

**NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)
CATEGORICAL EXCLUSION (CX) COMPLIANCE AND DECISION RECORD
U.S. Department of Interior (DOI)
Bureau of Land Management (BLM)**

NEPA Document Number: DOI-BLM-AZ-P010-2013-0029-CX

A. Background

BLM Office: **Hassayampa Field Office (AZP010)**

Lease/Serial/Case File No.: **AZA-33074**

Proposed Action Title/Type: **Brett E. Cameron 2920 Apiary Permit**

Location of Proposed Action: **Gila & Salt River Meridian, Yavapai County, Arizona**

T. 9 N., R. 2 E., Section 4, SE $\frac{1}{4}$ NW $\frac{1}{4}$;
T. 10 N., R. 2 E., Section 6, SE $\frac{1}{4}$ NW $\frac{1}{4}$;
T. 10 N., R. 2 E., Section 7, NW $\frac{1}{4}$ NE $\frac{1}{4}$;
T. 10 N., R. 2 E., Section 8, NE $\frac{1}{4}$ SW $\frac{1}{4}$;
T. 10 N., R. 2 E., Section 17, SW $\frac{1}{4}$ NE $\frac{1}{4}$;
T. 10 N., R. 2 E., Section 21, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
T. 10 N., R. 2 E., Section 28, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
T. 11 N., R. 2 E., Section 28, Lot 4;
T. 11 N., R. 2 E., Section 32, NE $\frac{1}{4}$ NE $\frac{1}{4}$.

The USGS 7.5 Minute Series (Topographic) Arizona-Yavapai County Quad Maps for the 9 sites are Bumble Bee and Cleator.

Description of Proposed Action: Authorization for the renewal of the multi-year permit AZA-33074, first issued March 13, 1996. The applicant, Brett E. Cameron, is requesting the renewal of 9 existing sites, for apiary use, on public lands in Arizona. The requested sites are in a small area (approximately 0.23 each) for a total of approximately 2.07 acres for the entire permit. A renewal of the permit would only allow the applicant to continue that which is authorized, in his prior permits, on public lands. Access to all of the sites exists via established public roads. If authorized, the land use permit would be issued for a term of 4 years and may be renewed.

B. Land Use Plan Conformance

Land Use Plan Name: **Bradshaw-Harquahala Record of Decision and Approved Resource Management Plan**

Date Approved/Amended: **April 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):

This action has been reviewed for conformance, with the Bradshaw-Harquahala Resource Management Plan (RMP) with respect to the Code of Federal Regulations (CFR) (43 CFR 1610.5) and BLM Manual 1601.04 C.2. It has been determined that the proposed action does comply with the objectives, terms, and conditions of the RMP. Specifically, this type of action is provided for in Lands and Realty Management, Land Use Authorizations LR-24 which states,

“Continue to issue land use authorizations (right-of-way, leases, permits, easements) on a case-by-case basis and in accordance with resource management prescriptions in this land use plan.”

C. Compliance with NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA), in accordance with the list of DOI-wide categorical exclusions located in 516 DM 11.5 or 516 DM Chapter 2, Appendix 1.

The Departmental Manual [516 DM 2.3 (A)(3) and 516 DM, Appendix 2] requires that before any action described in the list of categorical exclusions is used, the exceptions (located in Attachment 1) must be reviewed for applicability and, in each case, must result in no extraordinary circumstances.

In this case, the use of a categorical exclusion is appropriate because there are no extraordinary circumstances which may have significant effects on the environment. Considerations of all aspects of this document were taken and no potential for significant impacts were found. In other words, the proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM Chapter 2 or 516 DM 11.5 apply.

Justification for the use of a CX resides in Bureau of Land Management (BLM) National Environmental Policy Act (NEPA) Handbook H-1790-1, Appendix 4 (E)(9) and 516 DM 2, Appendix 1 (1.5). Under the Department of Interior (DOI) Department Manual (DM), this proposed action (DOI-BLM-AZ-P010-2013-0029-CX) qualifies as a CX through regulation 516 DM 11.9 (E)(9) which states,

“Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations.”

D. Terms and Conditions

Mitigating measures have been incorporated in the grant as terms and conditions. A list of all mitigating measures are located in the attached document (Appendix A) entitled Mitigating Measures.

