

KINGMAN FIELD OFFICE SCOPING FORM

Proposal:

DOI-BLM-AZ-C010-2013-0005-DNA

S:/BLMshare:LANDS/WAPA/DavisKingman/NEPA/DNA 2013-0005

NEPA Document Number

RMP Implementation No.

Document Location

Land Description: sec. 16, T. 21 N., R. 17, G&SRM.

Applicant: WAPA

Authorization: Right-of-way Reservation Amendment #6, Temporary Use Permit

INVOLVEMENT: Indicate in the left column which disciplines need to provide information into the EA.

Needed Input (X)	Discipline	Signature
	Lands	
	Minerals	
	Range	
	Wild Horse and Burro	
X	General Recreation <i>Amanda</i>	<i>[Signature]</i> 10/19/12
X	Cultural and Paleontological Resources <i>Tim</i>	<i>[Signature]</i> 10/19/12
	Wilderness	
	Soils	
	Surface and Groundwater Quality/Water Rights	
	Air Quality	
X	Wildlife <i>Ammon</i>	<i>[Signature]</i> 10/19/12
X	Threatened and Endangered Plants and Animals <i>Ammon</i>	<i>[Signature]</i> 10/19/12
X	Migratory Birds <i>Ammon</i>	<i>[Signature]</i> 10/19/12
	Surface Protection	
	Hazardous Materials	
	Areas of Critical Environmental Concern	
X	Visual Resources <i>Amanda</i>	<i>[Signature]</i> 10/19/12
	Socio-Economics/Environmental Justice	
	General Botany/Noxious Weeds	
	Energy Policy	

Writer: *[Signature]*

Date: 10/17/12

Environmental Coordinator: *[Signature]*

Date: 10/22/12

Field Manager: *[Signature]*

Date: 11-21-2012

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**Worksheet**  
**Determination of NEPA Adequacy (DNA)**  
U.S. Department of the Interior  
Bureau of Land Management

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**OFFICE:** Kingman Field Office (KFO), AZ-310

**NEPA DOCUMENT NUMBER:** DOI-BLM-AZ-C010-2013-0005-DNA  
**CASE FILE NUMBER:** AZPHX 83786 Amendment #5

**PROPOSED ACTION TITLE/TYPE:** Realignment of Access Route

**LOCATION/LEGAL DESCRIPTION:** S½ sec. 16, NE¼ sec. 20, T. 21 N., R. 17 W., G&SRM.

**APPLICANT (if any):** DOE – Western Area Power Administration (WAPA)

**A. Description of the Proposed Action and any applicable mitigation measures:**

The proposed action is to amend AZPHX 83786 to change the access roads to structures 26/6 and 27/1 from those designated in amendment #4 to the routes originally used in constructing the power line ca. 1950 and periodically used since to maintain the line. The locations of the proposed roads for accessing structures 26/6 and 27/1 are more suitable for road construction and maintenance than those authorized in Amendment #4. These structures are in the S½ of sec. 16, T. 21 N., R. 17 W., G&SRM. (refer to the attached map). Also, as part of the proposed action, the amendment would include approximately 150 feet of new road for the relocation of structure 26/3 in the NE¼ of sec. 20 of the above mentioned township. Approximately 360 feet of access road which serves as the access to this structure would be reclaimed and relinquished after re-construction of the line.

The proposed action is within the Cerbat Foothills Recreation Area. The proposed width of the roads specified in the amendment would be 30 feet, however these would be maintained for a 12 foot wide travel lane. Due to the proposed roads to access structures 26/6 and 27/1 crossing the Monolith Garden Recreation Trail, the berms or windrows would be obliterated and the 12 foot travel lane area would be seeded with herbaceous species so it could be traversed by vehicles but would blend in with the surrounding landscape after plant establishment (refer to the reclamation/maintenance requirements of the authorized roads, which would be included for the realigned roads as part of the terms and conditions of the amendment). The 12 foot travel lane for the proposed access road to structure 26/3 would not be seeded. All of the areas outside of the travel lane, i.e. the additional 18 feet authorized under the proposed amendment and the 35 feet each side of the right-of-way width for the proposed temporary use areas used for vehicle use during construction would be reclaimed. If these areas are substantially impacted, i.e. bladed or otherwise heavily disturbed by vehicle use, these areas would be reseeded. If the disturbance is not substantial vehicle tracks would be raked out. The access roads which would be relinquished affect 1.5 acres and the proposed roads would affect 2.2 acres.

**Background** Access roads to structures 26/6 and 27/1 - In 2003 the United States, acting by and through the DOI – BLM, accepted title to a portion of sec. 16, T. 21 N., R. 17 W., G&SRM. The land was encumbered by an easement for the Davis-Kingman Tap 69 kV power line. Access for maintaining structures 26/6 and 27/1 was not clearly designated in that easement. In 2009 DOE – WAPA filed an

application to amend the right-of-way which had been granted on BLM administered public lands for the power line (AZPHX 83786) and for a temporary use permit for construction activities to allow for the rebuilding of the power line. To ensure access to the power line within the acquired land would be unambiguous the amended right-of-way (Amendment #4) included the location of the access roads and stipulated measures which would allow for the roads to be compatible with the goals and objectives of management of the area as part of the Cerbat Foothills Recreation Area. These measures were to reclaim the road after reconstruction of the power line which would still allow periodic vehicular access but would be less evident than typical access roads (refer to term and condition item #4(h) of Exhibit A of Amendment #4).

Under the new proposed action these measures would be included and slightly modified for more clarity as term and condition as item #2 of Exhibit C of Amendment #6, stipulated as follows:

Future use and maintenance of the roads authorized under this amendment will be subject to the following reclamation measures:

Segment 1 (Access to structures 26/6 and 27/1) The access road between structures 26/5 to 27/1 as granted under amendment #4 is to be relinquished and substituted with the roads shown on Exhibit A of this amendment. Access to structure 26/5 is to remain as granted in amendment #4. The width for this right-of-way for these roads is 30 feet. 35 feet on each side of the right-of-way is requested for construction activities to be authorized under a temporary use permit (AZPHX 83786 B). Prior to road construction, in consultation with the BLM, the centerline of the route will be flagged and no construction will begin until after the BLM has reviewed the flagged route and written approval is issued by the Authorized Officer or his/her representative.

After power line rebuilding activities are completed, these access roads will be maintained with a 12 foot travel lane in the following manner:

- i. Berms and material windrows will be obliterated;
- ii. If required by the Authorized Officer rock staining will be applied where necessary. Where appropriate, rocks with caliche coatings will be placed with the "desert varnish" side up;
- iii. The 12 foot wide permanent travel area would be seeded with the seed mix and rates shown in Table 1 (below). This will help to keep the road as unnoticeable as possible while still allowing for vehicle use.

TABLE 1: SEED MIX FOR AREAS WITHIN TRAVEL LANE*	
Species	Rate per Acre, Pure Live Seed
Desert Globemallow ( <i>Sphaeralcea ambigua</i> )	4 lb.
Desert Lupine ( <i>Lupinus sparciflorus</i> )	10 lb.
Brittlebush ( <i>Encelia farinose</i> )	10 lbs.

\* If seed is unavailable, substitutes for the seed mix would be used upon coordination and approval by the BLM authorized officer.

The remainder of the 18 foot width within the right-of-way and the areas under the temporary use permit that requires reclamation because of blading or substantial vehicle use or other activity would be seeded with the species in Table 2 (below):

Species	Rate per Acre, Pure Live Seed
Desert Globemallow ( <i>Sphaeralcea ambigua</i> )	5 lb.
Desert Marigold ( <i>Baileya multiradiata</i> )	2 lb.
Desert Lupine ( <i>Lupinus sparciflorus</i> )	9 lb.
Flattop Buckwheat ( <i>Eriogonum fasciculatum</i> )	1/2 lb.
Creosote Bush ( <i>Larrea tridentada</i> )	1/2 lb.
Purple Threeawn ( <i>Aristida purpurea</i> )	1/2 lb.

\* If seed is unavailable, substitutes for the seed mix would be used upon coordination and approval by the BLM authorized officer.

Prior to seeding, these areas would be "roughed up" and after seed application the seedbed would be covered by dragging a piece of chain link fence behind an ATV or similar light vehicle as with the other reclamation measures stipulated in the right-of-way amendment and temporary use permit.

If vehicle use is not substantial as determined by the Authorized Officer or his/her representative, tracks would be raked out and other reasonable measures taken at the direction of the Authorized Officer or his/her representative.

The term and condition for the proposed access road to relocated structure 26/3 would be as follows:

Structure 26/3 The width for this right-of-way for this road is 30 feet. This road will be reclaimed to and maintained at a width of 12 feet after activities requiring disturbance outside of this width are performed. Berms and windrows will be obliterated or "pulled in" within the 12 foot maintained width. The seed mix and rates shown on Table 2 above will be applied to reclaim those areas outside the 12 foot wide travel lane. Prior to seeding, to prepare a proper seedbed the disturbed areas will be "roughed up." Seeding may be broadcast by hand or from an ATV and will be broadcast evenly. Seed will be covered within 2 days of being applied by dragging a piece of chain link fence behind an ATV or similar light vehicle.

If vehicle use is not substantial as determined by the Authorized Officer or his/her representative, tracks would be raked out and other reasonable measures taken at the direction of the Authorized Officer or his/her representative.

Following removal of structure 26/3 the access road to its former location will be reclaimed by obliterating berms and windrows and, if the disturbance as determined by the Authorized Officer or his/her representative is substantial the disturbed areas would be seeded in the same manner as described above for reclaiming the areas outside of the 12 foot wide travel land and temporary use areas.

## **B. Land Use Plan (LUP) Conformance**

Land Use Plan Name: *Kingman Resource Management Plan/EIS*

Date Approved/Amended: March 1995

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

LR13a/V - All other minor rights-of-way would be evaluated through the environmental review process and granted or rejected on a case by case basis. Existing rights-of-way would be used when possible to minimize surface disturbance.

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions): N/A

## **C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.**

Davis-Kingman Tap 69-kV Transmission Line Rebuild Environmental Assessment (DOI-BLM-AZ-C010-2011-054-EA; FONSI and DR executed November 29, 2011.

## **D. NEPA Adequacy Criteria**

**1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?**

Documentation of answer and explanation: Yes. The roads analyzed in that document are the same in nature as the proposed roads. The proposed roads are within 500 feet of the previously authorized roads/temporary use permit areas and have the same geographic and resource conditions.

**2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?**

Documentation of answer and explanation: Yes. The alternatives analyzed in the environmental assessment prepared for the rebuilding of this power line consisted of the proposed action (rebuilding the power line in its current location and addressed changes in access roads and temporary use areas) and the no action alternative. Given this is an existing power line no alternative routes were necessary to be analyzed. The analysis for the proposed action alternative in that document is appropriate to cover the analysis of the new proposed action.

**3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?**

Documentation of answer and explanation: No new information is known or new circumstances have arisen that would change the analysis of the new proposed action compared to the proposed action alternative analyzed in the EA prepared for the rebuilding of this power line.

**4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?**

Documentation of answer and explanation: Yes. The affects would be similar to those analyzed in the EA prepared for the rebuilding of this power line.

**5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?**

Documentation of answer and explanation: Yes. All agencies, Tribes, organizations and members of the public that were believed to have a possible interest or stake in the affected area were included in the scoping of the rebuild project and no comments specifically addressing roads in the CFRA were received. Generic comments were received from organizations (i.e. Sierra Club) and agencies (i.e. Arizona Game and Fish Department) regarding limiting habitat disturbance resulting from rebuilding the line. The BLM's decision to amend the right-of-way and issue a temporary use permit for activities which would occur outside of the right-of-way area incorporated generic as well as specific terms and conditions to limit new disturbance and reclaim areas which will be disturbed but will not be needed for operating and maintaining the line.

