ASDO NEPA DOCUMENT ROUTING SHEET

NEPA Document Number: **DOI-BLM-AZ-A010-2013-0006-CX**

Project Title: **USGS Gaging Station Right-of-Way Amendment AZA 030645**

Project Lead: **Laurie Ford**

Date that any scoping meeting was conducted: N/A

Date that concurrent, electronic distribution for review was initiated: June 19, 2013

Deadline for receipt of responses: **July 10, 2013**

ID Team/Required Reviewers will be determined at scoping meeting or as a default the following:

Gloria Benson, Tribal Liaison
Diana Hawks, Recreation/Wilderness/VRM
Laurie Ford, Lands/Realty/Minerals – Preparer
Jeff Young, Wildlife/T&E Animals
John Herron, Cultural Resources
Jacquilyn Roaque, Special Status Plants
Ray Klein, GCPNM Supervisory Ranger
Whit Bunting, Range/Vegetation/Weeds/S&G
Richard Spotts, Environmental Coordinator
John Sims, Supervisory Law Enforcement
Lorraine Christian, ASFO Field Manager

Required Recipients of electronic distribution E-mails only (not reminders):

Andi Rogers (E-mail address: arogers@azgfd.gov)
LeAnn Skrzynski (E-mail address: lskrzynski@kaibabpaiute-nsn.gov)
Peter Bungart (E-mail address: pbungart@circaculture.com)
Dawn Hubbs (E-mail address: dawn.hubbs101@gmail.com)

(Ms. Rogers is Arizona Game and Fish Department (AGFD) habitat specialist. Ms. Skrzynski is Environmental Program Director for the Kaibab Paiute Tribe (KPT). Mr. Bungart and Ms. Hubbs are cultural staff for the Hualapai Tribe. They may review and/or forward on ASDO NEPA documents to other employees. If a Project Lead receives comments from any AGFD employee on their draft NEPA document, they should include them in the complete set/administrative record and share them with Jeff Young as the ASDO Wildlife Team Lead. Mr. Young will then recommend how these comments should be addressed. If a Project Lead receives comments from any KPT or Hualapai Tribe employee, they should include them in the complete set/administrative record and share them with Gloria Benson as the ASDO Tribal Liaison. Ms. Benson will then recommend how these comments should be addressed.)

Discretionary Reviewers:

None

USGS Gaging Station Right-of-Way Amendment

NEPA Document Number: DOI-BLM-AZ-A010-2013-0006-CX
Categorical Exclusion Documentation

A. Background

BLM Office: Arizona Strip Field Office Case File No.: **AZA 030645**

Proposed Action Title/Type: **USGS Gaging Station Right-of-Way Amendment**

Location of Proposed Action: The proposed action is located within the following described area and as shown on the attached map (Attachment 1):

Gila and Salt River Meridian, Arizona
T. 41 N., R. 14 W.,
sec. 29, SW1/4NE1/4SE1/4, SE1/4NW1/4SE1/4, and NE1/4SE1/4SE1/4.
Containing 3.535 acres, more or less.

Description of Proposed Action: The U.S. Geological Survey (USGS) has filed an application to amend their existing gaging station right-of-way grant located within the Arizona Department of Transportation Interstate 15 (I-15) right-of-way in the Virgin River Gorge. The USGS right-of-way was granted July 16, 1998. The proposed right-of-way amendment has been requested to improve the quality and accuracy of stream flow data on the Virgin River and would consist of moving the existing stream gage from its current location at milepost 15 on I-15 north to a location approximately 528 feet north of milepost 15 along I-15 as shown on Attachment 2 and further described below.