E. Signature

Authorizing Official: _____/S/_____ Date: 09/26/2013
(Signature)

Name: D. Remington Hawes
Title: Hassayampa Field Manager

F. Contact Person

For additional information concerning this CX, contact Hillary Conner, Realty Specialist, at 623-580-5649, BLM, Hassayampa Field Office, 21605 N. 7th Avenue, Phoenix, Arizona 85027.

NOTE:

Appropriate staff should determine exception, comment, and initial for concurrence. If exceptions apply to the action or project, and existing NEPA documentation does not address it (i.e., Part III) then further NEPA analysis is required. Attachment 1 (BLM Categorical Exclusions: Extraordinary Circumstances), enclosed, is a checklist of each extraordinary circumstance and corresponding staff concurrence.

A separate decision document must be prepared for the action covered by the CX. See Attachment 3.

Attachment 1

EXTRAORDINARY CIRCUMSTANCES REVIEW AND CHECKLIST		
<i>IMPORTANT: Appropriate staff should review the circumstances listed below, and comment for concurrence. Rationale supporting the concurrence should be included where appropriate.</i>		
EXTRAORDINARY CIRCUMSTANCES	YES/NO & RATIONALE (If Appropriate)	STAFF
Does the proposed action...		
1. Have significant impacts on public health and safety?	N	HC, TB, MS
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?	N	HC, CC, BL, MS
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]?	N	HC, CC, BL, MS, TB
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?	N	HC, CC
5. Establish a precedent for future action, or represent a decision in principle about future actions, with potentially significant environmental effects?	N	HC
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?	N	HC, CC, BL, MS, TB
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?	N	BL
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?	N	CC
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?	N	HC, CC, BL,
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?	N	HC
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)?	N	HC, BL
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)?	N	HC, CC, MS, TB

HC = Hillary Conner
 CC = Codey Carter
 BL = Bryan Lausten

MS = Mary Skordinsky
 TB = Tom Bickauskas

SPECIALIST COMMENTS
AZA-33074 Brett Cameron Apiary Permit

Attachment 2

Hillary Conner, Realty Specialist:

Lands/Access Determination: NI

"Prior existing rights of holder not affected." 5/13/2013

Codey Carter, Wildlife Biologist

Fish/Wildlife/Migratory Birds and T&E/Sensitive/Special Status Species Determinations: NI

"Previously disturbed sites." "See attached stips." 5/13/2013

Bryan Lausten, Archeologist

Cultural Resources, Native American Religious Concerns, and Paleontology Determinations: NP

"Previous existing sites – will not actively affect cultural." "See cultural res." "Previously used no affect to paleontology." 5/13/2013

Mary Skordinsky, Recreation Specialist

Recreation Determination: NI

"Just as long as permits are 1/4 mile or greater from recreation facilities as described in LR-26 p.33 in the B-H RMP, a GIS exercise." 9/11/2013

Tom Bikauskas, Recreation & Travel Management Specialist

Recreation and Transportation/Travel Determinations: NI

"Locations of apiary sites are in previously used areas with no complaints relative to roads, or have been located in areas away from concentrations of public used vehicle based camping and staging activities." 9/11/2013

APPROVAL AND DECISION

Attachment 3

Compliance and assignment of responsibility: Lands & Realty Department

Monitoring and assignment of responsibility: Lands & Realty Department

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/_____

Hillary Conner
Project Lead

Date: _09/11/2013_____

Reviewed by: _____/S/_____

Leah Baker
Planning & Environmental Coordinator

Date: _09/23/2013_____

Reviewed by: _____/S/_____
Jim Andersen
Lead Realty Specialist

Date: _09/11/13_____

Project Description: The applicant has applied for a land use permit for 9 existing apiary sites. No construction is involved and access is via existing roads. If approved, the permit would be issued for a term of 4 years.

Decision: Based on a review of the project described above and field office staff recommendations in Attachment 2 (Specialist Comments for AZA-33074 Brett Cameron Apiary Permit), I have determined the project is in conformance with the land use plan and is categorically excluded from further environmental analysis. I concur with the proposed action provided the decision document includes the mitigation measures/stipulations outlined in Appendix A (BLM Mitigation Measures).