**E. Persons/Agencies/BLM Staff Consulted**

Name \_\_\_\_\_ Title \_\_\_\_\_ Resource/Agency Represented \_\_\_\_\_

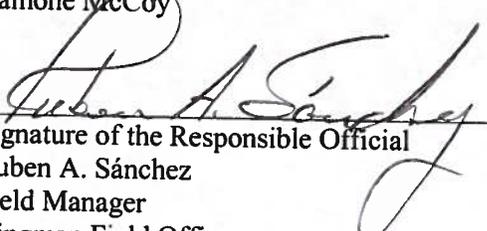
See the attached lists of Agencies, Tribes and Organizations Consulted and List of Preparers and Contributors (pp. 143-145 of DOI-BLM-AZ-C010-2011-054-EA (DOE/EA-1665), Davis-Kingman Tap 69-kV Transmission Line Rebuild Draft-Final Environmental Assessment.

**Conclusion**

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitute BLM's compliance with the requirements of the NEPA.

  
\_\_\_\_\_  
Project Lead/ NEPA Coordinator  
Ramone McCoy

10/22/12  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature of the Responsible Official  
Ruben A. Sanchez  
Field Manager  
Kingman Field Office

11-21-2012  
\_\_\_\_\_  
Date

## **4.0 AGENCIES, TRIBES AND ORGANIZATIONS CONSULTED**

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The following is a list of agencies contacted for this Proposed Action:

### **FEDERAL**

U.S. Army Corps of Engineers, Los Angeles  
District  
Bureau of Indian Affairs  
Bureau of Land Management, Kingman Field  
Office  
Bureau of Reclamation, Lower Colorado Dams  
Office and Power Management Office  
Federal Highway Administration, U.S.  
Department of Transportation  
Federal Emergency Management Agency  
National Park Service  
U.S. Department of Homeland Security  
U.S. Environmental Protection Agency  
U.S. Fish and Wildlife Service  
U.S. Geological Survey Arizona Water Science  
Center  
Western Area Power Administration

### **TRIBAL**

Chemehuevi Reservation  
Cocopah Tribe  
Colorado River Indian Tribes  
Fort Mojave Indian Tribe  
Fort Yuma-Quechan Tribe  
Hopi Tribe  
Hualapai Tribe  
Yavapai-Prescott Indian Tribe

### **STATE**

Arizona Corporation Commission  
Arizona Department of Environmental Quality  
Arizona Department of Public Safety  
Arizona Department of Real Estate  
Arizona Department of Transportation, Kingman  
District  
Arizona Department of Water Resources  
Arizona Game and Fish Department  
Arizona State Capital (various representatives)  
Arizona State Historic Preservation Office  
Arizona State Land Department  
Office of the Governor

### **COUNTY**

Mohave County, Arizona (various departments)

### **CITY**

City of Kingman  
City of Bullhead City  
Kingman Airport Authority  
Northern Arizona Consolidated Fire District #1

### **ORGANIZATIONS**

Arizona Antelope Foundation  
Arizona Mule Deer Foundation  
Arizona Riparian Council  
Arizona Wildlife Foundation  
Audubon Arizona

## **ORGANIZATIONS**

**(continued)**

Arizona Desert Bighorn Sheep Society

Bullhead 4 Wheelers, Inc.

Center for Biological Diversity

Cerbat Ridge Runners

Defenders of Wildlife

International Society for Protection of Mustangs  
and Burros

Kingman Area Chamber of Commerce

Mohave Sportsmans Club

National Wildlife Federation

Natural Resources Defense Council

Nature Conservancy

Northwest Arizona Watershed Council

Northern Arizona Watershed Council

Sierra Club, Grand Canyon Chapter

Sonoran Institute

The Wilderness Society

Walapai 4-Wheelers

Western Resource Advocates

Western Watershed Projects

See Appendix A for the scoping mailing list, example project scoping letters and various agency response letters, public notice of availability newspaper advertisements, landowner notice letter and Newsletter #1.

## 5.0 LIST OF PREPARERS AND CONTRIBUTORS

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### **U.S. Department of Energy, Western Area Power Administration**

Joshua Miller	Project Manager
Linette King	Environmental Planner
Lynn Almer	Environmental Planner (retired)
Matthew Billsbarrow	Environmental Planner
John Holt	Environmental Manager
Mary Barger	Regional Historic Preservation Officer (retired)
John Bridges	Terrestrial Biologist (retired)

### **Bureau of Land Management**

Ruben Sanchez	Field Manager
Andy Whitefield	Environmental Protection Specialist
Len Marceau	Outdoor Recreation Planner
Tim Watkins	Archaeologist
Ammon Wilhelm	Biologist

### **Bureau of Reclamation**

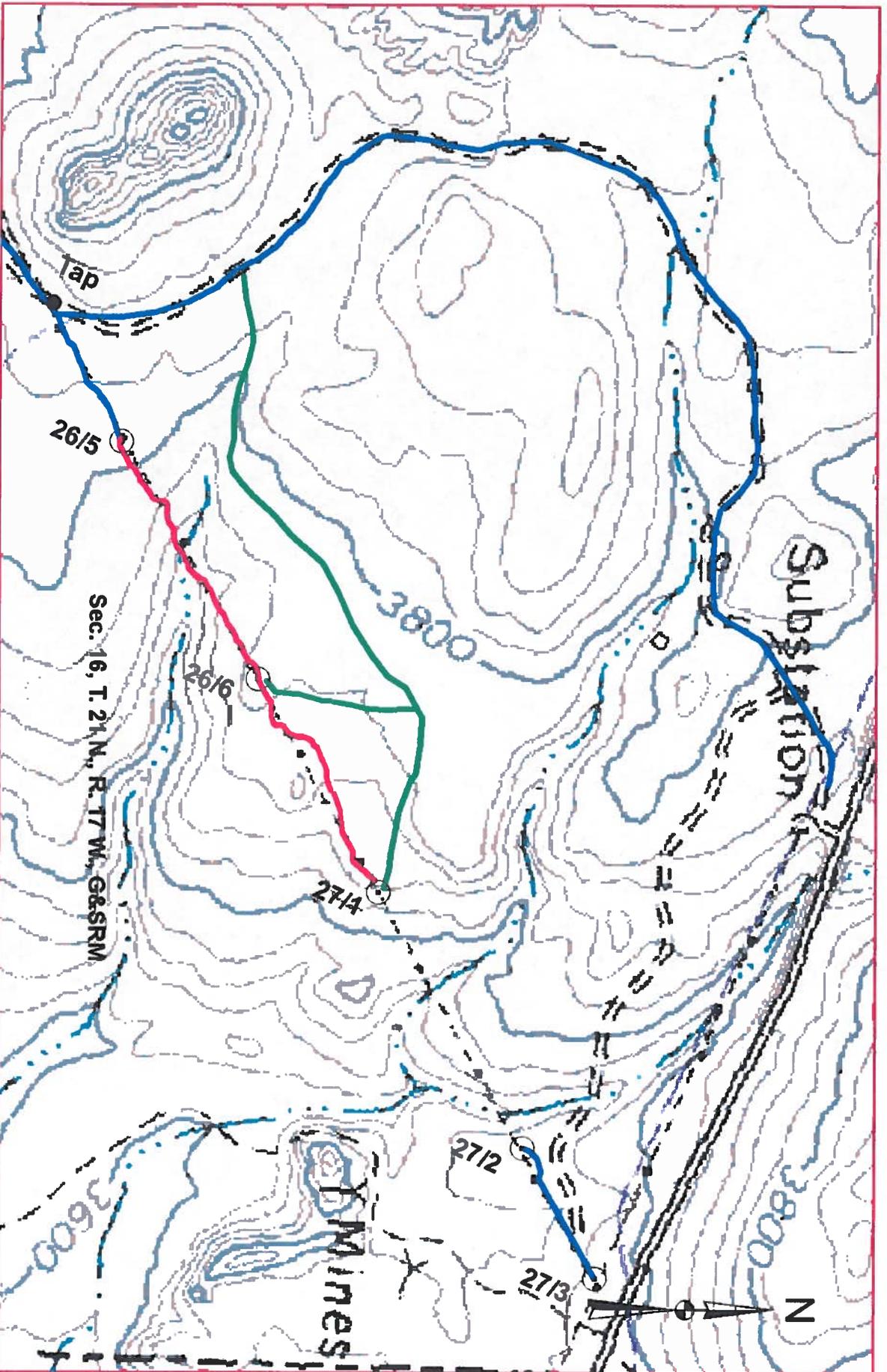
Mark Slaughter	Archaeologist/Natural Resource Specialist
Kay Sundberg	Lands

### **Lake Mead**

Steve Daron	Archaeologist
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### **Transcon Environmental**

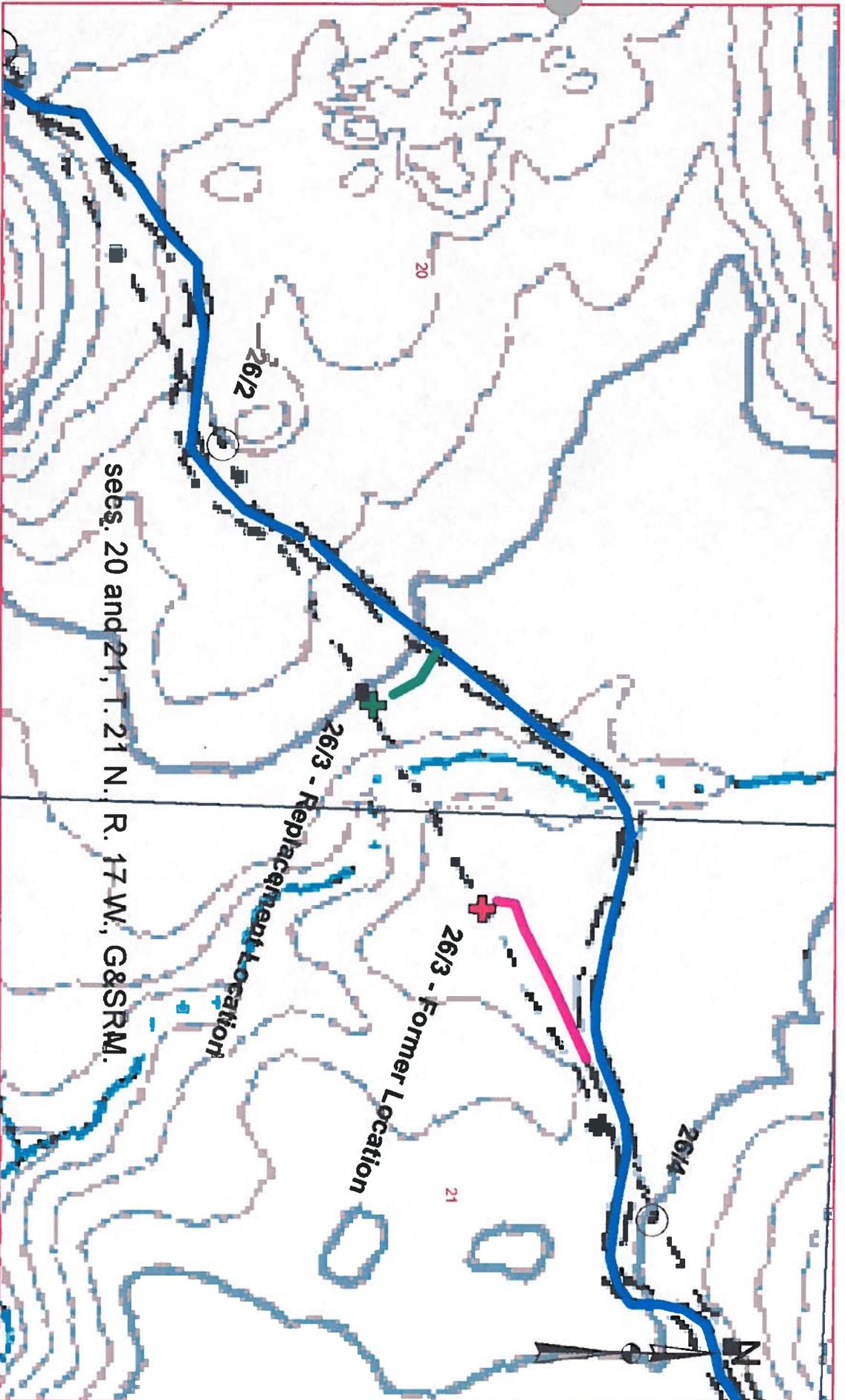
George Miller	Project Director
Michael Zorba	Project Manager; Land Use, Hazardous Materials, Transportation, and other resources
Jan Bush	Water Resources, Geology and Soils
Catherine Vaughn	Cultural Resources
Melanie (Collins) Briggs	Biological Resources
Roy Baker	GIS Mapping
Mike McClellan	Visual Resources, Air Quality
Alfonso Ruiz	Noise Resources, Land Use Mapping
Susan Morrison	Socioeconomic Resources, Health & Safety, Cumulative Impacts
Myriah Moore	Administrative Record, Public Outreach



