



File Code: 5590
Date: July 26, 2021

SCOPING NOTICE

SMALL TRACTS ACT SALE – ARIZONA MINERALS, INC.

Dear Friends and Neighbors of the Coronado National Forest,

The Sierra Vista Ranger District of the Coronado National Forest (CNF) would like to know your concerns, questions, and suggestions regarding a proposal to sell approximately 13.74 acres of National Forest System (NFS) lands near Harshaw, Arizona under the authority of the Small Tracts Act (Act). The proposed action will undergo environmental review in accordance with the National Environmental Policy Act (NEPA). The environmental analysis will be performed by the USDA Forest Service (USFS).

Comments received in response to this solicitation will be used to identify potential environmental and cultural issues related to the proposed action and to identify alternatives to the proposed action that meet the purpose of and need for the project. Information on how you can comment on this proposal or obtain further information is provided below.

Background

The CNF received and accepted an application from Arizona Minerals, Inc (AMI) in 2017 under the authority of the Act. AMI was subsequently acquired in August of 2018 by South 32, however this document will continue to reference AMI as the applicant listed at the time of application acceptance. AMI is requesting to purchase three separate parcels of NFS land totaling approximately 13.74 acres that qualify as mineral survey fractions and are located adjacent to patented mining claims held by AMI. The NFS lands are in protracted Section 4 of Township 23 South, Range 16 East, Gila and Salt River Baseline and Meridian (Figure 1).



