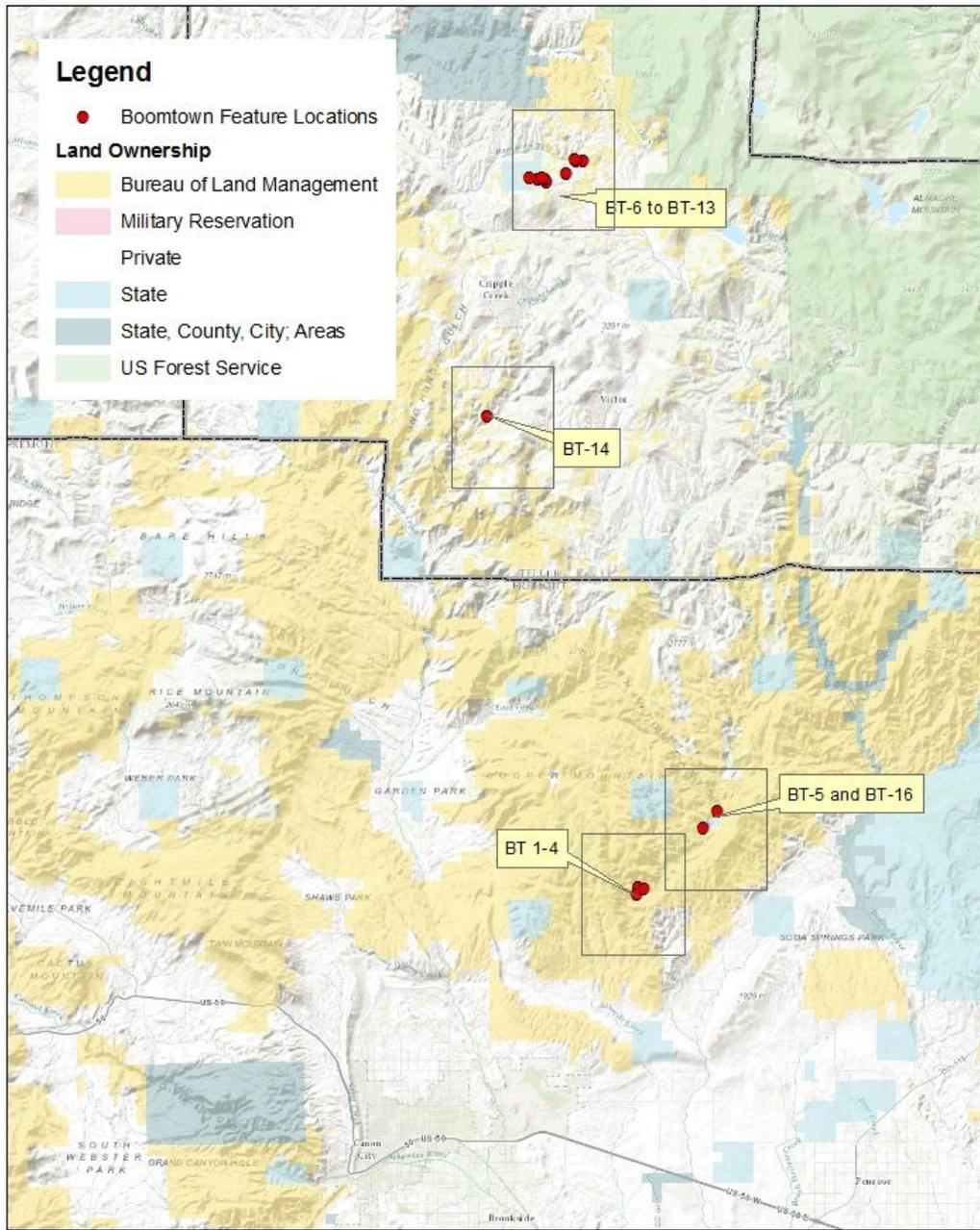
The project includes features that will be closed on private land as well as BLM lands. This is being done through a cooperative agreement with the Colorado Division of Reclamation, Mining, and Safety (DRMS). DRMS has done all project development and will oversee project construction. The BLM is responsible for notifying any unpatented mining claim owners of the proposed activity in accordance with WO IM 2010-0045.