**LEGEND**

-  Pole Structure Location
-  Existing Authorized Access Roads
-  Access Roads to be Relinquished
-  Access Roads to be Authorized

EXHIBIT B  
 AZPHX 83786 Amendment #6  
 November 20, 2012



secs. 20 and 21, T. 21 N. R. 17 W., G&SRM.



LEGEND	
	Former Pole Structure Location
	New Pole Structure Location
	Existing Authorized Access Roads
	Access Road To Be Reclaimed and Relinquished
	Access Roads Authorized Under Amendments

No warranty is made by the Bureau of Land Management for the use of the data for purposes not intended by the BLM.

Draft

Issuing Office  
Kingman Field Office

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

SERIAL NUMBER AZPHX 83786 AMENDMENT #6

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1. A right-of-way is hereby granted pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761) and any current or future amendment.

2. Nature of Interest:

a. By this instrument, the holder:

The United States of America, acting by and through the Department of Energy, Western Area Power Administration  
P.O. Box 6457  
Phoenix, Arizona 85005-6457

receives a right to construct, operate, maintain, and terminate access roads on public lands (or Federal lands for MLA Rights-of-Way) described as follows:

Gila and Salt River Meridian, Arizona

T. 21 N., R. 17 W.,  
sec. 16, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
sec. 20, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

- b. The right-of-way or permit area granted herein is 30 feet wide, 3,085 feet long for access roads to structures 26/6 and 27/1 (designated herein as Segment 1), and 150 feet to structure 26/3 (designated herein as Segment 2). These areas aggregate 2.228 acres, more or less.
- c. This instrument is issued in perpetuity unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.

- d. This instrument may be renewed per 43 Code of Federal Regulations 2807.22 (a). If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.
- e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

3. Rental:

This grant is exempt from rental charges provided that the facilities occupying the right-of-way meet the requirements for such exemptions found at 43 CFR 2806.14, or as per future regulations established by the Secretary of the Interior.

4. Terms and Conditions:

- a. This grant or permit is issued subject to the Right-of-Way Grant Holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations parts 2800 and 2880.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise dispose of as directed by the authorized officer.
- c. Each grant issued for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The stipulations, plans, maps, or designs set forth in Exhibit(s) A, B, C, and D dated November 20, 2012 attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.

- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof. Any unilateral pre-termination notice requires at least 30 days written confirmation of intent by certified mail.
- f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.

\_\_\_\_\_  
(Signature of Holder)

\_\_\_\_\_  
(Title)

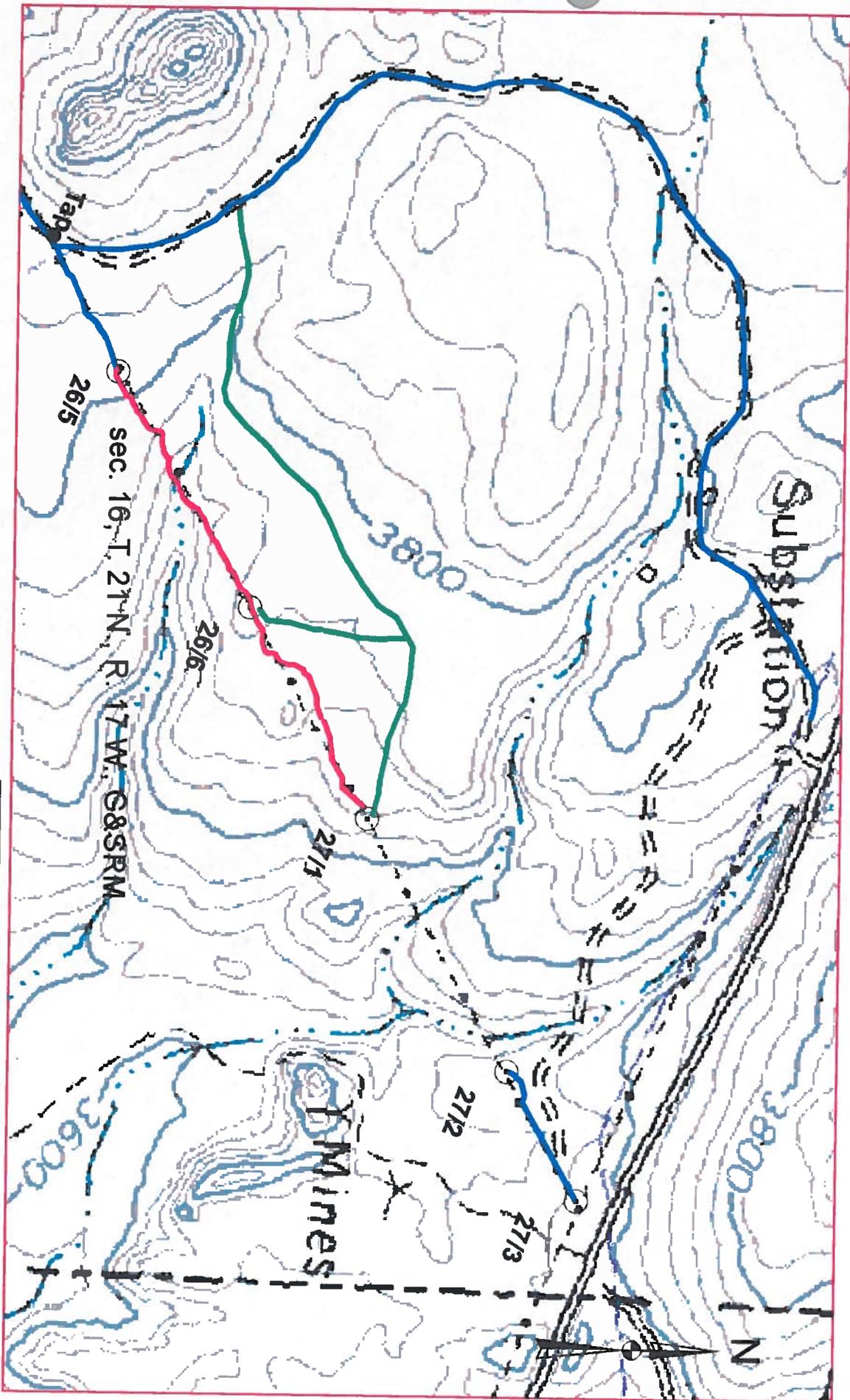
\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature of Authorized  
Officer)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Effective Date of Grant)

EXHIBIT A  
 AZPHX 83786 Amendment #6  
 November 20, 2012

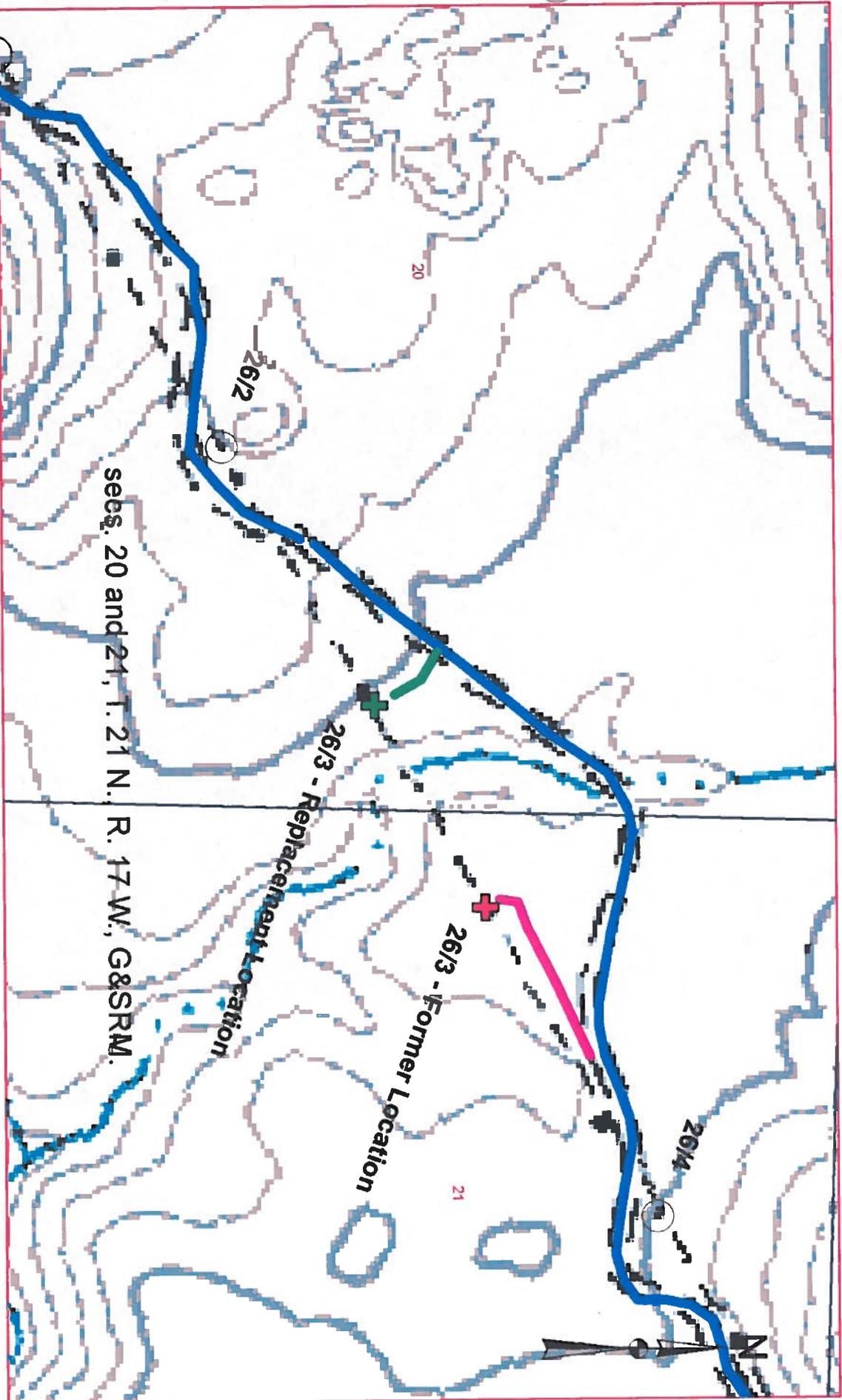


No warranty is made by the Bureau of Land Management for the use of the data for purposes not intended by the BLM.

