

Categorical Exclusion Documentation Format for Actions Other Than Hazardous Fuels and Fire Rehabilitation Actions

Emergency Water System Maintenance
DOI-BLM-AZ-P030-2013-0002-CX

A. Background

BLM Office: *Agua Fria National Monument (AFNM)*

Lease/Serial/Case File No.: **NA**

Proposed Action Title/Type: Emergency Water System Maintenance

Location of Proposed Action: Agua Fria National Monument T 10 N, R 3 E, Section 10. T 10 N, R 3 E, Section 9 One mile East of Horseshoe Ranch

Description of Proposed Action: Horseshoe Ranch is encompassed within the Agua Fria National Monument which is managed by the Bureau of Land Management. Horseshoe Ranch is managed by Arizona Game and Fish Department (AZGFD). The main water supply for Horseshoe Ranch is Silver Creek. Water is diverted via a spring box and piped to the AZGFD property. This system has been in functional for decades. However, as a result of the 2005 Cave Creek Complex fire, sediment has inundated the system. The plug of sediment has recently moved down stream and has filled the spring box with sediment and severed the water supply for Horseshoe Ranch. This has created the need to implement an emergency action by AZGFD to dredge the pool around the diversion point.

To make the Silver Creek water system operational, AZGFD intends to remove sediment from the spring box and recreate an open pool. Sediment in the pool will be removed by a group of less than five individuals using hand shovels. Sediment that is removed will be temporarily placed on a nearby closed road. The sediment will then be hauled off to the AZGFD property via ATV or light truck. The amount of sediment to be removed is approximately 10 cubic meters.

The proposed project area is in close proximity to pools occupied by the endangered Gila chub. Critical habitat is designated upstream of the project area. Fish surveys detected Gila Chub above and below the proposed project area in October, 2012. Since then, sediment has filled in many pools that were occupied in the 2012 survey. The few remaining pools upstream and downstream of the project area are occupied by Gila chub. The proposed action is not likely to significantly affect Gila chub by direct mortality or habitat loss. Limited numbers of chub may benefit by the creation on an additional pool. This proposed action is only allowed once. Further consultation with USFWS will occur to determine the effect of emergency sediment removal on the Gila chub. Biological monitors will be in place to establish conditions prior to the implementation of the proposed action, during the action. Post habitat assessments and fish monitoring will also be conducted and reported to USFWS.

B. Land Use Plan Conformance

Land Use Plan (LUP) Name: **Agua Fria National Monument Record of Decision and Approved Resource Management Plan**

Date Approved/Amended: **4/22/2010**

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-12. Land use authorizations, including existing rights-of-way for utility lines, will be limited to and managed in accordance with the valid existing rights granted before the monument was designated. Maintenance of these existing facilities will be permitted, subject to compliance with current BLM policies and practices, provided that monument resources are protected.

C: Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 Departmental Manual (DM) 11.9:

Appendix 4, BLM Categorical Exclusions: I. Emergency Stabilization;

1. Planned actions in response to wildfires, floods, weather events, earthquakes, or landslips that threaten public health or safety, property, and/or natural and cultural resources, and that are necessary to repair or improve lands unlikely to recover to a management-approved condition as a result of the event. Such activities shall be limited to: repair and installation of essential erosion control structures; replacement or repair of existing culverts, roads, trails, fences, and minor facilities; construction of protection fences; planting, seeding, and mulching; and removal of hazard trees, rocks, soil, and other mobile debris from, on, or along roads, trails, campgrounds, and watercourses.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 11.9 apply.

I considered: the effect of sediment removal from the water supply for Horseshoe Ranch. I have considered how the project will be implemented and where excess sediment will be placed. Impacts to monument objects including both biological and cultural have also been considered. Lastly, I have considered the effects of sediment removal on the endangered Gila chub and the riparian habitat.

D: Signature

Review: *We have determined that the proposal is in accordance with the categorical exclusion criteria and that it would not involve any significant environmental effects (see Attachment 1). Therefore, it is categorically excluded from further environmental review.*

Prepared by: _____/S/_____

**Paul Sitzmann
Project Lead**

Reviewed by: _____/S/_____

**Leah Baker
Planning & Environmental Coordinator**

Approved by: _____/S/_____

**Rem Hawes
Hassayampa Field Office Manager**

Contact Person

For additional information concerning this CX review, contact:

Paul Sitzmann 623.580.5695

Note: A separate decision document must be prepared for the action covered by the CX.