The new gage consisting of a 3 foot by 2.5 foot by 8 inch steel box mounted on steel legs would be installed on the side of the I-15 right-of-way closest to the Virgin River. A 1 inch conduit from the gage would extend 100 feet down the slope, over the fish barrier access road (and would be covered with concrete in the part that crosses the fish barrier access road) and into the water approximately 200 feet upstream of the fish barrier. Where the conduit enters the river, a staff plate would be mounted to a piece of angle iron pounded into the river bed. Also, at this location on the west side (1-15 side) of the slope down to the Virgin River, a 2 inch diameter, 10 foot long crest stage gage (CSG) would be mounted on the slope. At locations approximately 100 feet and 200 feet upstream of the initial crest state gage, 2 additional 2 inch diameter, 10 foot long crest stage gages would be mounted. Attachment 3 shows the location of the proposed facilities described above. The move would commence within 90 days after grant amendment approval. The gage house would be in this location indefinitely. The existing cable spanning the channel approximately 140 feet would continue to function at its current location and would remain unchanged. The cable is located approximately 200 feet downstream from the fish barrier. Orange balls are currently attached to the cable to warn river users of the cable location.

The right-of-way grant would be amended to remove the existing gages and gage house (25 feet wide by 500 feet long) and to encompass the existing cable location and the relocated gages and much smaller gage house (approximately 220 feet wide by 700 feet long, containing 3.535 acres, more or less). The amended right-of-way grant would be subject to all provisions of 43 CFR 2800 including the terms and conditions identified in 43 CFR 2805. Special conditions would remain the same as the existing right-of-way grant except that they have been updated (Attachment 4).

B. Land Use Plan Conformance

Land Use Plan Name: Arizona Strip Field Office Resource Management Plan (RMP)

Date Approved: January 29, 2008

The proposed action is in conformance with the applicable RMP because it is specifically provided for in the following RMP decision:

> *MA-LR-06 – Individual land use authorizations (ROWs, permits, leases, easements) will be evaluated on a case-by-case basis in accordance with other RMP provisions and NEPA compliance. New land use authorizations will be discouraged within avoidance areas (i.e., ACECs, lands supporting listed species, NHTs, riparian areas, and areas managed to maintain wilderness characteristics) and allowed in such areas only when no reasonable alternative exists and impacts to these sensitive resources can be mitigated. New ROWs will be routed away from high-density listed species' populations and cultural sites, and along the edges of avoidance areas.*

The existing right-of-way is within the Virgin River Area of Critical Environmental Concern. No other alternative location exists since the purpose of the gage is to measure stream flows in the river itself. The proposed action would not modify listed species habitat and there would be no more potential for disturbance associated with the proposed action to listed species than would already occur from ongoing recreational activities. Little to no riparian vegetation exists at this location along the Virgin River. The Virgin River is proposed for Wild and Scenic Rivers designation. The proposed amendment would consolidate authorized uses and allow combined use of one access route (the existing route to access the fish barrier). In addition, the proposed action would not conflict with other decisions in the RMP.

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 11.9, E(12), which provides for grants of right-of-way wholly within the boundaries of other compatibly developed rights-of-way.

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 43 CFR 46.215 apply (Attachment 5).