**LEGEND**

-  Existing Authorized Access Roads
-  Relinquished Access Roads
-  Access Roads Authorized Under Amendment #6
-  Pole Structure Location (Existing and Replacement)

EXHIBIT B  
 AZPHX 83786 Amendment #6  
 November 20, 2012



**LEGEND**

	Former Pole Structure Location		Existing Authorized Access Roads
	New Pole Structure Location		Access Road To Be Reclaimed and Relinquished
			Access Roads Authorized Under Amendment

No warranty is made by the Bureau of Land Management for the use of the data for purposes not intended by the BLM.

**AZPHX 83786 Amendment #6**  
**Additional Terms and Conditions**  
**Exhibit C**  
**November 20, 2012**

1. The Holder will designate a field contact representative who will be responsible for overseeing compliance with these mitigation measures and for coordination on compliance with the BLM. The field contact representative and authorized/qualified biologist(s) will have the authority and the responsibility to halt all project activities that are in violation of these mitigation measures. The field contact representative will be responsible for oversight of compliance with these mitigation measures, coordination with permitting agencies, land managers, and the state wildlife agency, and will serve as a contact point for personnel that encounter desert tortoises. The field contact representative will be on site during project activities and will be familiar with and have a copy of these mitigation measures.

2. Future use and maintenance of the roads authorized under this amendment will be subject to the following reclamation measures:

Segment 1 (Access to structures 26/6 and 27/1) The access road between structures 26/5 to 27/1 as granted under amendment #4 is to be relinquished and substituted with the roads shown on Exhibit A of this amendment. Access to structure 26/5 is to remain as granted in amendment #4. The width for this right-of-way for these roads is 30 feet. 35 feet on each side of the right-of-way is requested for construction activities to be authorized under a temporary use permit (AZPHX 83786 B). Prior to road construction, in consultation with the BLM, the centerline of the route will be flagged and no construction will begin until after the BLM has reviewed the flagged route and written approval is issued by the Authorized Officer or his/her representative.

After power line rebuilding activities are completed, these access roads will be maintained with a 12 foot travel lane in the following manner:

- i. Berms and material windrows will be obliterated;
- ii. If required by the Authorized Officer rock staining will be applied where necessary. Where appropriate, rocks with caliche coatings will be placed with the "desert varnish" side up;
- iii. The 12 foot wide permanent travel area would be seeded with the seed mix and rates shown in Table 1 (below). This will help to keep the road as unnoticeable as possible while still allowing for vehicle use.

Item 2, cont'd

Species	Rate per Acre, Pure Live Seed
Desert Globemallow ( <i>Sphaeralcea ambigua</i> )	4 lb.
Desert Lupine ( <i>Lupinus sparciflorus</i> )	10 lb.
Brittlebush ( <i>Encelia farinosa</i> )	10 lbs.

\* If seed is unavailable, substitutes for the seed mix would be used upon coordination and approval by the BLM authorized officer.

The remainder of the 18 foot width within the right-of-way and the areas under the temporary use permit that requires reclamation because of blading or substantial vehicle use or other activity would be seeded with the species in Table 2 (below):

Species	Rate per Acre, Pure Live Seed
Desert Globemallow ( <i>Sphaeralcea ambigua</i> )	5 lb.
Desert Marigold ( <i>Baileya multiradiata</i> )	2 lb.
Desert Lupine ( <i>Lupinus sparciflorus</i> )	9 lb.
Flattop Buckwheat ( <i>Eriogonum fasciculatum</i> )	1/2 lb.
Creosote Bush ( <i>Larrea tridentata</i> )	1/2 lb.
Purple Threawn ( <i>Aristida purpurea</i> )	1/2 lb.

\* If seed is unavailable, substitutes for the seed mix would be used upon coordination and approval by the BLM authorized officer.

Prior to seeding, these areas would be "roughed up" and after seed application the seedbed would be covered by dragging a piece of chain link fence behind an ATV or similar light vehicle as with the other reclamation measures stipulated in the right-of-way amendment and temporary use permit.

Item 2, cont'd

If vehicle use is not substantial as determined by the Authorized Officer or his/her representative, tracks would be raked out and other reasonable measures taken at the direction of the Authorized Officer or his/her representative.

Structure 26/3 The width for this right-of-way for this road is 30 feet. This road will be reclaimed to and maintained at a width of 12 feet after activities requiring disturbance outside of this width are performed. Berms and windrows will be obliterated or "pulled in" within the 12 foot maintained width. The seed mix and rates shown on Table 2 above will be applied to reclaim those areas outside the 12 foot wide travel lane. Prior to seeding, to prepare a proper seedbed the disturbed areas will be "roughed up." Seeding may be broadcast by hand or from an ATV and will be broadcast evenly. Seed will be covered within 2 days of being applied by dragging a piece of chain link fence behind an ATV or similar light vehicle.

If vehicle use is not substantial as determined by the Authorized Officer or his/her representative, tracks would be raked out and other reasonable measures taken at the direction of the Authorized Officer or his/her representative.

Following removal of structure 26/3 the access road to its former location will be reclaimed by obliterating berms and windrows and, if the disturbance as determined by the Authorized Officer or his/her representative is substantial the disturbed areas would be seeded in the same manner as described above for reclaiming the areas outside of the 12 foot wide travel land and temporary use areas.

3. A copy of the complete right-of-way reservation/grant, as amended, including all stipulations, will be kept on site during construction activities authorized under this right-of-way amendment. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health and safety or the environment.
4. This amendment is subject to prior rights. The Holder is responsible for coordinating with rights-of-way holders for activities which could affect their rights/facilities.
5. The Holder will conduct all activities associated with the construction, operation, maintenance, and termination of the right-of-way within the authorized limits of the right-of-way.

6. The Holder will reconstruct the road, reclaim the adjacent lands, and maintain the roads in a manner that will reduce erosion.

7. No construction or routine maintenance activities will be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of six inches deep, the soil will be deemed too wet to adequately support construction equipment.

8. **DISCOVERY OF CULTURAL RESOURCES IN THE ABSENCE OF MONITORING:** If, in its operations, operator/holder discovers any previously unidentified historic or prehistoric cultural resources, then work in the vicinity of the discovery will be suspended and the discovery promptly reported to BLM District Manager. BLM will then specify what action is to be taken. If there is an approved "discovery plan" in place for the project, then the plan will be executed. In the absence of an approved plan, BLM will evaluate the significance of the discovery and consult with the State Historic Preservation Officer in accordance with 36 CFR Section 800.11. Minor recordation, stabilization or data recovery may be performed by BLM or a permitted cultural resources consultant. If warranted, more extensive treatment by a permitted cultural resources consultant may be required of the operator/holder prior to allowing the project to proceed. Further damage to significant cultural resources will not be allowed until any required treatment is successfully completed. Failure to notify BLM about a discovery may result in civil or criminal penalties in accordance with the Archeological Resources Protection Act of 1979 (as amended).

9. The lands affected by this amendment are within desert tortoise habitat. Work performed on these lands will adhere to the following mitigations measures:

a. Within 48 hours or prior to onset of surface-disturbing activities, the construction right-of-way within desert tortoise habitat that is subject to immediate disturbance will be inspected by a qualified biologist for tortoises and their burrows. Tortoises should be moved less than 48 hours in advance of the habitat disturbance so they do not return to the area in the interim (Refer to Exhibit ~~C~~ D Tortoise Handling Procedures).

b. All tortoises found on the ground surface within construction corridors will be moved a minimum of 500 feet but not more than 1/2 mile, from their original location and placed in a shaded location. Tortoises that wander onto construction corridors during construction periods will also be removed to a safe location as necessary and will be moved solely for the purpose of preventing death or injury (Refer to Exhibit ~~C~~ Tortoise Handling Procedures).

c. If a tortoise is endangered by any construction, the activity will cease until a worker who has been through the tortoise education program can move the tortoise out of the line of danger in accordance with stipulations 9. a. and b. above.

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Item 9, cont'd

- d. Tortoise burrows within construction rights-of-way that are avoidable will be protected by the installation of welded wire fencing or other appropriate fencing placed at a maximum distance from the burrow allowable by construction activities. If a minimum fence distance from such burrows of 15 feet cannot be accommodated, the burrow will be excavated. Tortoises removed from excavated burrows during inactive periods will be relocated to unoccupied natural burrows (Refer to Exhibit ~~C~~ Tortoise Handling Procedures).
  - e. All locations of desert tortoise or their sign will be mapped on a 7½ minute topography map with Township, Range, section and quarter section noted, date, observer's name, and vegetation type. Copies of this information will be given to the BLM authorized officer and to the Arizona Game and Fish Department, Heritage Data Base Manager, in Phoenix.
  - f. The Holder is required to obtain all necessary permits for handling or collecting of desert tortoise prior to construction (Refer to Exhibit ~~C~~ Tortoise Handling Procedures).
  - g. The proponent will develop and implement a worker education program that addresses (i) the occurrence and distribution of the desert tortoise within the construction area; (ii) measures being implemented to protect the tortoise and its habitat in the construction area; (iii) specific protocols to observe if desert tortoises are encountered in the field.
  - h. The proponent will limit speed of all vehicles within the right-of-way area and access roads to 15 miles per hour on BLM administered public lands to prevent running over desert tortoises. Construction and maintenance employees will also be advised that care should be exercised when commuting to and from the project area to reduce road mortality.
10. The Holder will minimize disturbance to existing fences and other improvements on public land. The Holder is required to promptly repair improvements to at least their former state. Functional use of these improvements will be maintained at all times. Holder will contact the owner of any improvements prior to disturbing them. When necessary to pass through a fence line, the fence will be H-braced on both sides of the passageway prior to cutting the fence.
11. Project features that might trap wildlife such as open trenches, pits, open pipes, etc., will be covered overnight or modified to prevent entrapment of wildlife.
12. No pets (e.g., dogs) will be allowed on construction site.
13. The Holder will remove only the minimum amount of vegetation necessary for the construction and maintenance of the road.

14. All viable cacti, yucca, nolina (beargrass) ocotillo, agave, or other state protected plants on public lands will be avoided where possible. Where they cannot be avoided the holder will transplant them on public lands within this ROW. Yucca, nolina, and agave plants will be transplanted, the same day that they are uprooted. Cacti may be stockpiled for up to 2 weeks and replanted. Where practical these plants will be used to reclaim areas disturbed by construction activities.

15. Construction sites will be maintained in a sanitary condition at all times; waste materials at those sites will be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment. Holder will maintain the right-of-way area in a safe, usable condition, as directed by the authorized officer. Porta-potty areas will be kept in a sanitary condition and cleaning and maintenance must be in conformance with standard waste company procedures.

16. The holder will protect all survey monuments. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments and civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of these by the holder or anyone operating on his behalf, the holder will immediately report the incident to the authorized officer and the respective installing agency (if known) in writing. The holder will be responsible for the restoration of the monument(s) in a manner suitable to the authorized officer after consultation with all parties involved. If Bureau cadastral or other Federal surveyors are used to restore the monument(s), the holder will be liable to the United States for the costs.

17. All vehicles and equipment will be washed at the contractor's storage facility prior to arriving on the construction site to prevent the introduction of weed seed. All vehicles and equipment will be washed prior to leaving the construction site to prevent weed seeds from leaving the site.

18. The Holder will be responsible for weed control on disturbed areas within the limits of the right-of-way. The Holder is responsible for consultation with the Authorized Officer and/or local authorities for acceptable weed control methods within limits imposed in the grant stipulations.