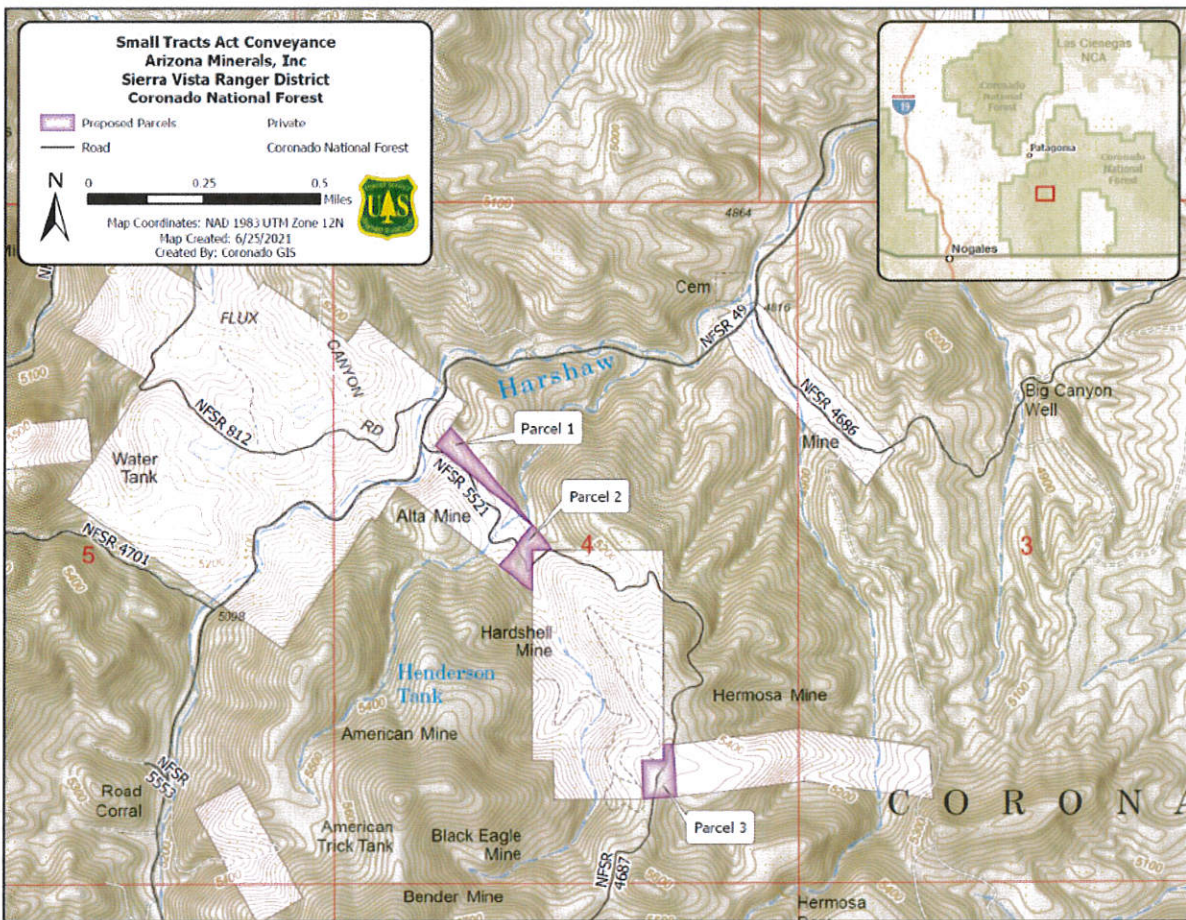


Figure 1. Small Tracts Act Conveyance, Arizona Minerals, Inc.

Conveyance of the subject parcels to AMI would connect the applicant's current land ownership by consolidating the three small, irregular shaped parcels of NFS lands with their patented lode mining claims. Conveyance would also allow AMI to maintain and improve the existing road system within the consolidated private land and control its use thereof.

The parcels have no legal public access. Administrative and public access of any kind to NFS Roads 5521 and 4687 is restricted by AMI, as these roads cross their patented mining claims. AMI holds a road maintenance agreement with the USFS for these roads. Conveyance of the parcels would eliminate the need to administer this permit, eliminate USFS liability on the roads in question, and resolve inefficient management and administration of said parcels due to their locations, which are only accessible through adjoining private patented mining claim inholdings.

Purpose and Need for Project

The purpose of AMI's proposal to purchase approximately 13.74 acres of NFS lands under the Act is to provide for more efficient land and boundary management. The need for the project is driven by an application from AMI to purchase three parcels of NFS land that qualify as mineral survey fractions.

Proposed Action

The Sierra Vista Ranger District is proposing to convey approximately 13.74 acres of NFS lands to Arizona Minerals, Inc. Pursuant to the Act, AMI has filed an application requesting approval for the conveyance by sale of 13.74 acres of NFS lands abutting their privately owned patented mining claims. The NFS lands are comprised of three mineral survey fractions located in protracted Section 4 of Township 23 South, Range 16 East, Gila and Salt River Baseline and Meridian.

Project Design Features

Forest Service Handbook 5509.11 identifies that the USFS may “identify measures needed to eliminate, resolve, or mitigate adverse impacts” to the property related to cultural resources or environmental effects. Such measures may be identified during the analysis of this project.

Compliance with Law, Regulation and Policy

Our preliminary analysis indicates that there are no extraordinary circumstances to resource conditions as outlined. Based on this preliminary determination, we anticipate that this project will may be categorically excluded from analysis in an Environmental Assessment or Environmental Impact Statement using 36 CFR 220.6(d)(7): *Sale or exchange of land or interest in land and resources where resulting land uses remain essentially the same.*

The Act (Public Law 97-465) was enacted in 1983 to help the Forest Service resolve boundary management problems for parcels that generally are small in scale with appraised values under a certain threshold. The Act was amended by the Agriculture Improvement Act of 2018. Eligible lands for sale, exchange, or interchange include NFS lands encumbered by an encroachment like a house or fence (36 CFR 254.32); roads or road rights-of-way in excess of Forest Service transportation needs (36 CFR 254.33); and “mineral survey fractions,” or small parcels of NFS lands interspersed with or adjacent to lands transferred out of Federal ownership under mining laws (36 CFR 254.34).