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 proposed action will not affect 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 project is located within the Agua Fria National Monument and occurs within an active creek. However, sediment from the Cave Creek Complex fire has been filling pools and degrading riparian resources. The removal of sediment will locally improve resource conditions.
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 removal of sediment to maintain a water system does not have any highly controversial environmental effects or involve unresolved conflicts. The proposed action is to maintain an existing water system.
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 effect of removing sediment from a spring box is well known and does not involve unique or 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 proposed action does not set precedent for future actions or represent a decision in principle about future actions that may have significant environmental effects.
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?		
Yes	No	Rationale: The removal of sediment is related to the spring box development. Without the spring box and water infrastructure, there

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

<input type="checkbox"/>	<input checked="" type="checkbox"/>	would be no need to maintain the system. However, the past development of the water system and proposed one time maintenance as stipulated in the project description will not have a cumulative impact.
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: Although the riparian areas within the Agua Fria National Monument are known to contain a significant amount of cultural resources, no properties listed or eligible for listing on the National Register of Historic Places occur in the proposed project area. Motorized travel will be limited to a road that had been open prior to the signing of the AFNM ROD/RMP.
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 removal of sediment will locally improve habitat conditions for Gila chub. Currently, the pool had supported Gila chub but has filled with sediment. Removal of sediment will recreate a pool.
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: No violation of Federal, State, local, or tribal laws will occur.
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 project is located in a remote area within the AFNM and implementation of the project will not impact 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: Removal of sediment will not limit access or ceremonial use of Indian 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 removal of sediment will not promote the introduction, growth or expansion of noxious weeds because the sediment is in an active channel. It is unlikely that the sediment contains any viable noxious weed species.

Decision
Attachment 2

Project Description:

Description of Proposed Action: Horseshoe Ranch is encompassed within the Agua Fria National Monument which is managed by the Bureau of Land Management. Horseshoe Ranch is managed by Arizona Game and Fish Department (AZGFD). The main water supply for Horseshoe Ranch is Silver Creek. Water is diverted via a spring box and piped to the AZGFD property. This system has been in functional for decades. However, as a result of the 2005 Cave Creek Complex fire, sediment has inundated the system. The plug of sediment has recently moved down stream and has filled the spring box with sediment and severed the water supply for Horseshoe Ranch. This has created the need to implement an emergency action by AZGFD to dredge the pool around the diversion point. To make the Silver Creek water system operational, AZGFD intends to remove sediment from the spring box and recreate an open pool. Sediment in the pool will be removed by a group of less than five individuals using hand shovels. Sediment that is removed will be temporarily placed on a nearby closed road. The sediment will then be hauled off to the AZGFD property via ATV or light truck. The amount of sediment to be removed is approximately 10 cubic meters. The proposed project area is in close proximity to pools occupied by the endangered Gila chub. Critical habitat is designated upstream of the project area. Fish surveys detected Gila Chub above and below the proposed project area in October, 2012. Since then, sediment has filled in many pools that were occupied in the 2012 survey. The few remaining pools upstream of the project area are occupied by Gila chub. It is not currently known if pools below the project area occupied. The proposed action is not likely to significantly affect Gila chub by direct mortality or habitat loss. Limited numbers of chub may benefit by the creation on an additional pool. This proposed action is only allowed once. Further consultation with USFWS will occur to determine the effect of emergency sediment removal on the Gila chub. Biological monitors will be in place to establish conditions prior to the implementation of the proposed action, during the action. Post habitat assessments and fish monitoring will also be conducted and reported to USFWS.

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).

Appeal Opportunities:

The decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4. Public notification of this decision will be considered to have occurred on April 12, 2013. Within 30 days of this decision, a notice of appeal must be filed in the office of the Authorized Officer at 21605 North 7th Avenue, Phoenix Arizona, 85027. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, U.S.

Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the Authorized Officer.

If you wish to file a petition for stay pursuant to 43 CFR Part 4.21(b), the petition for stay should accompany your notice of appeal and shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of irreparable harm to the appellant or resources if the stay is not granted,
4. Whether the public interest favors granting the stay.

If a petition for stay is submitted with the notice of appeal, a copy of the notice of appeal and petition for stay must be served on each party named in the decision from which the appeal is taken, and with the IBLA at the same time it is filed with the Authorized Officer. A copy of the notice of appeal, any statement of reasons and all pertinent documents must be served on each adverse party named in the decision from which the appeal is taken to: Field Solicitor, U.S. Department of the Interior, 401 West Washington Street, Suite 404, Phoenix Arizona 85003, not later than 15 days after filing the document with the Authorized Officer and/or IBLA.

Approved By: _____/S/_____ **Date:** April 14, 2013

Rem Hawes

Hassayampa Field Office Manager