There are active mining claims located in the vicinity of the proposed physical safety closures. The claimants were notified via Certified Mail. Within 30 days prior to construction, a site inspection will be conducted to determine if physical evidence of an active mining claim exists. At that time a notice of closure will also be posted.

**Table 1.1. BLM features and proposed closure methods**

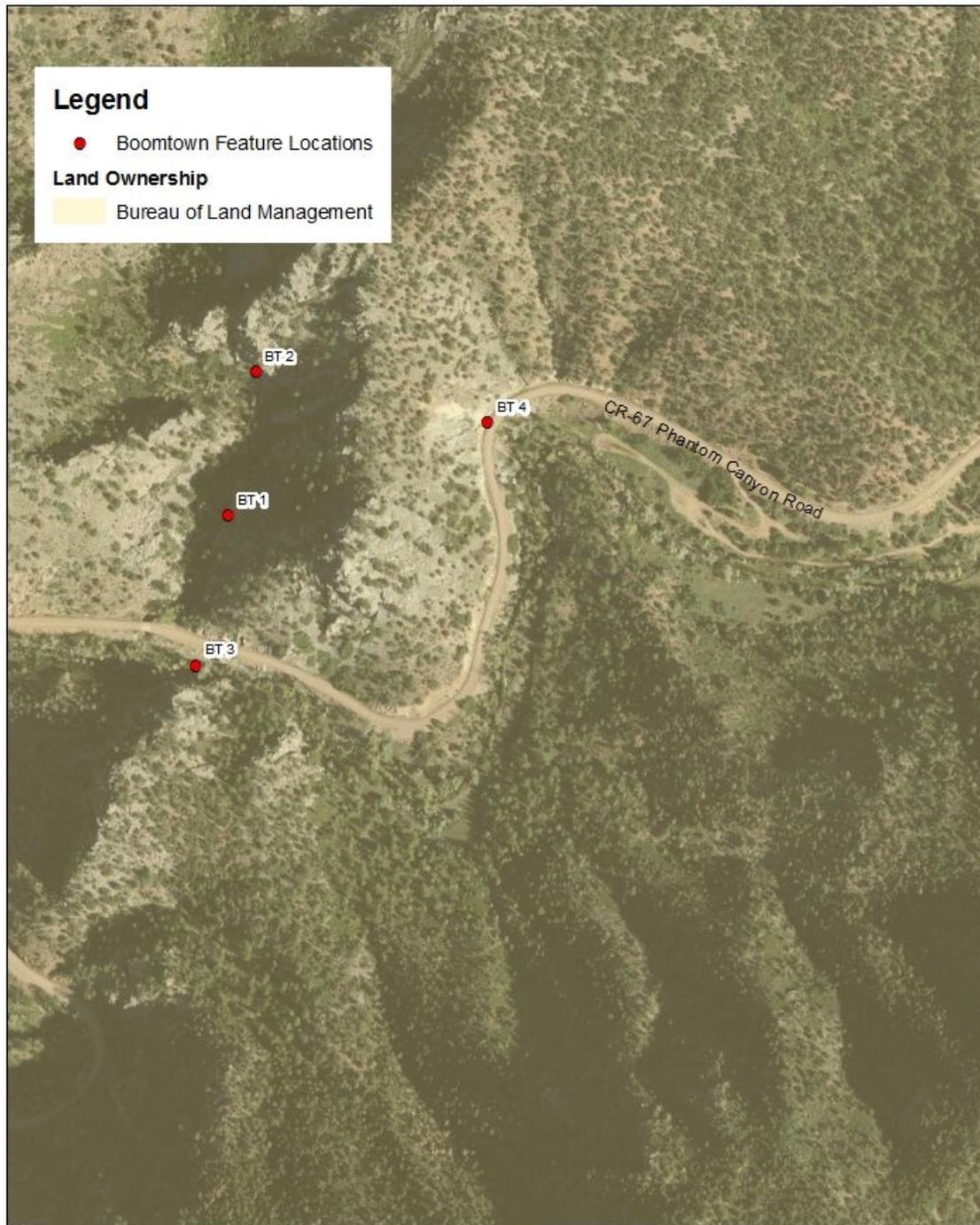
<b>Feature ID</b>	<b>Feature Type</b>	<b>Proposed Closure Method</b>	<b>Bats Indicated</b>
BT-1	Adit	Bulkhead	No
BT-2	Adit	Bulkhead/Backfill	No
BT-3	Adit	Bulkhead	No
BT-4	Adit	Bulkhead/Backfill	No
BT-5	Adit	Bulkhead/Backfill	No
BT-6	Shaft	Backfill	No
BT-9	Shaft	Grate	No
BT-14	Collapsed Shaft	Backfill	No
BT-15	Shaft	Backfill	No