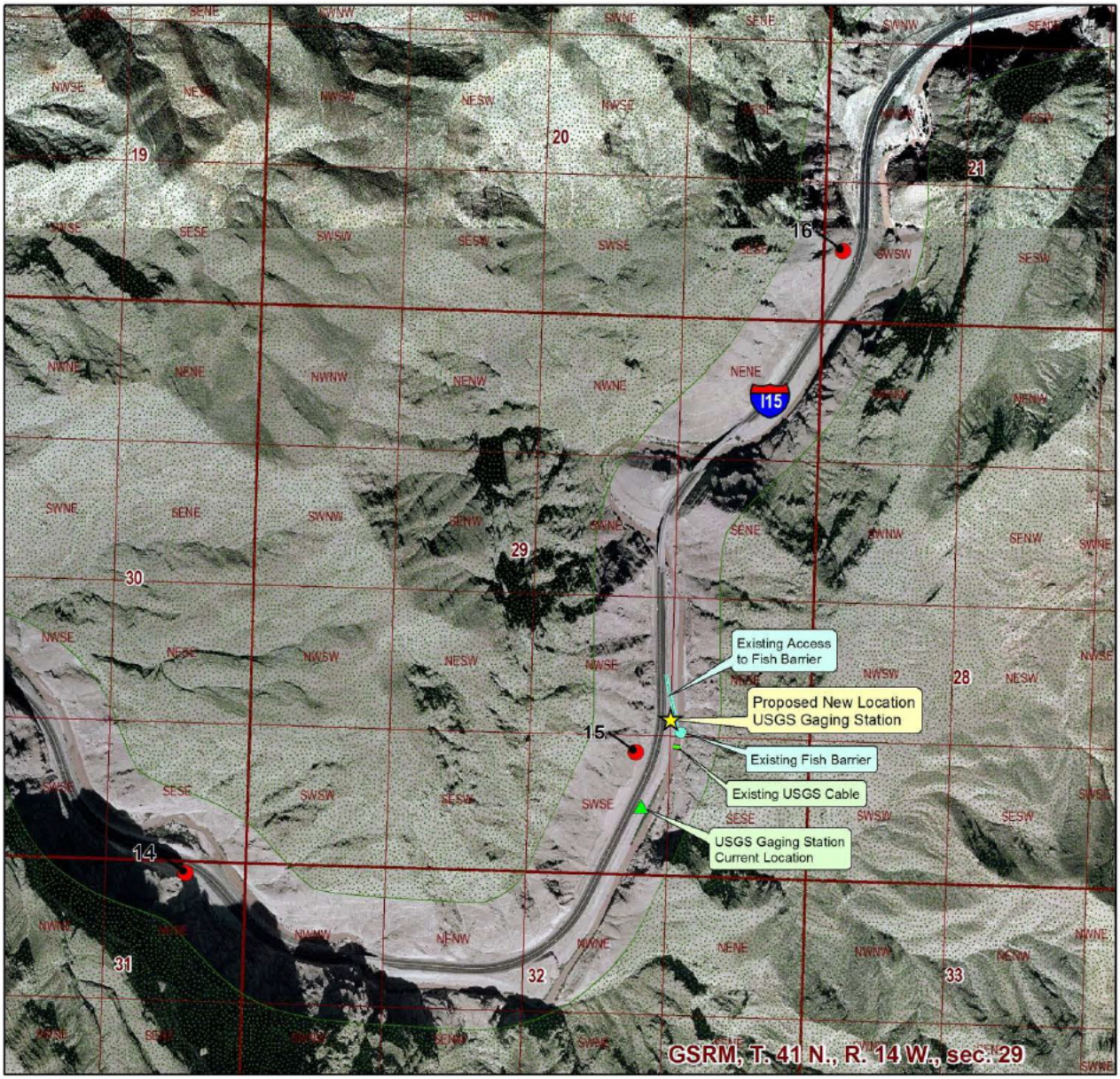
D: Signature

Authorizing Official: Lorraine M. Christian Date: July 17, 2013
Lorraine M. Christian, Field Manager

Contact Person
For additional information concerning this categorical exclusion review, contact Laurie Ford, Team Lead, Lands and Geological Sciences, BLM, Arizona Strip Field Office, 345 East Riverside Drive, St. George, Utah 84790; phone (435) 688-3271.

Attachment 1

LOCATION MAP
USGS Gaging Station Right-of-Way Amendment AZA 030645



N

USGS Gaging Station
Virgin River Gorge
Right-of-Way Amendment AZA 030645

United States Department of the Interior
Bureau of Land Management
Arizona Strip Field Office

