



United States Department of the Interior

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

Western Region Office
1999 Broadway, Suite 3320
Denver, CO 80202-3050



August 20, 2015

Mr. John Kretzmann, Program Manager
New Mexico Abandoned Mine Land Program
1220 S. Saint Francis Drive
Sante Fe, NM 87505

Dear Mr. Kretzmann,

Enclosed is a signed Finding of No Significant Impacts document for the Cooke's Peak Mines Safeguarding Project. The Office of Surface Mining Reclamation and Enforcement reviewed the environmental assessment and supporting documentation for the project and concluded that an environmental impact statement is not needed. Therefore, under Section 4-160-50 D.3 of the Federal Assistance Manual, I authorize you to proceed with reclamation of the Cooke's Peak Mines Safeguarding Project at your convenience.

Please update Problem Area Description NM 935051, Cooke's Peak, in the electronic Abandoned Mine Land Inventory System by moving the unfunded keyword unit and cost to the funded category.

Please ensure reclamation complies with all provisions you developed or agreed to during your project planning and consultation with other agencies for avoiding or reducing impacts on natural and cultural resources.

Please contact Elizabeth Shaeffer at (303) 293-5025 if you have any questions.

Sincerely,

Marcelo Calle, Manager
Field Operations Branch
Program Support Division

Enclosure

FINDING OF NO SIGNIFICANT IMPACTS

Cooke's Peak Mines Safeguarding Project
AMLIS Key NM 935051
Cooke's Peak PAD

The Office of Surface Mining Reclamation and Enforcement (OSMRE) reviewed the Cooke's Peak Mines Safeguarding Project Environmental Assessment (EA) prepared by Environmental Planning Group, LLC (Phoenix, AZ) on behalf of the New Mexico Abandoned Mine Land Program (NMAMLP). OSMRE determines that, in conjunction with other supporting documentation, the EA discusses the environmental issues and impacts sufficiently to enable us to authorize the reclamation and construction activities in the Cooke's Peak Mines Safeguarding Project.

Based on the analysis in the EA and the supporting documentation, OSMRE finds that NMAMLP's reclamation activities in the Cooke's Peak Mines Safeguarding Project area will not have significant effects on the quality of the human environment. We therefore conclude that a detailed environmental impact statement is not necessary.

Information reviewed to support this Finding includes:

- An EA prepared by Environmental Planning Group, LLC dated June, 2015
- A concurrence letter from the BLM concurring with the finding of No Adverse Effect to historic properties dated May 13, 2014
- A letter from New Mexico's Department of Cultural Affairs, Historic Preservation Division to the BLM dated September 3, 2014 concurring with the No Adverse Effect finding
- Consultation letters requesting Native American Consultation sent to the Fort Sill Apache, Hopi, Mescalero Apache, White Mountain Apache, and Ysleta del Sur Pueblo Tribes (various dates)
- A vegetation survey report included in a letter to NMAMLP from the New Mexico State Forestry Division
- Bat Survey Reports and closure method recommendations from the University of Mexico's Department of Biology
- A letter from the BLM to interested parties stating notification of the EA development and soliciting comments on the proposed action in relation to the Wilderness Study Area (WSA)
- Problem Area Description number NM-935051 (Cooke's Peak) in OSMRE's electronic Abandoned Mine Land Inventory System.

OSMRE's specific reasons for making this finding with respect to NMAMLP's reclamation activities in the Cooke's Peak Mines Safeguarding Project are as follows:

- There will be no expected impact(s) on the following elements of the human environment in the project area, or they are absent from the project area: park lands; prime farmlands; wetlands, wilderness, wild and scenic rivers; or ecologically critical areas.
- Overall the direct, indirect, and cumulative impacts to hydrology, vegetation, wildlife, wildlife habitat, and recreational resource values will be minor and temporary, and in some

cases beneficial over the long term.

- The proposed action is designed to protect human health and safety by safeguarding as many as 322 priority one hazards including shafts, adits, subsidence areas, and other physical openings in the Cooke's Mountain project area.
- New Mexico will practice measures to ensure the least disturbance possible to preserve the wilderness characteristics for features that occur in the Cooke's Range WSA (see Sections 2.3.4. and 3.16 of the EA). Approximately .88 acres could potentially be disturbed in the WSA with the introduction of structures used to safeguard and fill the dangerous mine openings. However, the proposed action would be an exception to the Non-Impairment Standard because it falls under exemption *b*). *Public safety* (the proposed action would reduce the number of human-caused hazards created by past mining activity in the WSA).
- Approximately 7.4 acres of the project area are within the Cooke's Range Area of Critical Environmental Concern (ACEC), which is designed to protect biological, scenic, and cultural values. To protect these resources, NMAML P will limit vehicle use to designated roads and trails.
- To avoid negative impacts to wildlife, the construction period(s) will occur outside the maternity and hibernation periods for bats, and preconstruction nest clearance surveys will be conducted to avoid disturbing active nests of protected migratory birds, including raptors.
- No threatened or endangered species would be adversely affected.
- A Class I Inventory was conducted by the Museum of New Mexico's Office of Archeological Studies (OAS) to identify prior cultural and historic inventories, research, and previously recorded sites within the project area. Four prior cultural resource surveys and five previously recorded cultural resource sites were identified during this Class I records review. Because of these findings, and to comply with Section 106 of the National Historic Preservation Act for this project's undertaking, OAS archaeologists conducted a cultural resources study consisting of a Class III pedestrian survey and a Class II sampling field inventory.
- The project effects to the human environment are not highly uncertain, involve unique or unknown risks, establish a precedent for future actions with significant effects or represent a decision in principal about future consideration; or violate federal, state, local, or tribal law, regulation, or policy imposed for the protection of the environment.


Elizabeth Shaeffer
Senior Environmental Protection Specialist
Field Operations Branch

8/25/2015
Date


Marcelo Calle, Manager
Field Operations Branch
Program Support Division

8/20/2015
Date

OFFICIAL NOTICE

Under Title IV of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.; SMCRA), the Program Support Division of the Office of Surface Mining Reclamation and Enforcement (OSMRE) gives notice of the availability of an environmental assessment (EA) and finding of no significant impact (FONSI) for an abandoned mine land reclamation project in the Cooke's Range near Deming, New Mexico.

This finding will support OSMRE's authorization for the New Mexico Abandoned Mine Land Program's (NMAMLP) Cooke's Peak Mines Safeguarding Project, which will reclaim as many as 332 hazardous mining features including shafts, adits, subsidence areas, and other physical openings in the Cooke's Mountain project area. The proposed mine closures are located north of Cooke's Peak along Hadley Draw, Montezuma Canyon, and an unnamed canyon to the north known as the Jose Town mining area. The Cooke's Range includes lands owned under the jurisdiction of federal (Bureau of Land Management), state, and private parties. OSMRE is providing funding to the NMAMLP to complete this reclamation.

Complete copies of the EA and FONSI are available at the Office of Surface Mining Reclamation and Enforcement, Western Region, Denver Field Division, 1999 Broadway, Suite 3320, Denver, Colorado, 80202-3050 and the New Mexico Abandoned Mine Reclamation Program, 1220 S. Saint Francis Drive, Sante Fe, New Mexico, 87505.