19. Use of pesticides will comply with the applicable Federal and state laws. Pesticides will be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the Holder will obtain from the Authorized Officer written approval of a plan showing the type and quantity of material to be used, pests(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the Authorized Officer. Emergency use of pesticides shall be approved in writing by the Authorized Officer prior to such use.

20. No hazardous material, substance, or hazardous waste, (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 US Code § 9601, et seq., or the Resource Conservation and Recovery Act, 42 US Code § 6901, et seq.) will be used, produced, transported, released, disposed of, or stored within the right-of-way area at any time by the Holder. The Holder will immediately report any release of hazardous substances (leaks, spills, etc.) caused by the Holder or third parties in excess of the reportable quantity as required by federal, state, or local laws and regulations. A copy of any report required or requested by any federal, state or local government agency as a result of a reportable release or spill of any hazardous substances will be furnished to the Authorized Officer concurrent with the filing of the reports to the involved federal, state or local government agency.

21. The Holder will immediately notify the Authorized Officer of any release of hazardous substances, toxic substances, or hazardous waste on or near the right-of-way potentially affecting the right-of-way of which the Holder is aware.

22. As required by law, the Holder will have responsibility for and will take all action(s) necessary to fully remediate and address the hazardous substance(s) on or emanating from the right-of-way.

23. The Holder will not violate applicable air standards or related facility siting standards established by or pursuant to applicable federal, state, or local laws or regulations. The Holder will be responsible for dust abatement within the limits of the right-of-way and is responsible for obtaining all necessary permits from appropriate authorities for acceptable dust abatement and control methods (e.g., water, chemicals). The Holder will be solely responsible for all violations of any air quality permit, law or regulation, as a result of its action, inaction, use or occupancy of the right-of-way.

24. Notwithstanding whether a violation of any air quality permit, law or regulation results, the Holder will cooperate with the Authorized Officer in implementing and maintaining reasonable and appropriate dust control methods in conformance with law and appropriate to the circumstances at the sole cost of the Holder.

Exhibit B, AZPHX 83786 Amendment #6, page 8 of 8 pages

25. The holder shall comply with all State and Federal laws applicable to the authorized use and such additional State and Federal laws, along with the implementing regulations, that may be enacted and issued during the term of the grant.

26. The United States Department of Energy, in the manner and to the extent provided by the Federal Tort Claims Act, as amended (28 United States Code (USC) Sections 2671-2680) will be liable for, and will hold the Department of Interior harmless from, claims for damage or loss of property, personal injury or death caused by the acts or omissions of the United States Department of energy, its officers, employees and agents in the use of the right-of-way.

**B. TERMINATION**

1. Ninety days prior to termination of the right-of-way, Holder will contact the Authorized Officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination (and rehabilitation) plan. This plan will include, but is not limited to, removal of facilities, drainage structures, or surfacing material, re-contouring, and seeding. The Authorized Officer must approve the plan in writing prior to the Holder's commencement of any termination actions.



# United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
Kingman Field Office  
2755 Mission Boulevard  
Kingman, Arizona 86401  
www.az.blm.gov

**AZPHX 83786 Amendment #6**  
**Exhibit D**  
**November 20, 2012**

## **GUIDELINES FOR HANDLING DESERT TORTOISE** **ENCOUNTERED ON ROADS AND VEHICLE WAYS**

1. Stop your vehicle and allow the tortoise to move off the road.
  2. If the tortoise is not moving, gently\*\* pick up the tortoise and move it approximately 200 feet off the road to a shaded location.
    - a. **Do not** turn the tortoise over.
    - b. Move the tortoise in the direction it was traveling. If it was crossing the road, move it in the direction it was crossing.
    - c. Keep the tortoise within 12-18 inches of the ground, move slowly so as not to cause it to become alarmed.
    - d. Release the tortoise under the shade of a bush or rock.
- \*\* Tortoise store water in their bladder. If a tortoise becomes alarmed its defense is to void its bladder onto the captor. This could lead to dehydration of the tortoise and potentially to death.
3. Prior to moving any parked vehicle or equipment at the project site check for tortoise under the vehicles.



*Draft*

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

SERIAL NUMBER AZPHX 83786 B

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1. A temporary use permit is hereby granted pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761) and any current or future amendment.

2. Nature of Interest:

a. By this instrument, the holder:

The United States of America, acting by and through the  
Department of Energy, Western Area Power Administration  
P.O. Box 6457  
Phoenix, Arizona 85005-6457

receives a right to construct, operate, maintain, and terminate  
access roads on public lands (or Federal lands for MLA Rights-of-Way)  
described as follows:

Gila and Salt River Meridian, Arizona

T. 21 N., R. 17 W.,  
sec. 16, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
sec. 20, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

b. The right-of-way or permit area granted herein is 35 feet wide each side of the right-of-way area granted under AZPHX 83786 Amendment #6, 3,085 feet alongside the right-of-way area for access roads to structures 26/6 and 27/1 (designated herein as Segment 1), and 150 feet alongside the right-of-way area for the access road to structure 26/3 (designated herein as Segment 2). These areas aggregate 5.199 acres, more or less.

c. This instrument will terminate on December 31, 2013 unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.

- d. This instrument may be renewed per 43 Code of Federal Regulations 2807.22 (a). If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.
- e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

3. Rental:

This grant or permit is exempt from rental charges provided that the facilities occupying the right-of-way meet the requirements for such exemptions found at 43 CFR 2806.14, or as per future regulations established by the Secretary of the Interior.

4. Terms and Conditions:

- a. This grant or permit is issued subject to the Right-of-Way Grant Holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations parts 2800 and 2880.
- b. Upon grant or permit termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise dispose of as directed by the authorized officer.
- c. Each grant issued for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The stipulations, plans, maps, or designs set forth in Exhibit(s) A, B, C, and D dated November 20, 2012 attached hereto, are incorporated into and made a part of this grant or permit instrument as fully and effectively as if they were set forth herein in their entirety.

- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof. Any unilateral pre-termination notice requires at least 30 days written confirmation of intent by certified mail.
- f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.

\_\_\_\_\_  
(Signature of Holder)

\_\_\_\_\_  
(Signature of Authorized  
Officer)

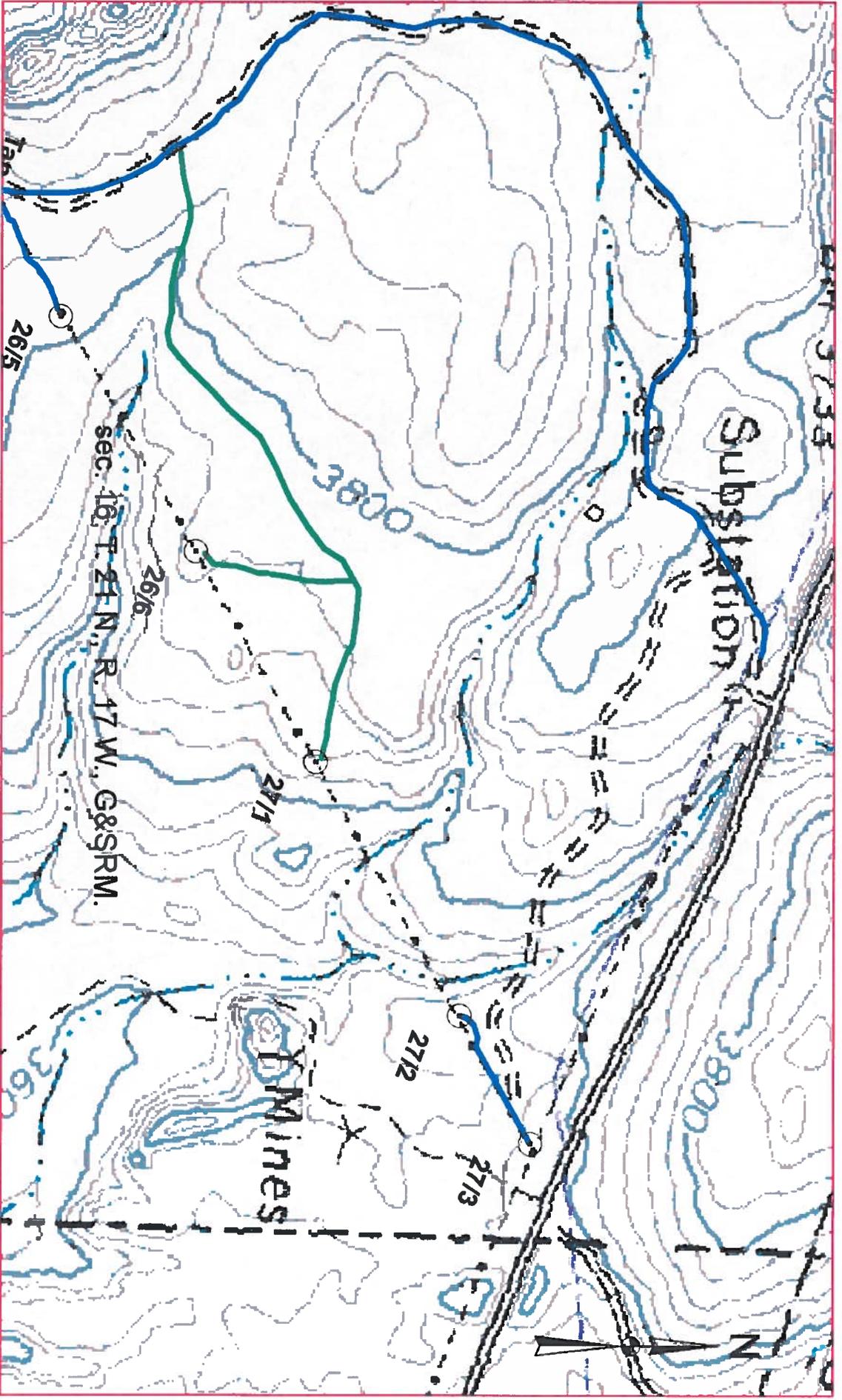
\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Effective Date of Grant)