The implementing regulations for the Act require that any completed sale under the law satisfy seven public interest criteria (36 CFR 254.36):

1. Sale, exchange, or interchange of the affected lands is not practicable under any other authority of the Secretary.
2. Administration and management of National Forest System lands will be more efficient and will result in improved utilization
3. Access to and use and enjoyment of National Forest System lands by the general public will not be unduly impeded or restricted.
4. New or extensive inholdings which would create management problems will not be established.

5. Scenic wildlife, environmental, historical, archaeological or cultural values will not be substantially affected or impaired.
6. Existence of structures authorized under a special use permit or easement will not be affected.
7. Applicable Federal, State and local laws, rules, regulations and zoning ordinances will not be violated.

As required by the Act a public interest determination was completed by the CNF in 2018, wherein it was determined the proposed sale of the tracts under authority of the Act was in the public interest.

An appraisal has been completed on the three parcels. The resulting value is below the \$500,000 threshold of sales eligible under the Act. The sale would not be affected by the limitations under 36 CFR 254.35.

The *Coronado National Forest Land and Resource Management Plan* provides direction for consolidating disjointed land ownership patterns on the Forest. The plan outlines desired conditions that include “[c]omplex and fragmented land ownership patterns have been consolidated through collaborative land adjustments with non-Federal landowners or agencies (State, county, private, and other ownerships).”

This project appears on the Coronado National Forest Schedule of Proposed Actions (SOPA) Current Projects webpage with maps:

http://www.fs.fed.us/nepa/nepa_project_exp.php?project=60162. Input has been considered from an interdisciplinary team to guide this preliminary project proposal. The proposed project will require additional review and analysis to ensure compliance with the Clean Water Act, Endangered Species Act, National Historic Preservation Act and other policy and guidance. Public input is welcome, and will be considered and analyzed before a final decision is made.

How to Comment

The CNF values public input. If you have comments, questions, or concerns, we would like to hear from you. In order for us to complete our analysis in a timely manner, specific written comments on the proposed project will be accepted for 30 calendar days following publication of this notice in the *Herald/Review*. If the comment period ends on a Saturday, Sunday, or Federal holiday, comments will be accepted until the end of the next Federal working day. The publication date in the newspaper of record is the exclusive means for calculating the scoping period. Those wishing to comment should not rely upon dates or timeframe information provided by any other source. All comments submitted will be taken into consideration prior to issuance of a final decision.

Please make your comments as specific as possible. If you provide recommendations for changes to the proposed action, please include the reasons for your recommendations.

Specific written comments must be submitted electronically or via physical mail.

Electronic comments including attachments should be submitted using the Public Comment Form at <https://cara.ecosystem-management.org/Public/CommentInput?Project=60162>. Electronically filed comments may be submitted in word (.doc), portable document format (.pdf), rich text format (.rtf), text (.txt), and hypertext markup language (.html).

Physical mail should be sent to:

Coronado National Forest
300 W Congress
Tucson, AZ 85701

Names and contact information submitted with comments will become part of the public record and may be released under the Freedom of Information Act.

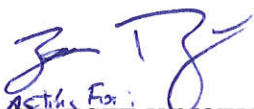
If you do not have any comments at this time, but would like to be added to the mailing list to be informed of this project as it progresses, please self-subscribe using the "subscribe to email updates" link on the project website (http://www.fs.fed.us/nepa/nepa_project_exp.php?project=60162), or send a written request to the provided email or mailing address.

CONTACT

For more information about this project, please contact Adam Milnor, Forest Recreation, Heritage and Lands Staff Officer and project manager at adam.milnor@usda.gov, (520) 528-5480.

Thank you for your interest and participation in the activities of the Coronado National Forest.

Sincerely,

A handwritten signature in blue ink, appearing to read "Celeste Kinsey", with a stylized flourish at the end.

CELESTE KINSEY
District Ranger