**Figure 1.1.**



AML-Physical Safety Closures-Boomtown

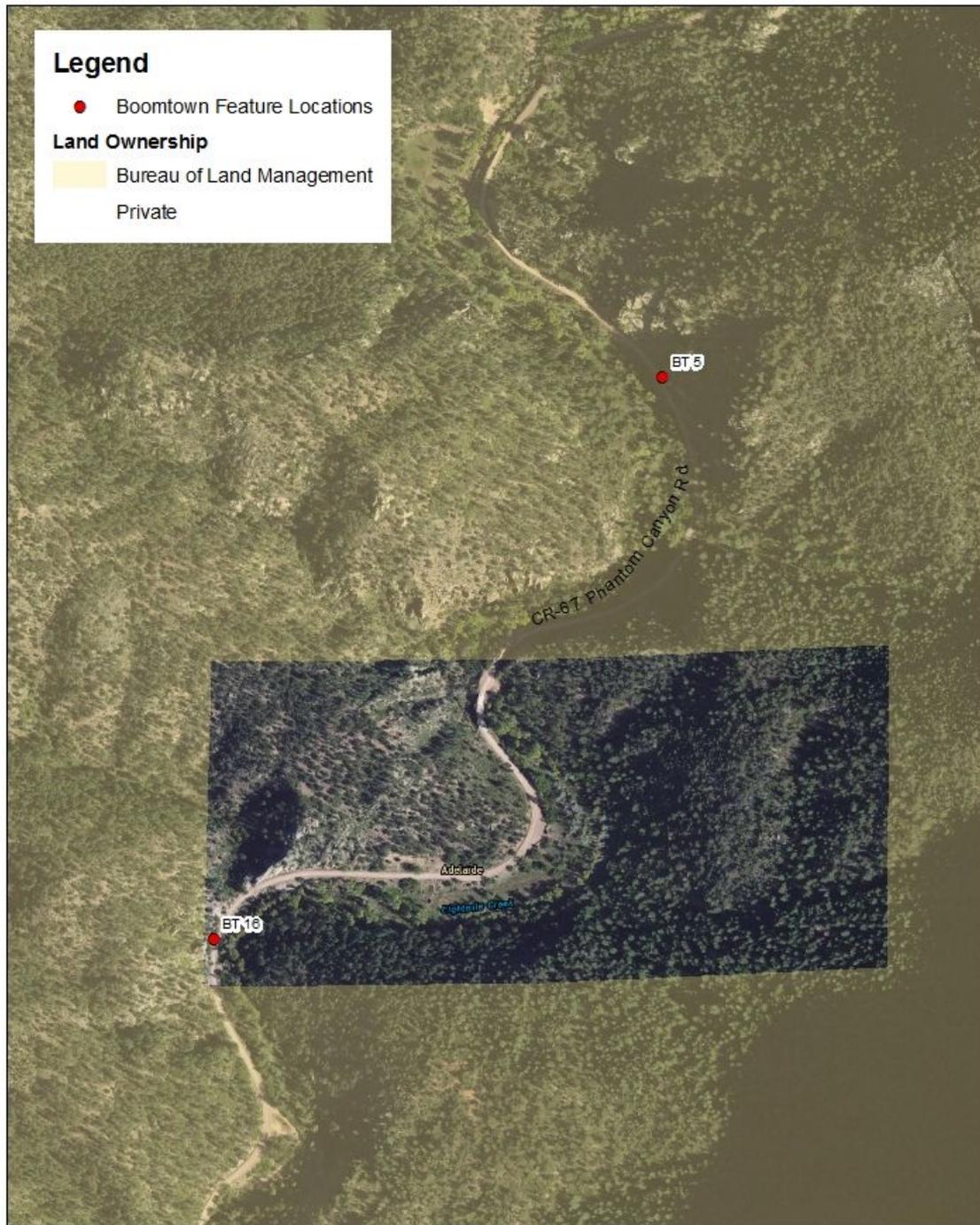




AML-Physical Safety Closures-Boomtown

