

Categorical Exclusion Document

BHP Copper Right-of-Way Renewal
DOI-BLM-AZ-P020-2013-0013-CX

A. Background

BLM Office: *Lower Sonoran Field Office (LSFO)*

Lease/Serial/Case File No.: AZA-7282

Proposed Action Title/Type: **FLPMA Land Use Authorization – R/W Renewal**

Location of Proposed Action: **T. 1 N., R. 14 E., Sections 14, 15, and 22**

Description of Proposed Action: The applicant, BHP Copper, is proposing to renew its existing right-of-way authorization for a water facility, which includes a water pipeline, slurry pipeline (buried) and an access road on public land. The right-of-way area in its current existence is approximately 225 feet in width, 9,369.12 feet in length, approximately 48.93 acres. The right-of-way would be renewed for a 30 year term, with an option to renew.

B. Land Use Plan Conformance

Land Use Plan (LUP) Name: Lower Sonoran Record of Decision & Approved Resource Management Plan

Date Approved/Amended: September 14, 2012

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

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

LR-1: Manage lands and realty actions to effectively support public needs and resource management objectives.

LR-1.3: (Minor Linear and Nonlinear LUAs): Authorize minor linear and nonlinear LUAs in locations that minimize resource impacts, are compatible with multiple use objectives, and do not compromise the existing rights of current holders.

C: Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 2, Appendix 1, or 516 DM 11.5:

E.9 which states: Renewals and assignments of leases, permits, or rights-of-ways where no additional rights are conveyed beyond those granted by the original authorization.

BLM Categorical Exclusions: Extraordinary Circumstances¹
Attachment 1

The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215) apply. The project would:		
1. Have significant impacts on public health or safety?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: The right-of-way renewal would not create any extraordinary circumstances on public health or safety.
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness or wilderness study areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds (Executive Order 13186); and other ecologically significant or critical areas?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: The right-of-way renewal would not cause any extraordinary circumstances to natural resources or unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness study areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; national monuments; migratory birds and other ecologically significant or critical areas.
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: The right-of-way renewal would not cause any extraordinary circumstances to environmental effects, nor involve unresolved conflicts concerning alternative uses of available resources.
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: The right-of-way renewal would not cause any extraordinary circumstances to highly uncertain and potentially significant environmental effects, nor involve unique and unknown environmental risks.
5. Establish a precedent for future action, or represent a decision in principle about future actions, with potentially significant environmental effects?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: The right-of-way renewal would not cause any extraordinary circumstances on future actions, nor represent a decision in principle about future actions, with potentially significant environmental effects.
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?		

¹ If an action has any of these impacts, you must conduct NEPA analysis.

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: The right-of-way renewal will not cause any extraordinary circumstances to other actions with individually insignificant, but cumulatively significant environmental effects.
7. Have significant impacts on properties listed or eligible for listing, on the National Register of Historic Places as determined by either the Bureau or office?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: The right-of-way renewal will not cause any extraordinary circumstances to properties listed or eligible for listing on the National Register of Historic Places.
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: The right-of-way renewal will not cause any extraordinary circumstances to species listed, or proposed to be listed, on the List of Endangered or Threatened Species, nor will it have significant impacts on designated Critical Habitat for these species.
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: The right-of-way renewal will not cause any extraordinary circumstances that would violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: The right-of-way renewal would not cause any extraordinary circumstances to disproportionately high and adverse effects on low income or minority populations.
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners, or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007)?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: The right-of-way renewal would not cause any extraordinary circumstances that would limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners, or significantly adversely affect the physical integrity of such sacred sites.
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area, or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: The right-of-way renewal would not cause any extraordinary circumstances contributing to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur within the area.

Decision
Attachment 2

Project Description:

The applicant, BHP Copper, is proposing to renew its existing right-of-way authorization for a water facility, which includes a water pipeline, slurry pipeline (buried) and an access road on public land. The right-of-way area in its current existence is approximately 225 feet in width, 9,369.12 feet in length, approximately 48.93 acres. The right-of-way would be renewed for a 30 year term, with an option to renew.

Decision: Based on a review of the project described above and field office staff recommendations, I have determined that the project is in conformance with the land use plan and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed, with the following stipulations (if applicable).

Approved By: _____ // Edward J. Kender _____ **Date:** 8/2/13 _____
Edward J. Kender

Mitigation Measures

1. All activities should be kept within the dimensions of the right-of-way.
2. All applicable regulations in accordance with 43 CFR 2800.
3. 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 officer. The holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values.