

**United States Department of the Interior
Bureau of Land Management**

**Categorical Exclusion Not Established By Statute
DOI-BLM-UT-Y010-2018-0038 CX**

March 2018

**Freeport Minerals Corporation Proposed Mine Feature Closures
Yellow Cat and Gateway Mining Districts, Utah**

Location: Yellow Cat and Polar Mesa

Applicant/Address: Freeport Minerals Corporation, Environmental Services and Sustainable Development, 333 N. Central Avenue, Phoenix, AZ 85004

Moab Field Office
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**CATEGORICAL EXCLUSION DOCUMENTATION FORMAT WHEN USING
CATEGORICAL EXCLUSIONS NOT ESTABLISHED BY STATUTE**

A. Background

BLM Office: Moab Field Office

Lease/Serial/Case File No: UTU-93072

Proposed Action Title/Type: Freeport Minerals Corporation Proposed Mine Feature Closures - Yellow Cat and Gateway mining districts

Location of Proposed Action: Legal Locations in Grand County, Utah:

Yellow Cat Mining District: Section 33, Township 22 South, Range 22 East

Gateway Mining District: Sections 26 and 27, Township 24 South, Range 25 East

Description of Proposed Action: Freeport Minerals Corporation (Freeport) proposes to improve public safety and reduce the risk of accidental death or injury by installing minor devices to close Historic Mine Openings (HMOs) within the Yellow Cat and Gateway mining districts on public land administered by the Bureau of Land Management (BLM) Moab Field Office (MFO) in Grand County, Utah. These minor devices would be in the form of solid polyurethane foam (PUF) plugs, PUF with an embedded bat gate, wire rope net (WRN), backfill with local materials, or fences. On-site construction of closures would be performed using hand-tools. Freeport proposes to close 25 HMOs (16 in the Yellow Cat Mining District and 9 in the Gateway Mining District) between May 1 and October 31, 2018. Any HMOs unable to be closed in 2018 would be closed beginning in spring 2019. Combined surface disturbance required for the closure of the 25 HMOs would be approximately 0.35 acres. Total surface disturbance would be limited to a 600 square-foot area (approximately 0.014 acre) of temporary work space (work area) located immediately adjacent to each of the proposed HMO closures.

Freeport submitted a draft proposal to the BLM MFO on August 8, 2017. The proposal was revised and a final version submitted on December 15, 2017.

Cultural resource surveys completed in February and June 2017 recorded a total of 11 previously unrecorded archaeological sites. Of these previously unrecorded sites, 5 are eligible for listing on the National Register of Historic Places (NRHP) under Criteria A (historic properties significant for their association or linkage to broad patterns or events) and Criteria D (historic properties significant for their ability to yield information important about prehistory or history). Four isolated finds were also recorded. In a letter dated November 28, 2017, the Utah State Historic Preservation Office provided concurrence that the Proposed Action will not result in any adverse effect to NRHP-eligible resources. None of the closures are eligible for listing on the NRHP.

In advance of mine closure activity, a qualified archaeologist will visit each site to install flagging or temporary fencing to limit pedestrian and vehicle access to archaeologically sensitive areas and demarcate the access route(s) and work area(s) to be used by mine closure work personnel. The archaeologist will photograph the current condition of buildings, structures, features and surface deposits at each site.

Following completion of mine closure activities, a qualified archaeologist will visit each site to remove temporary flagging and fencing, and photograph the condition of buildings, structures, features and surface deposits. The archaeological consultant will prepare a letter report documenting the pre- and post-closure site conditions for submittal to the BLM MFO.

If any paleontological resources are discovered that could be altered or destroyed by closure activities, the discovery would be left intact and reported to the BLM Authorized Officer.

Surveys for nesting raptors will be conducted prior to commencement of closure activities in 2018. If an active nest is found within the spatial buffer, ground disturbing activities at the specified HMO will be delayed until the end of the nesting season unless a second survey is conducted to verify that nesting and fledging has either failed or is otherwise completed.

Bat surveys were conducted by Bat Conservation International in November 2016. Bat gates will be installed at HMOs that are utilized by bats, as determined by the BLM. Current protocols will be followed to avoid and prevent the spread of white nose syndrome in bats, which is a fungal infection that can affect hibernating bats potentially resulting in mortality.

B. Land Use Plan Conformance

Land Use Plan Name: Moab Field Office Resource Management Plan (RMP)

Date Approved: October 31, 2008

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

The Proposed Action is in conformance with the RMP approved in October 2008 (BLM 2008). It conforms to the ongoing management programs and actions for the RMP. One of the Goals and Objectives identified on page 63 of the RMP states "BLM will strive to ensure that human health and safety concerns on public lands remain a priority." Also, Management Decision 3 (HAZ-3) on page 63 states, "The [Abandoned Mine Lands] AML physical safety program's highest priority will be the cleaning up of those AML sites where (a) a death or injury has occurred, (b) the site is situated on or in immediate proximity to developed recreation sites and areas with high visitor use, and (c) upon formal risk assessment, a high or extremely high risk level is indicated." It has been determined that the Proposed Action would not conflict with other decisions throughout the plan.

C. Compliance with NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 Department Manual (DM) 11.9, Appendix 4, J.8 which allows for:

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

This categorical exclusion is appropriate in this situation because no extraordinary circumstances described in 516 DM 2 apply.

D: Signature

Authorizing Official:



Christina Price, Field Manager

Date:

3/23/18

Contact Person

For additional information concerning this CX review, contact: David Pals, Geologist,
Moab BLM Field Office, Moab, Utah 84532 at 453-259-2100.

Exceptions to Categorical Exclusion Documentation

The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215) apply. The project would:

Extraordinary Circumstances		
1. Have significant impacts on public health or safety.		
Yes	No <input checked="" type="checkbox"/>	Rationale: Closing abandoned mines on BLM Moab Field Office lands will not cause any adverse health or safety impacts.
2. 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 <input checked="" type="checkbox"/>	There are no unique geographic characteristics nor any special areas in the area of operation. An archaeologist will monitor pre- and post-closure activity. The Utah State Historic Preservation Office has concurred that the Proposed Action will not result any adverse effect to NRHP-eligible resources.
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].		
Yes	No <input checked="" type="checkbox"/>	Rationale: There is no controversy concerning the Proposed Action.
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		
Yes	No <input checked="" type="checkbox"/>	Rationale: The BLM Moab Field Office has evaluated the closure methods on other sites within the Field Office. There are no unique environmental risks or uncertain effects.
5. Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.		
Yes	No <input checked="" type="checkbox"/>	Rationale: Abandoned mine closures occur in other areas of the Moab Field Office. The action establishes no precedents for future actions.
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		
Yes	No <input checked="" type="checkbox"/>	Rationale: The Proposed Action has no direct relationship to other actions which would result in cumulatively significant environmental effects.
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.		

Extraordinary Circumstances		
Yes	No X	Rationale: The Utah SHPO has concurred with the BLM's determination of no adverse effect to historic properties as a result of the Proposed Action.
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.		
Yes	No X	Rationale: The Proposed Action would not result in significant impacts to threatened and endangered species or their habitats.
9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		
Yes	No X	Rationale: The action does not violate any laws.
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		
Yes	No X	Rationale: There are no effects on low income or minority populations
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 (Executive Order 13007).		
Yes	No X	Rationale: There are no Indian sacred sites in the area of the Proposed Action.
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 (Federal Noxious Weed Control Act and Executive Order 13112).		
Yes	No X	Rationale: The activity would not introduce or spread noxious weeds or non-native invasive species.