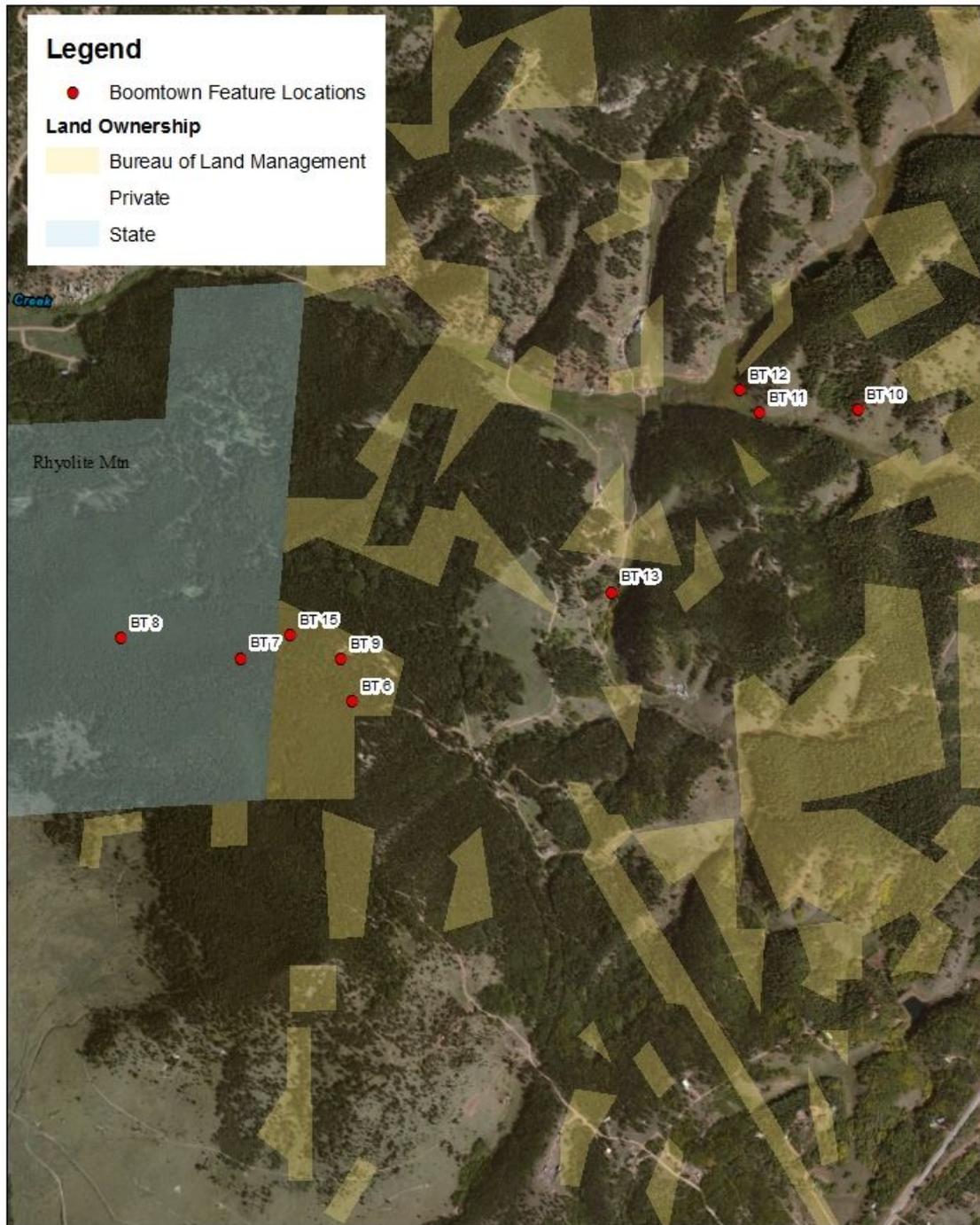
0 0.02 0.04 0.08 0.12 0.16 Miles





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0 0.050.1 0.2 0.3 0.4  
Miles