EXHIBIT A  
 AZPHX 83786 B  
 November 20, 2012

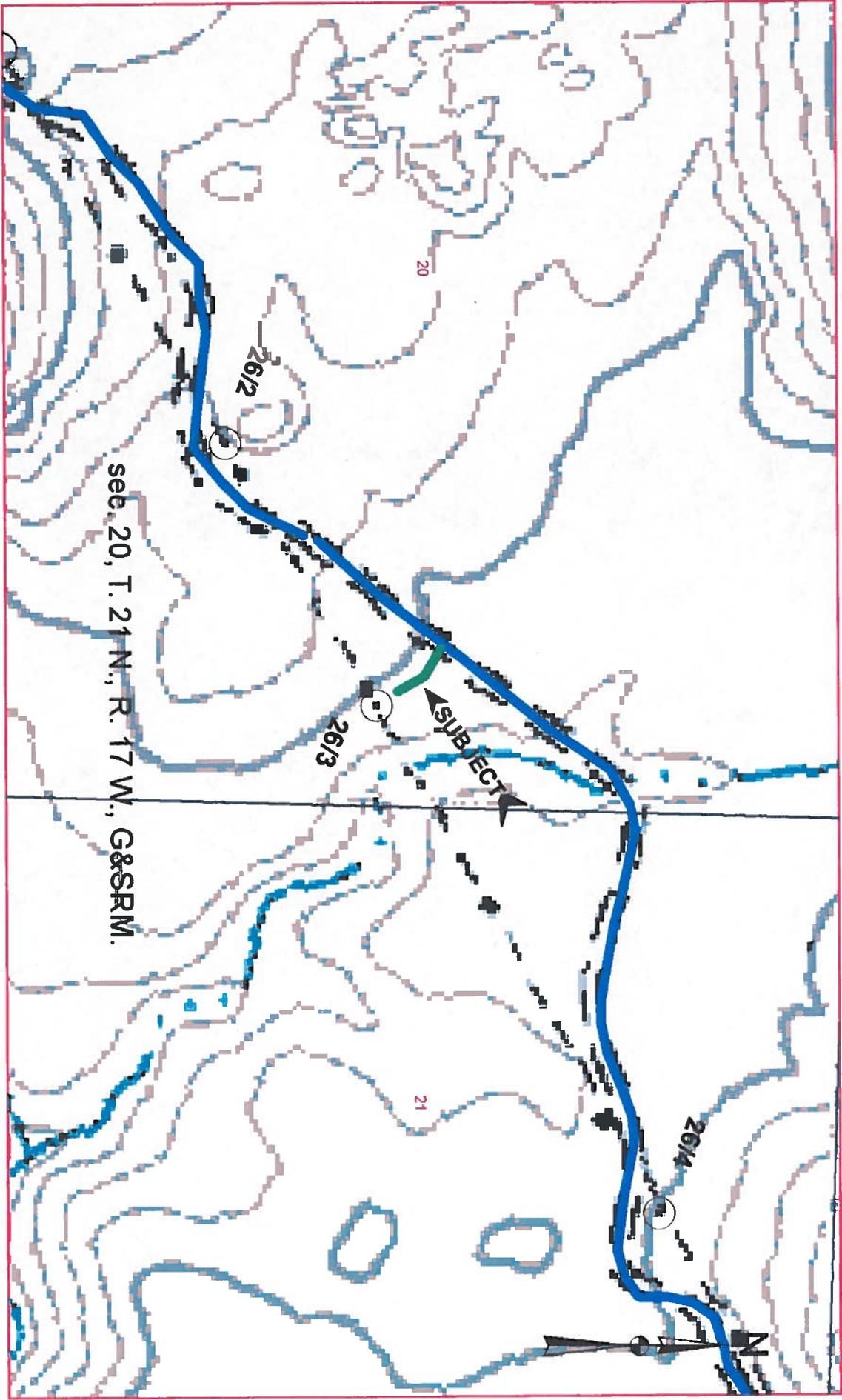


No warranty is made by the Bureau of Land Management for the use of the data for purposes not intended by the BLM.

**LEGEND**

-  Existing Authorized Access Roads
-  Temporary Use Permit Area (35 ft. Each Side of Access Roads Authorized Under Amendments)
-  Pole Structure Location

EXHIBIT B  
 AZPHX 83786 B  
 November 20, 2012



see 20, T. 21 N., R. 17 W., G&SRM.



**LEGEND**

- Existing Authorized Access Roads
- Temporary Use Permit Area (35 ft. Each Side of Access Roads Authorized Under Amendments)
- Structure Location

No warranty is made by the Bureau of Land Management for the use of the data for purposes not intended by the BLM.

**AZPHX 83786 B**  
**Additional Terms and Conditions**  
**Exhibit C**  
**November 20, 2012**

1. The Holder will designate a field contact representative who will be responsible for overseeing compliance with these mitigation measures and for coordination on compliance with the BLM. The field contact representative and authorized/qualified biologist(s) will have the authority and the responsibility to halt all project activities that are in violation of these mitigation measures. The field contact representative will be responsible for oversight of compliance with these mitigation measures, coordination with permitting agencies, land managers, and the state wildlife agency, and will serve as a contact point for personnel that encounter desert tortoises. The field contact representative will be on site during project activities and will be familiar with and have a copy of these mitigation measures.

2. After power line rebuilding activities are completed, the area authorized under this permit designated as Segment 1 will be reclaimed in the following manner:

- i. Berms and material windrows will be obliterated;
- ii. If required by the Authorized Officer rock staining will be applied where necessary. Where appropriate, rocks with caliche coatings will be placed with the "desert varnish" side up;
- iii. The areas under this temporary use permit that requires reclamation because of blading or substantial vehicle use or other activity would be seeded with the species in the below below:

SEED MIX FOR PERMANENT RECLAMATION*	
Species	Rate per Acre, Pure Live Seed
Desert Globemallow ( <i>Sphaeralcea ambigua</i> )	5 lb.
Desert Marigold ( <i>Baileya multiradiata</i> )	2 lb.
Desert Lupine ( <i>Lupinus sparciflorus</i> )	9 lb.
Flattop Buckwheat ( <i>Eriogonum fasciculatum</i> )	1/2 lb.
Creosote Bush ( <i>Larrea tridentata</i> )	1/2 lb.
Purple Threeawn ( <i>Aristida purpurea</i> )	1/2 lb.

\* If seed is unavailable, substitutes for the seed mix would be used upon coordination and approval by the BLM authorized officer.

Item 2, cont'd

Prior to seeding, these areas would be "roughed up" and after seed application the seedbed would be covered by dragging a piece of chain link fence behind an ATV or similar light vehicle as with the other reclamation measures stipulated in the right-of-way amendment and temporary use permit.

If vehicle use is not substantial as determined by the Authorized Officer or his/her representative, tracks would be raked out and other reasonable measures taken a at the direction of the Authorized Officer or his/her representative.

3. After power line rebuilding activities are completed, the area authorized under this permit designated as Segment 2 will be reclaimed in the following manner:

- i. Berms and material windrows will be obliterated;
- ii. The areas under this temporary use permit that requires reclamation because of blading or substantial vehicle use or other activity would be seeded with the species in the below below:

SEED MIX FOR PERMANENT RECLAMATION*	
Species	Rate per Acre, Pure Live Seed
Desert Globemallow ( <i>Sphaeralcea ambigua</i> )	5 lb.
Desert Marigold ( <i>Baileya multiradiata</i> )	2 lb.
Desert Lupine ( <i>Lupinus sparciflorus</i> )	9 lb.
Flattop Buckwheat ( <i>Eriogonum fasciculatum</i> )	1/2 lb.
Creosote Bush ( <i>Larrea tridentata</i> )	1/2 lb.
Purple Threeawn ( <i>Aristida purpurea</i> )	1/2 lb.

\* If seed is unavailable, substitutes for the seed mix would be used upon coordination and approval by the BLM authorized officer.

Prior to seeding, these areas would be "roughed up" and after seed application the seedbed would be covered by dragging a piece of chain link fence behind an ATV or similar light vehicle as with the other reclamation measures stipulated in the right-of-way amendment and temporary use permit.

If vehicle use is not substantial as determined by the Authorized Officer or his/her representative, tracks would be raked out and other reasonable measures taken a at the direction of the Authorized Officer or his/her representative.

4. A copy of the complete temporary use permit, including all stipulations, will be kept on site during construction activities authorized under this permit. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health and safety or the environment.
5. This amendment is subject to prior rights. The Holder is responsible for coordinating with rights-of-way holders for activities which could affect their rights/facilities.
6. The Holder will conduct all activities associated with the construction, operation, maintenance, and termination of the roads within the authorized limits of the permit.
7. No construction or routine maintenance activities will be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of six inches deep, the soil will be deemed too wet to adequately support construction equipment.
8. **DISCOVERY OF CULTURAL RESOURCES IN THE ABSENCE OF MONITORING:** If, in its operations, operator/holder discovers any previously unidentified historic or prehistoric cultural resources, then work in the vicinity of the discovery will be suspended and the discovery promptly reported to BLM District Manager. BLM will then specify what action is to be taken. If there is an approved "discovery plan" in place for the project, then the plan will be executed. In the absence of an approved plan, BLM will evaluate the significance of the discovery and consult with the State Historic Preservation Officer in accordance with 36 CFR Section 800.11. Minor recordation, stabilization or data recovery may be performed by BLM or a permitted cultural resources consultant. If warranted, more extensive treatment by a permitted cultural resources consultant may be required of the operator/holder prior to allowing the project to proceed. Further damage to significant cultural resources will not be allowed until any required treatment is successfully completed. Failure to notify BLM about a discovery may result in civil or criminal penalties in accordance with the Archeological Resources Protection Act of 1979 (as amended).
9. The lands affected by this permit are within desert tortoise habitat. Work performed on these lands will adhere to the following mitigations measures:
  - a. Within 48 hours or prior to onset of surface-disturbing activities, the construction right-of-way within desert tortoise habitat that is subject to immediate disturbance will be inspected by a qualified biologist for tortoises and their burrows. Tortoises should be moved less than 48 hours in advance of the habitat disturbance so they do not return to the area in the interim (Refer to Exhibit C, Tortoise Handling Procedures).

Item 9, cont'd

- b. All tortoises found on the ground surface within construction corridors will be moved a minimum of 500 feet but not more than 1/2 mile, from their original location and placed in a shaded location. Tortoises that wander onto construction corridors during construction periods will also be removed to a safe location as necessary and will be moved solely for the purpose of preventing death or injury (Refer to Exhibit C, Tortoise Handling Procedures).
- c. If a tortoise is endangered by any construction, the activity will cease until a worker who has been through the tortoise education program can move the tortoise out of the line of danger in accordance with stipulations 9. a. and b. above.
- d. Tortoise burrows within construction rights-of-way that are avoidable will be protected by the installation of welded wire fencing or other appropriate fencing placed at a maximum distance from the burrow allowable by construction activities. If a minimum fence distance from such burrows of 15 feet cannot be accommodated, the burrow will be excavated. Tortoises removed from excavated burrows during inactive periods will be relocated to unoccupied natural burrows (Refer to Exhibit C, Tortoise Handling Procedures).
- e. All locations of desert tortoise or their sign will be mapped on a 7½ minute topography map with Township, Range, section and quarter section noted, date, observer's name, and vegetation type. Copies of this information will be given to the BLM authorized officer and to the Arizona Game and Fish Department, Heritage Data Base Manager, in Phoenix.
- f. The Holder is required to obtain all necessary permits for handling or collecting of desert tortoise prior to construction (Refer to Exhibit C, Tortoise Handling Procedures).
- g. The proponent will develop and implement a worker education program that addresses (i) the occurrence and distribution of the desert tortoise within the construction area; (ii) measures being implemented to protect the tortoise and its habitat in the construction area; (iii) specific protocols to observe if desert tortoises are encountered in the field.
- h. The proponent will limit speed of all vehicles within the right-of-way area and access roads to 15 miles per hour on BLM administered public lands to prevent running over desert tortoises. Construction and maintenance employees will also be advised that care should be exercised when commuting to and from the project area to reduce road mortality.

10. The Holder will minimize disturbance to existing fences and other improvements on public land. The Holder is required to promptly repair improvements to at least their former state. Functional use of these improvements will be maintained at all times. Holder will contact the owner of any improvements prior to disturbing them. When necessary to pass through a fence line, the fence will be H-braced on both sides of the passageway prior to cutting the fence.

11. Project features that might trap wildlife such as open trenches, pits, open pipes, etc., will be covered overnight or modified to prevent entrapment of wildlife.
12. No pets (e.g., dogs) will be allowed on construction site.
13. The Holder will remove only the minimum amount of vegetation necessary for the construction and maintenance of the road.
14. All viable cacti, yucca, nolina (beargrass) ocotillo, agave, or other state protected plants on public lands will be avoided where possible. Where they cannot be avoided the holder will transplant them on public lands within this ROW. Yucca, nolina, and agave plants will be transplanted, the same day that they are uprooted. Cacti may be stockpiled for up to 2 weeks and replanted. Where practical these plants will be used to reclaim areas disturbed by construction activities.
15. Construction sites will be maintained in a sanitary condition at all times; waste materials at those sites will be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment. Holder will maintain the right-of-way area in a safe, usable condition, as directed by the authorized officer. Porta-potty areas will be kept in a sanitary condition and cleaning and maintenance must be in conformance with standard waste company procedures.
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17. All vehicles and equipment will be washed at the contractor's storage facility prior to arriving on the construction site to prevent the introduction of weed seed. All vehicles and equipment will be washed prior to leaving the construction site to prevent weed seeds from leaving the site.