Approved By: _____/S/_____
Rem Hawes, Field Manager

Date: ___09/26/2013___

BLM MITIGATING MEASURES

Appendix A

1. This grant is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2920 and regulations to be promulgated by the Secretary of the Interior pursuant to Public Law 94-579.
2. Upon grant termination by the authorized officer (AO), all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the AO.
3. The stipulations, plans, maps, or designs set forth in Exhibits A (GPS Coordinates), Exhibit B (Legal Description), and Exhibits C-1 and C-2 (Apiary Site Locations), 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.
4. The holder shall avoid all tortoises when carrying out maintenance. If tortoises must be moved out of harm's way, they are to be moved according to the Arizona Game and Fish Department's "Guidelines for Handling Sonoran Desert Tortoises Encountered on Development Projects" listed in Exhibit D.
5. Failure of the holder to comply with applicable law or any provision of this ROW grant or permit shall constitute grounds for suspension or termination thereof.
6. 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.
7. The ROW reserves to the Secretary of the Interior, or lawful delegates, the right to grant additional ROW, leases, permits, or easements for compatible uses over, under, within or adjacent to the lands involved in this grant.
8. The holder shall not initiate any additional construction, maintenance, or other surface disturbing activities on the ROW, other than what is authorized, without prior written authorization from the AO.
9. The holder of ROW No. AZA-33074 agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, et seq. or the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901 et seq.) on the ROW (unless the release or threatened release is wholly unrelated to the ROW holder's activity on the ROW. This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.

10. The holder of this ROW grant or the holder's successor in interest shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and the regulations of the Secretary of the Interior issued pursuant thereto.
11. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides shall 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 shall obtain from the AO written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the AO. Emergency use of pesticides shall be approved in writing by the AO prior to such use.
12. The holder shall inform the AO within 48 hours of any accidents on federal lands that require reporting to the Department of Transportation as required by 49 CFR Part 195.
13. The ROW herein granted shall be subject to the express covenant that it will be modified, adapted, or discontinued if found by the Secretary to be necessary, without liability or expense to the United States (U.S.), so as not to conflict with the use and occupancy of the land for any authorized works which may be hereafter constructed thereon under the authority of the U.S.
14. The holder shall comply with all Federal, State, and local regulations whether or not specifically mentioned within this grant or permit.
15. Any exceptions to these requirements must have prior written approval from the AO. Please be advised that due to limits on the available time of qualified personnel, the unpredictability of wildlife, and future weather conditions, request for exceptions to impending wildlife stipulations will only be considered in the event of extraordinary and unavoidable occurrences over which the company has little or no control.
16. This ROW may be renewed. If renewed, the ROW will be subject to regulations existing at the time of renewal and such other terms and conditions deemed necessary to protect the public interest.
17. No hives will be permitted within a quarter-mile of water, residences or intensive public use areas.
18. Access to sites will be across existing roads only. Hives will be adjacent to roadways.
19. No surface disturbance, such as clearing or leveling of sites, is allowed. No ramadas (shade structures) shall be constructed, unless specifically authorized.
20. The permittee must comply with state and local apiary laws and place identification of ownership on the sites.
21. The permittee shall immediately notify the authorized officer of any incidence involving Africanized Honey Bees in the hives located on public lands authorized under this permit. The permittee shall provide written documentation to the authorized officer of the corrective action taken by the permittee.

22. The permittee shall hold a liability insurance policy within the minimum limits of \$1000,000 per occurrence and \$300,000 annual aggregate for bodily injury. The permittee shall provide a copy of the liability insurance to the authorized officer. The permittee shall maintain the insurance policy for the life of the permit and provide proof of insurance annually to the BLM authorized officer.
23. Hives shall not be placed in a location that is being actively used for mining exploration or production.
24. Any cultural and/or paleontological resources (historic or prehistoric site or object) discovered by the permittee or any person working on the permittee's behalf, on public or federal land shall be immediately reported to the authorized officer. The permittee shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine the appropriate actions to prevent the loss of significant cultural or scientific values. The permittee will be responsible for the cost of the evaluation and the authorized officer will make any decision as to the proper mitigation measures will be made by the authorized officer after consulting with the permittee.
25. No sites(s) will be placed in a location that is being actively used for mining exploration or production. The permittee shall place no more than 100 beehives at each site at any time. Each site will be signed. The sign shall be visible from the nearest point of access and shall contain the permittee's name, permit number AZA-33074, and a ten-digit telephone number.