

# Mining and Reclamation Plan of Operations

## Kirkland High Quality Pozzolan Mine

Decision Record

DOI-BLM-AZ-P010-2017-0017-EA

December 2018



## **Introduction**

Kirkland Mining Company, LLC (“KMC”) is proposing to mine a “high quality” natural pozzolan (HQP) and remove a stockpile of finely-screened HQP from a previous mining operation (the Project) on land administered by the Bureau of Land Management (BLM). The Project is within the unpatented Capital One through Capital Twelve placer mining claims, and Capital Association Placer mining claim in Yavapai County near the town of Kirkland, Arizona.

The revised Draft Mining and Reclamation Plan of Operations (Draft MRPO) proposes mining and related operations on approximately 88 acres within 160 acres of land administered by the BLM (the MRPO Area) and 5 acres of KMC privately-held land<sup>1</sup> (the Project area). Operations would be conducted in accordance with BLM regulations published in the Code of Federal Regulations (CFR) at 43 CFR part 3809 (Surface Management) and 43 CFR 3715 (Use and Occupancy Under the Mining Laws), and would be consistent with the BLM’s Bradshaw-Harquahala Resource Management Plan (BLM 2010).

As part of the mining activities, KMC proposes ancillary activities and facilities associated with access (such as fueling, servicing, and storage of equipment) and weighing of the HQP for sale to customers on the adjacent lands privately-owned by KMC.

The HQP would be loaded onto trucks in the mine area and trucked to the scales located on KMC’s adjacent privately-owned lands, where they would be weighed and sent to market. All of the HQP will be transported from the mine with up to 25-ton transport haul trucks. Trucks will be sent to processing plants, and finished material will be sent on to the customer. Rail transport may occur for customers outside a 350-mile radius.

## **Public Involvement**

On June 26, 2017 the BLM published a news release announcing the public scoping period. The BLM provided letter notification to approximately 143 residents within a 2-mile radius of the proposed mine site (Kirkland and Skull Valley). The notification included a link to the project website with additional information available.

A public open house was held on July 11, 2017 at the Skull Valley Community Center. Approximately 140 people were in attendance.

On July 24, 2017 the BLM published a second news release announcing the extension of the public scoping period. The BLM provided email or postcard notification to approximately 1,659 residents in the communities of Skull Valley, Kirkland, Yarnell, Congress, Peoples Valley and Prescott. The notifications included a link to the project website with additional information available, including Frequently Asked Questions.

Flyers announcing the extension were posted in US Post Offices in the Skull Valley, Kirkland, Yarnell and Congress, and on a community board in Peoples Valley. Articles were published in *The Daily Courier* (Prescott) on July 19, 2017 and August 4, 2017; the *Wickenburg Sun* on July

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<sup>1</sup> Privately held lands are located within a portion of Section 29 of Township 13 North, Range 4 West, Gila and Salt River Baseline and Meridian.

19, 2017 and July 27, 2017; *The Yellow Sheet* on August 2, 2017; and the *Sedona Eye* on July 22, 2017.

On August 23, 2017 the BLM published a news release announcing the final extension of the public scoping period until September 11, 2017. An article on the second extension of the public scoping period was published in *The Daily Courier* (Prescott) on August 31, 2017. Flyers announcing the scoping extension and the Project Timeline Fact Sheet were posted in US Post Offices in Skull Valley, Kirkland, Yarnell and Congress, and on a community board in Peeples Valley.

Approximately 989 emails or comment letters were received. Most of the emails or comment letters received identified more than one issue, and many issues identified during scoping were duplicative.

The BLM also received petitions with 255 signatures or statements from a website. Petitions were submitted for the following topics:

1. Request an extension of the scoping period for 120-days;
2. Request an environmental impact statement;
3. Petition with various issues and concerns on the proposed mine;
4. Petition with a wide range of environmental issues, many non-specific to this project including statements such as "Save the Earth."

Public comments received during scoping were made available on the project website on October 19, 2017.

On April 2, 2018, the BLM published a news release to announce the publication of baseline studies for the Project, including *Geochemical Assay Testing*, *Potentially Jurisdictional Waters of the U.S.*, *Evaluation of Skull Valley Ranch Wells as a Water Supply*, *Draft Traffic Statement*, and *Supplemental Traffic Analysis*, and the revised Draft MRPO. On April 3, 2018, the BLM published a news release for local media announcing the release of the baseline studies, and provided notification to 627 individuals on the project email list. On May 21, 2018, an article was published in the Prescott Courier which described the publication of the baseline studies and key results. Although not done during an official comment period, the objective of the independent release of the baseline studies was to provide the public with key information that the public had sought during public scoping but the baseline studies had not been completed at that time.