18. The Holder will be responsible for weed control on disturbed areas within the limits of the right-of-way. The Holder is responsible for consultation with the Authorized Officer and/or local authorities for acceptable weed control methods within limits imposed in the grant stipulations.

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20. No hazardous material, substance, or hazardous waste, (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 US Code § 9601, et seq., or the Resource Conservation and Recovery Act, 42 US Code § 6901, et seq.) will be used, produced, transported, released, disposed of, or stored within the right-of-way area at any time by the Holder. The Holder will immediately report any release of hazardous substances (leaks, spills, etc.) caused by the Holder or third parties in excess of the reportable quantity as required by federal, state, or local laws and regulations. A copy of any report required or requested by any federal, state or local government agency as a result of a reportable release or spill of any hazardous substances will be furnished to the Authorized Officer concurrent with the filing of the reports to the involved federal, state or local government agency.

21. The Holder will immediately notify the Authorized Officer of any release of hazardous substances, toxic substances, or hazardous waste on or near the right-of-way potentially affecting the right-of-way of which the Holder is aware.

22. As required by law, the Holder will have responsibility for and will take all action(s) necessary to fully remediate and address the hazardous substance(s) on or emanating from the right-of-way.

22. The Holder will not violate applicable air standards or related facility siting standards established by or pursuant to applicable federal, state, or local laws or regulations. The Holder will be responsible for dust abatement within the limits of the right-of-way and is responsible for obtaining all necessary permits from appropriate authorities for acceptable dust abatement and control methods (e.g., water, chemicals). The Holder will be solely responsible for all violations of any air quality permit, law or regulation, as a result of its action, inaction, use or occupancy of the right-of-way.

Exhibit C, AZPHX 83786 B, page 7 of 7 pages

23. Notwithstanding whether a violation of any air quality permit, law or regulation results, the Holder will cooperate with the Authorized Officer in implementing and maintaining reasonable and appropriate dust control methods in conformance with law and appropriate to the circumstances at the sole cost of the Holder.

24. The holder shall comply with all State and Federal laws applicable to the authorized use and such additional State and Federal laws, along with the implementing regulations, that may be enacted and issued during the term of the grant.

25. The United States Department of Energy, in the manner and to the extent provided by the Federal Tort Claims Act, as amended (28 United States Code (USC) Sections 2671-2680) will be liable for, and will hold the Department of Interior harmless from, claims for damage or loss of property, personal injury or death caused by the acts or omissions of the United States Department of energy, its officers, employees and agents in the use of the right-of-way.

#### B. TERMINATION

1. Ninety days prior to termination of the right-of-way, Holder will contact the Authorized Officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination (and rehabilitation) plan. This plan will include, but is not limited to, removal of facilities, drainage structures, or surfacing material, re-contouring, and seeding. The Authorized Officer must approve the plan in writing prior to the Holder's commencement of any termination actions.



# United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
Kingman Field Office  
2755 Mission Boulevard  
Kingman, Arizona 86401  
[www.az.blm.gov](http://www.az.blm.gov)

**AZPHX 83786 B**  
**Exhibit D**  
**November 20, 2012**

## **GUIDELINES FOR HANDLING DESERT TORTOISE ENCOUNTERED ON ROADS AND VEHICLE WAYS**

1. Stop your vehicle and allow the tortoise to move off the road.
  2. If the tortoise is not moving, gently\*\* pick up the tortoise and move it approximately 200 feet off the road to a shaded location.
    - a. **Do not** turn the tortoise over.
    - b. Move the tortoise in the direction it was traveling. If it was crossing the road, move it in the direction it was crossing.
    - c. Keep the tortoise within 12-18 inches of the ground, move slowly so as not to cause it to become alarmed.
    - d. Release the tortoise under the shade of a bush or rock.
- \*\* Tortoise store water in their bladder. If a tortoise becomes alarmed its defense is to void its bladder onto the captor. This could lead to dehydration of the tortoise and potentially to death.
3. Prior to moving any parked vehicle or equipment at the project site check for tortoise under the vehicles.



November 21, 2012

Memo for Record

To: File DOI-BLM-AZ-C010-2013-0005-DNA

From: Andy Whitefield 

Re: Sign-off of Specialists Post Proposal for Additional Access Road to Structure 26/3

After I had gotten signatures on the scoping sheet for this amendment there became a need to address access to structure 26/3 which is to be relocated. I discussed with the specialists who had signed off on this they agreed that if the terms and conditions that were included in amendment #4 were applied to this additional road no further information of scoping, except for a cultural survey, would be needed for their concurrence.

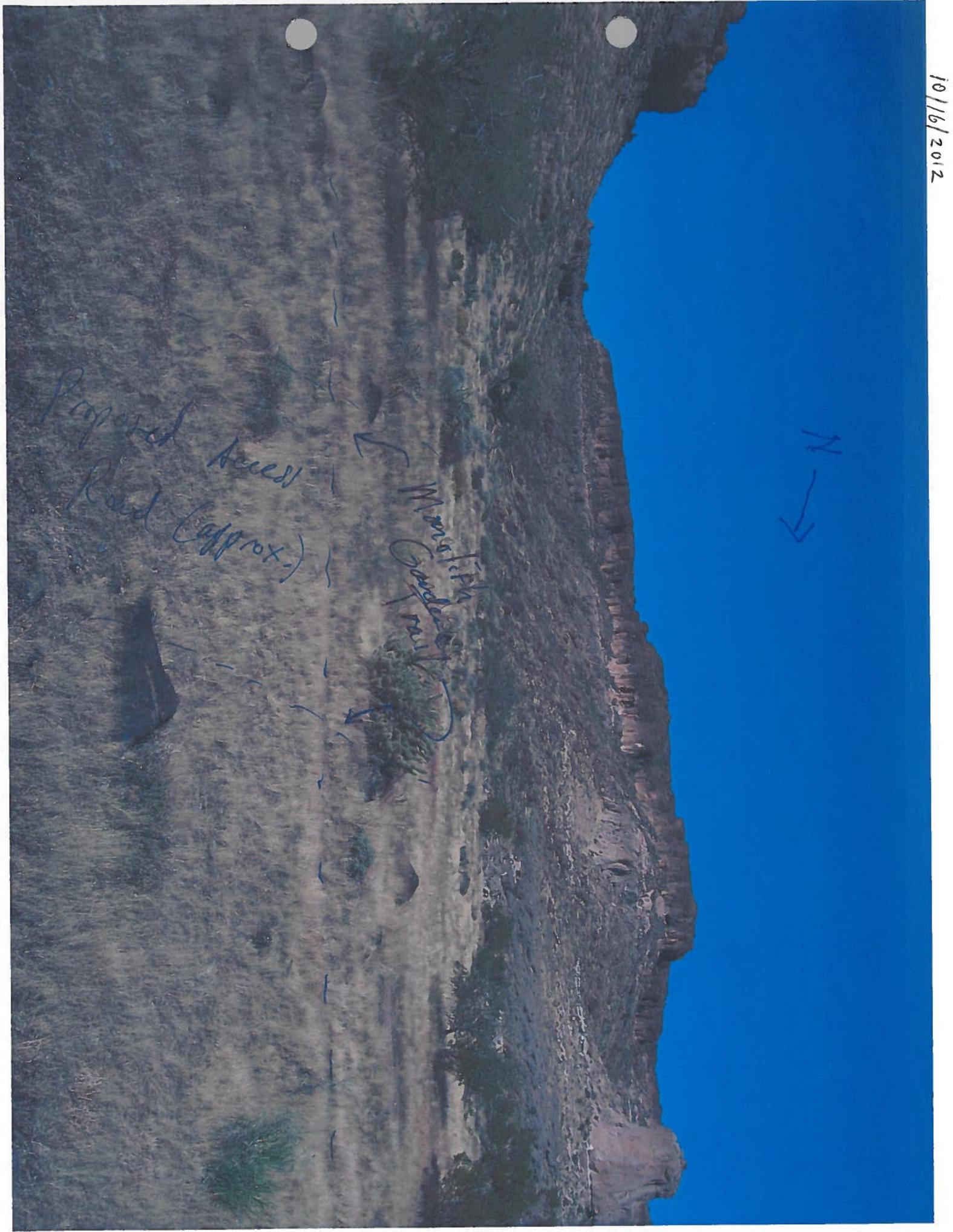
A cultural survey was done by Tim Watkins on November 16, 2012, and nothing of concern was found. Therefore concurrence from staff on this is complete.

10/16/2012

N →

Manhattan  
Copper Mill

Proposed Access  
Road (approx.)





← Mono Co. Garden Trail →

Approx. loc. Kearsy Rd.