## B. Land Use Plan Conformance

### Land Use Plan Name:

Name of Plan:

Royal Gorge Resource Area Management Plan

Date Approved:

May 1996

Decision Number:

Hazards Management-Management Guidance/Assumptions Common to All Eco-Subregions

Decision Language:

All hazard sites/areas will be reviewed on a case-by-case basis and management will be the same in all eco-subregions. Management of all other resources will always involve remediation/reclamation of known hazard sites/areas.

**The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):**

## C. Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 2, Appendix 1, or 516 DM 11.9.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.

I considered:

CATEGORICAL EXCLUSION REVIEW: This proposed action is listed as a Categorical Exclusion in DOI Departmental Manual Part 516 Chapter 11.9.J (8). Installation of minor devices to protect human life (e.g. grates across mines). None of the following exceptions in 516 DM 2, Appendix 2, apply.

**Table 1.2. Exclusion Criteria**

Exclusion Criteria	YES	NO
1. Have significant impacts on public health or safety.		x
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; lands with wilderness characteristics; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.		x

<b>Exclusion Criteria</b>	<b>YES</b>	<b>NO</b>
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.		x
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		x
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		x
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		x
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.		x
8. 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.		x
9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		x
10. Have a disproportionately high and adverse effect on low income or minority populations.		x
11. 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.		x
12. 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.		x

**Table 1.3. Interdisciplinary Team Review**

<b>INTERDISCIPLINARY TEAM REVIEW</b>			
<b>NAME</b>	<b>TITLE</b>	<b>AREA OF RESPONSIBILITY</b>	<b>Initials/date</b>
Lara Duran	Wildlife Biologist	T&E, BLM Sensitive, Migratory Birds	LD, 4/20/2015
Chris Cloninger	Range Management Spec.	Range, Vegetation, Farmland	CC, 2/5/2015
Dave Gilbert	Fisheries Biologist	Aquatic Wildlife, Riparian/Wetlands	DG, 2/17/1015
Melissa Smeins	Geologist	Minerals, Paleontology, Waste Hazardous or Solid	MJS, 5/6/2015
John Smeins	Hydrologist	Hydrology, Water Quality/Rights, Soils	JS, 2/6/15
Ty Webb	Fire Management Officer	Air Quality	2/17/15
Dave Parker	Cadastral Surveyor	Cadastral Survey	DP 5/26/15
Linda Skinner	Outdoor Recreation Planner	Recreation, Wilderness, LWCs, Visual, ACEC, W&S Rivers,	LS, 2/17/15
Ken Reed	Forester	Forestry	KR, 5/11/15
Monica Weimer	Archaeologist	Cultural, Native American	MMW, 5/6/15
Rich Rotte	Realty Specialist	Realty	RAR, 02/05/2015
Steve Cunningham	Law Enforcement Ranger	Law Enforcement	NA
Ty Webb	Fire Management Officer	Fire	2/17/15

**REMARKS:**

Cultural Resources: Although isolated finds were recorded in the area of potential effect (see report CR-RG-15-31 P), no sites determined to be eligible for the National Register of Historic Places (NRHP) were found. Therefore, the proposed project will have no effect on any historic properties (those eligible for the NRHP).

*Chapter 1 Name*

*C. Compliance with NEPA:*

Native American Religious Concerns: No possible traditional cultural properties were located during the cultural resources inventory (see above). There is no other known evidence that suggests the project area holds special significance for Native Americans.