A 60-day public comment period was initiated on July 7, 2018. The BLM published a news release on June 27, 2018 announcing the review period and open house on July 11, 2018. Postcards were mailed to approximately 1,519 individuals on June 29, 2018. Email notification was made to approximately 616 individuals on July 6, 2018. Notifications were made to residents of Skull Valley, Kirkland, Yarnell, Congress, Peeples Valley and Prescott. The press release was published in the *Wickenburg Sun* on July 3, 2018, in *The Yellow Sheet* on July 4, 2018, and the *Prescott Courier* on July 5, 2018. On July 11, 2018 the BLM held a public meeting at the Kirkland Community Center. The meeting included presentations by the BLM on

various resources, an open comment period, and one-on-one session with specialists at various stations. Approximately 105 people were in attendance.

The public was asked for substantive comments on the analysis and any supporting reports. The BLM provided a comment form with guidance on writing substantive comment(s). The comment period ended on September 4, 2018. The BLM had received approximately 351 comment emails and/or letters to consider. Representative public comments were responded to in Appendix C of the Final Environmental Assessment (EA).

On September 20, 2018 the BLM published on the Project website, updates to three Fact Sheets, and all public comments received during the 60-day comment period, including the transcripts from the July 11, 2018 public meeting.

### **Land Use Conformance**

The BLM has developed the Bradshaw-Harquahala Resource Management Plan (RMP) to guide long-term management of public lands that it administers in the Bradshaw-Harquahala Planning Area. The Project is in conformance with the Bradshaw-Harquahala RMP. As found in Section 2.3.6.1 (MI-3, pg. 47) and Map 12 (BLM 2010), the Project area is not within any specially-designated areas where mining is prohibited and is designated in the RMP as an area that is available for disposal (BLM 2010, Appendix B).

### **Authority**

Implementation of the Proposed Action is under the authority of the Federal Land Policy and Management Act of 1976 (FLPMA). As the proposed mine is under the General Mining Act of 1872, approval of this Mining and Reclamation Plan of Operations is under 43 Code of Federal Regulations (CFR) 3809.

### **Rationale**

#### *Proposed Action (Selected Alternative)*

As described in Section 1.3 of the Final EA, the Proposed Action responds to a request for authorization to conduct mining operations on unpatented mining claims on BLM-administered lands. As such the Proposed Action meets the purpose and need and multiple use mandate under FLPMA. The BLM has conducted extensive outreach to the public and considered their comments and issues of concerns. The BLM has applied the standards outlined in 43 CFR 3809.5 with regards to unnecessary or undue degradation of public lands. Measures have been incorporated into the final mine plan that avoid or minimize potential impacts to biological or cultural resources. The Final EA has appropriately considered the direct, indirect and cumulative effects of the mining operations on BLM-administered lands, and on three “off-site” transportation routes.

#### *No Action Alternative (Not Selected)*

As described in Section 2.2 of the Final EA, the No Action Alternative does not respond to the request to conduct mining operations on unpatented mining claims on BLM-administered lands. The MRPO would not be approved and the No Action Alternative does not meet the purpose and need. Not authorizing the project would not satisfy the multiple use mandate under the FLPMA.

**Decision**

It is my Decision to approve the Proposed Action as described in the Mining and Reclamation Plan of Operations, *Kirkland High Quality Pozzolan Mine, Final Environmental Assessment*. I have also approved a Finding of No Significant Impact, which is also hereby incorporated by reference.



Rem Hawes  
Field Manager  
Hassayampa Field Office

12/3/2018  
Date

## **APPEAL PROCEDURES**

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with 43 CFR Part 4. If you appeal, your appeal must also be filed with the Bureau of Land Management at the following address:

Rem Hawes  
Field Manager  
BLM, Hassayampa Field Office  
21605 North 7<sup>th</sup> Avenue  
Phoenix, Arizona 85027

Your appeal must be filed within thirty (30) days from receipt or issuance 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 4942, January 19, 1993) for a stay (suspension) of the decision during the time that your appeal is being reviewed by the Board, the petition for stay must accompany your notice of appeal. Copies of the notice of appeal and petition for a stay must also be submitted to:

Board of Land Appeals  
Dockets Attorney  
801 N. Quincy Street, Suite 300  
Arlington, VA 22203

A copy must also be sent to the appropriate Office of the Solicitor at the same time the original documents are filed with the above office.

Office of the Field Solicitor  
Sandra Day O'Connor US Courthouse, Suite 404  
401 West Washington Street, SPC-44  
Phoenix, Arizona 85003-2151

If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for a stay is required to 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 appellants' success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether the public interest favors granting the stay.

The Office of Hearings and Appeals regulations do not provide for electronic filing of appeals. Electronically filed appeals will therefore not be accepted.