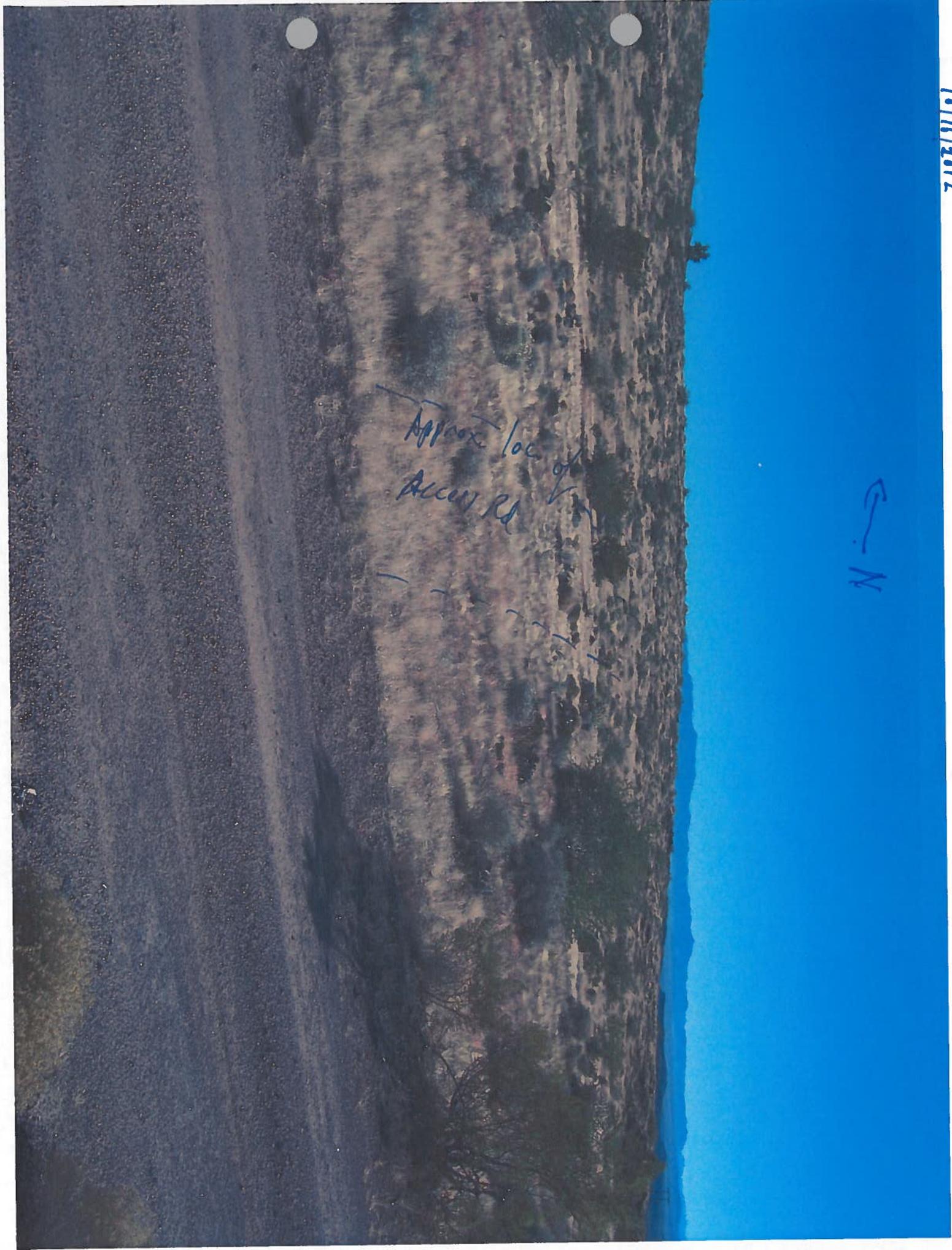
N →

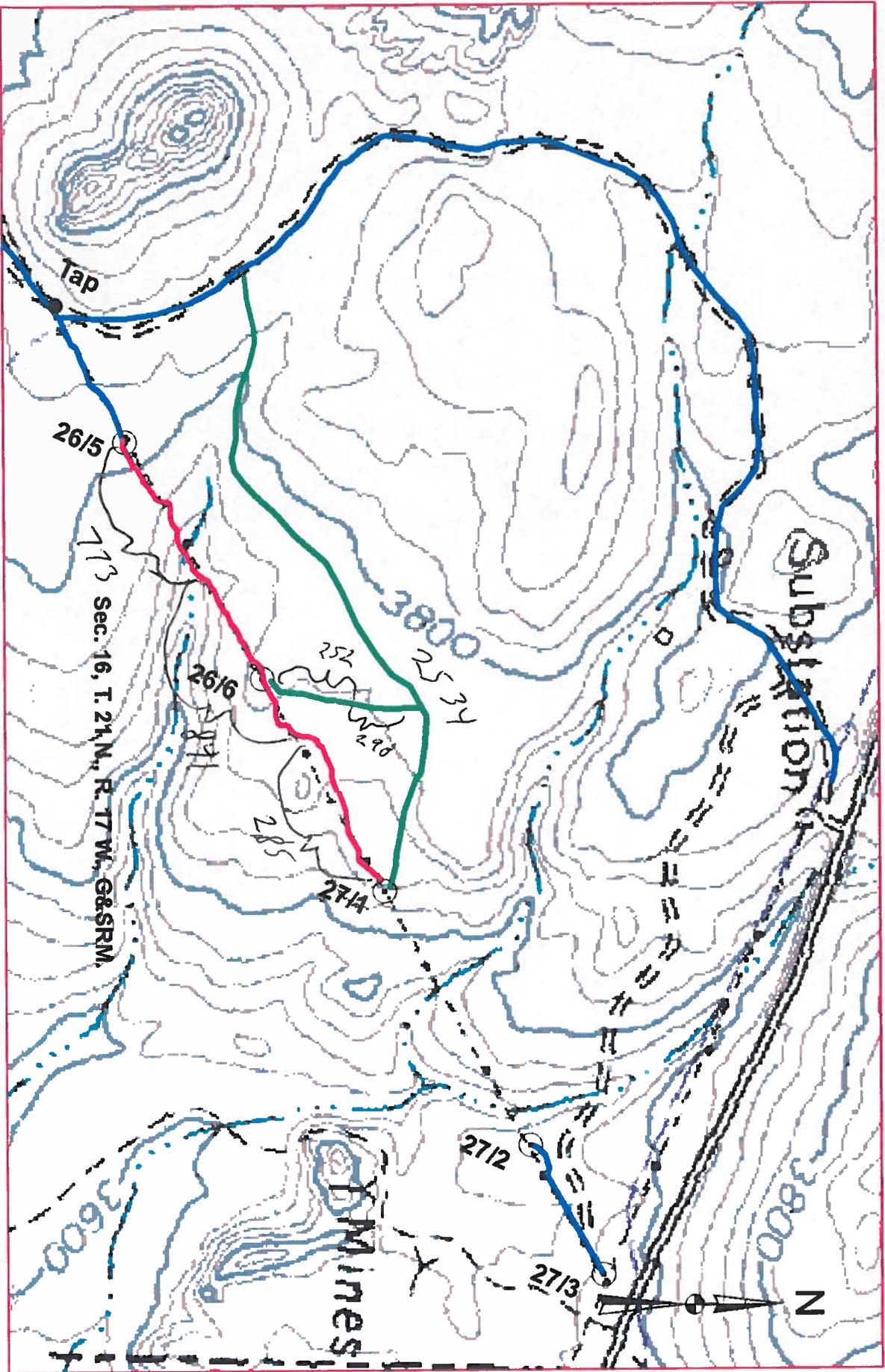
71051017

10/16/2012

← N

Approx loc of  
Alcum Rd





Relinquish 1899 = 56970 = 1.3089  
 new 3084 = 92520 = 2.127

## PROJECT COORDINATION

Minutes

1:30 p.m.

10-15-2012

Facilitator: Ramone McCoy Recorder: Melissa Patriquin Timekeeper: Amanda Deeds

**Agenda Items:** Brief description, legal description, general location, name of presenter, time needed.

Rules: 90 minute meetings

No side conversations

Stick to time limits

Additional agenda items added at end of meeting if time permits

PAST DUE CLEARANCES:

DECISION RECORDS TO BE DISCUSSED:

### PROJECT:

1. Continued Discussion: transition to ePlanning for FY13  
See page 2 for a suggestions for formalizing a procedure for this office. New form for e-planning will be saved under forms in NEPA folder. (R McCoy – 5 min)
2. For 2013 AML mining and bat gates. Abandoned Mine Lands Backfills and Installation of Bat Gates and Grates. Thirty-two abandoned mines have been identified by AZGFD to be backfilled for lack of bat habitat. Twenty-three abandoned mines have been selected to be closed via bat gates and grates. AZGFD biologists will assist in the design of the bat gates and grates. The abandoned mines are located in T. 22 N., R. 18 W.; T. 23 N., R. 18 W.; T. 24 N., R. 18 W. and T. 18 N., R. 15.; Gila & Salt River Meridian, near Wikieup and Chloride, Mohave County, Arizona. CX's are anticipated. If possible cultural features should be maintained and roads should be rehabbed back to previous condition. See Paul for maps. Tim Watkins Cultural, Paul Misiaszek, 15 minutes.
3. Chloride Copper Update. Completed application has not been submitted. Buzz has established a timeline for NEPA and potential staff needs for project. Invite AZGF to scoping meeting 11/19/2012. Chloride Copper Project Internal Schedule will be saved online in NEPA /chloride copper folder. Add hydrologist into NEPA staff. Andy is working on ROW that are associated with this project. See Buzz for additional details. Buzz Todd, 15 minutes
4. Film Permit application on Red Lake for both still and video. It is anticipated there would be 50-70 people, 2 models possible car driving. The vehicles would be, 3-4 motorhomes, 4-5 production trucks; (5 or 10 tons) and 15 two passenger vans. There is an EA written for filming on Red Lake. Is this EA sufficient for this application. (15 minutes Melissa)

5. Amendment to Davis-Kingman Power Line for access road realignment. WAPA is requesting changing the access to two pole structures in CFRA under the amendment for rebuilding the line be to the access routes originally used to construct the line in about 1950. After the line is reconstructed these would be reclaimed so that they may be used for maintenance but once vegetation has re-established they would not be very evident. The same terms and conditions for the access road as granted in the rebuild amendment would be applied to the proposed realigned routes. NEPA analysis for the rebuild EA should cover the effects of the proposed realigned routes so a DNA should be sufficient for NEPA documentation. Ammon Wilhelm Wildlife, Tim Watkins Archeology, Amanda Deeds VRM/Recreation. Andy 10 minutes.
  
6. **Walapai 4 Wheeler Ghost Town Jamboree SRP:** The Walapai 4 Wheelers (W4W) club has proposed to host a Ghost Town Jamboree event from Friday April 12, 2012 thru Sunday April 14, 2012. The W4W expect between 100-150 participants and 50-75 vehicles each day. A total of fifteen separate routes have been proposed. A maximum of seven rides would be offered each day with between five and twenty vehicles per ride. Runs would depart from the Mohave County Fairgrounds each morning between 8:00 and 9:00 a.m. The W4W would utilize the Fairgrounds to provide a breakfast, packed lunches, dinner, and a raffle for participants. W4W trail leaders and followers would be present on each ride and would carry trash bags and first aid kits. Participants would stop at each trailhead to regroup and air down. No fueling would take place on public lands. There would be lunch stops at the midway point of each route. Proposed stopping locations include all corrals and windmills along each proposed routes. Tours would stop again at the trailheads after completing the run to regroup. At this time, participants would either return to the Fairgrounds or leave the group for the evening. (A Deeds, 15 minutes). Amanda will send e-mail to schedule follow up meeting. Cultural- Watkins, Wildlife- Wilhelm, Range- Blanton/Celeste, Wilderness-McCoy. Comments by November 16.

**Attendees:** John Reid, Amanda Deeds, Len Marceau, Ammon Wilhelm, Buzz Todd, Melissa Patriquin, Ramone McCoy, Andy Whitefield, Rebecca Peck, Ruben Sánchez

Next Meeting: November 6<sup>th</sup> 10:30.

Facilitator: Andy Whitefield  
Recorder: John Reid  
Timekeeper: Amanda Deeds

### CULTURAL RESOURCE COMPLIANCE DOCUMENTATION RECORD

**Project No:** BLM-AZ-310-13-03      **Project Name:** Class III Survey of Proposed Nursery  
for Davis Kingman Rebuild (Coyote Pass)

EA, Job or Case File No.:

Institution: BLM

Cultural Resource Use Permit No: N/A

**Inventory Method:**     Existing Data Review    \_\_\_ Class II     Class III

**Eligibility Recommendation (for sites located):**

Not-eligible sites (list site numbers): 0

Eligible sites (list site numbers): 0

**Effect Recommendation (only on eligible sites from above):**

No Historic Properties Affected                      \_\_\_ Adverse Effect

\_\_\_ No Adverse Effect

**Treatment Recommendations:** (check and attach full description and map(s) as needed):

\_\_\_ Avoidance (by project redesign/cancellation, etc.)

\_\_\_ Physical or administrative protection measures

Standard stipulations

\_\_\_ Special stipulations

\_\_\_ Data recovery (collection, excavation, detailed recording, etc.)

**Consultation:**

Covered under PA, no further consultation required with SHPO or ACHP

Consultation required: \_\_\_ SHPO    \_\_\_ Advisory Council    \_\_\_ Native Americans

**Comments:** Standard Stipulations apply

**Proposed undertaking:** Area of Davis-Kingman 69 kV rebuild within CFRA. Undertaking is a proposed nursery located adjacent to the transmission line.

**Project location:** Township 21 N, Range 17 W, Section 21, NW ¼, NW ¼, Gila and Salt River Meridian, Kingman 7.5 topographic quadrangle map.

**Inventory:** Survey consisted of systematic, parallel 10 m wide transects of the entire project area.

**Tribal Consultation:** No consultation with local tribes is necessary for the proposed action.

**Standard Stipulations:** Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the Bureau of Land Management authorized representative. The holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized representative to determine appropriate actions to prevent the loss of significant cultural or scientific values.

**Findings:** Pursuant to Section 106 of the National Historic Preservation Act and the regulations set forth in 36 CFR 800, BLM has determined that this undertaking would have no effect on historic properties, as defined in 36 CFR 800.16(1)(1).

**Attachments:** none

Signed (by archaeologist):



Date: 10/11/2012