#### Threatened and Endangered, BLM Sensitive & Migratory Bird Species:

Critical Habitat is designated for Mexican spotted owl in Fremont County and occurs within ½ mile of the proposed action area. Protected Activity Centers (PACs) for Mexican spotted owl exist in Fremont and Teller Counties and in the vicinity of the proposed abandoned mine closures. PACs provide the highest level of habitat protection; however do not preclude all management activities. The proposed Boomtown Abandoned Mine Closures, with the design feature, would have NO EFFECT on Mexican spotted owl for the following reasons: 1) vegetation and coarse woody debris would remain unaffected, 2) human disturbance, occupancy and noise would remain within baseline conditions, and outside of the breeding season, 3) there would be no effects to foraging or nesting habitat, or prey, 4) there would be no cumulative effects, 5) all relevant recovery actions would be met. The proposed Boomtown Abandoned Mine Closure Project, with the design feature, would have NO EFFECT on Critical Habitat for Mexican spotted owl for the following reasons: 1) there would be no affect to any of the primary constituent elements, 2) breeding, roosting, and nesting habitat for Mexican spotted owl would not be affected, 3) prey habitat and populations would not be affected.

BLM sensitive species that are believed to present in the project area include: American peregrine falcon, bald eagle, northern goshawk, big free-tailed bat, fringed myotis, Townsend's big-eared bat and Degener's beardtongue. These abandoned mine features lack air circulation, and bat surveys at the features yielded negative results for signs of bats.

Night roosts, bachelor roosts, hibernacula, maternity roosts, and foraging habitat for the sensitive bat species would remain unaffected by the proposed closures. Closure of these features would not affect the roosting, foraging, and nesting habitat for American peregrine falcon, bald eagle, northern goshawk as no trees or vegetation would be cut, cliffs and prey would remain unaffected. Work would be implemented outside of the critical breeding period for these raptor species so nest disturbance would not be an issue. Habitat for Degener's beardtongue is present in the mine features proposed for closure in Fremont County. Soil compaction may damage individual plants but for a short duration after the plant disperses its seed and senescence is under way. No mitigations for sensitive species would be necessary.

Based on the vegetation present, there are 19 migratory species that are BLM identified priority birds or local birds of conservation concern that may have habitat in the project area. However, breeding, roosting and foraging habitat for these species would not be affected. Winter habitat for three resident species would not be affected. Most work would be implemented outside of the critical breeding period for these species, so nest disturbance would not be an issue. Collection of surface rock to create the bulkhead would not affect any of the above ground nesting migratory birds as those rock collection sites would not provide nesting habitat for those species. No mitigations for migratory birds would be necessary.

Cadastral Survey: Every effort should be made to protect all PLSS surveys in these areas. The condition of surveys in these areas varies in monumentation. There is a mixture of original evidence (stones and wooden posts) and modern metal monuments (iron, stainless steel and aluminum posts). Along with these monuments, bearing trees were marked as accessories in order to reestablish the corner points in the event the original monuments were destroyed.

Cadastral Survey staff is available to provide field notes, plats and coordinate locations of these monuments and their accessories.

Visual: The project area is located along the Goldbelt Scenic Byway. Although four of the closures are adjacent to the byway, they will not impact the visual resources since natural materials are being used to blend with the surrounding landscape.

ACEC: The project area is within the Phantom Canyon ACEC. The closures will not affect the integrity of the ACEC.

Forestry: Many of the proposed mine closures are located in forested sites. There will likely be some minor tree damage associated with the backfilling hazardous open mines with mechanical equipment. The tree damage should be kept to a minimum when possible. Addressing these public land safety issues is a fair trade-off to some minor tree damage.

## **D. Approval and Contact Information**

**COMPLIANCE PLAN** (optional):

**NAME OF PREPARER:** /s/ Melissa J. Smeins

**SUPERVISORY REVIEW:** /s/ Jay Raiford

**NAME OF ENVIRONMENTAL COORDINATOR:** /s/ Martin Weimer

**DATE:** 6/25/15

**DECISION AND RATIONALE:** I have reviewed this Categorical Exclusion and have decided to implement the Proposed Action.

This action is listed in the Department Manual as an action that may be categorically excluded. I have evaluated the action relative to the 10 criteria listed above and have determined that it does not represent an exception and is, therefore, categorically excluded from further environmental analysis.

SIGNATURE OF AUTHORIZED OFFICIAL:

/s/ Keith E. Berger

Keith E. Berger, Field Manager

DATE SIGNED: 6/26/15