Map created on July 17, 2013

0 500 1,000 2,000 Feet

Legend

Mile Markers

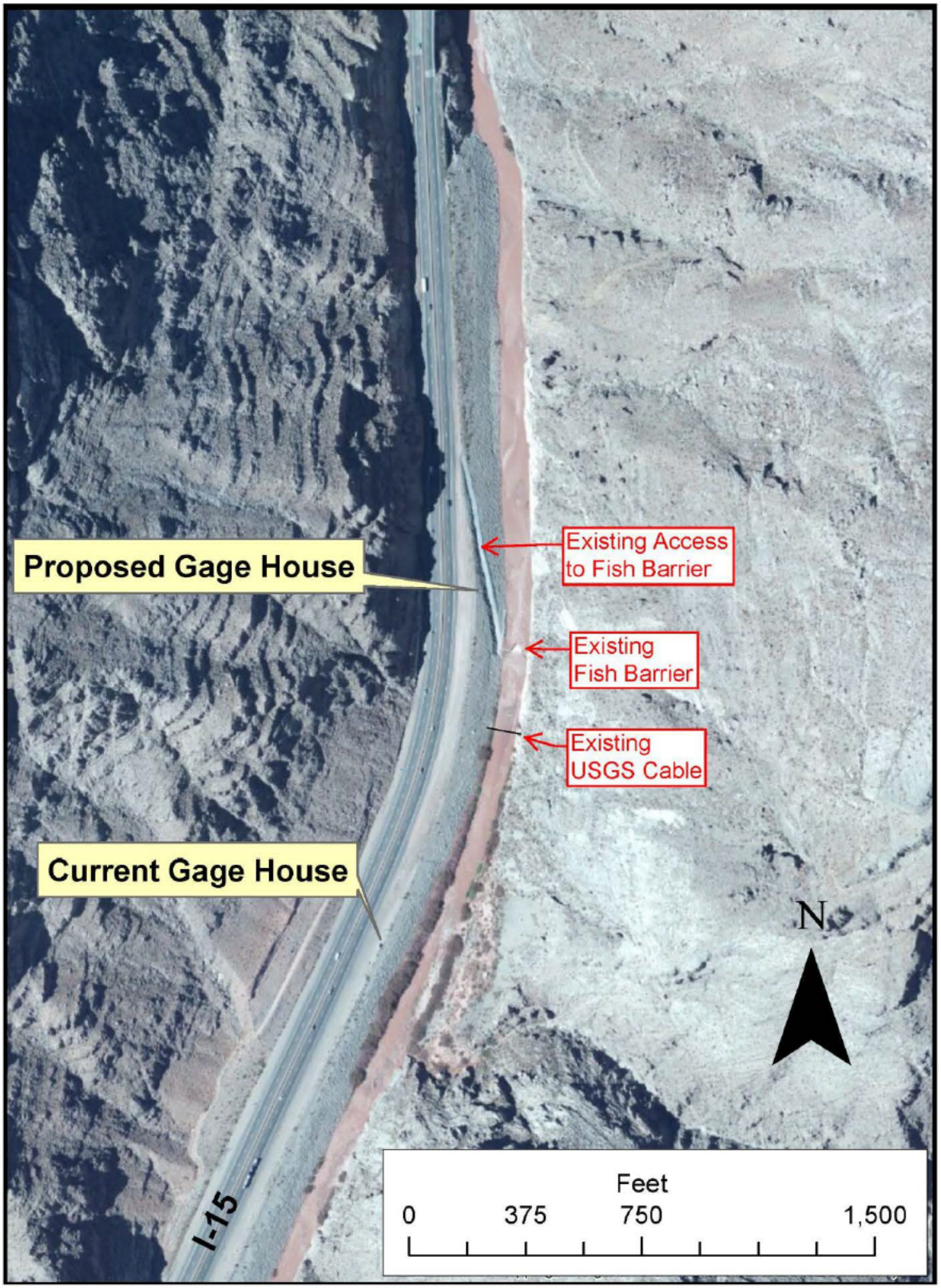
Designated Wilderness

CAUTION: Land ownership data is derived from less accurate data than the 1:24000 scale base map. Therefore, land ownership may not be shown for parcels smaller that 40 acres, and land ownership lines may have plotting errors due to source data.

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

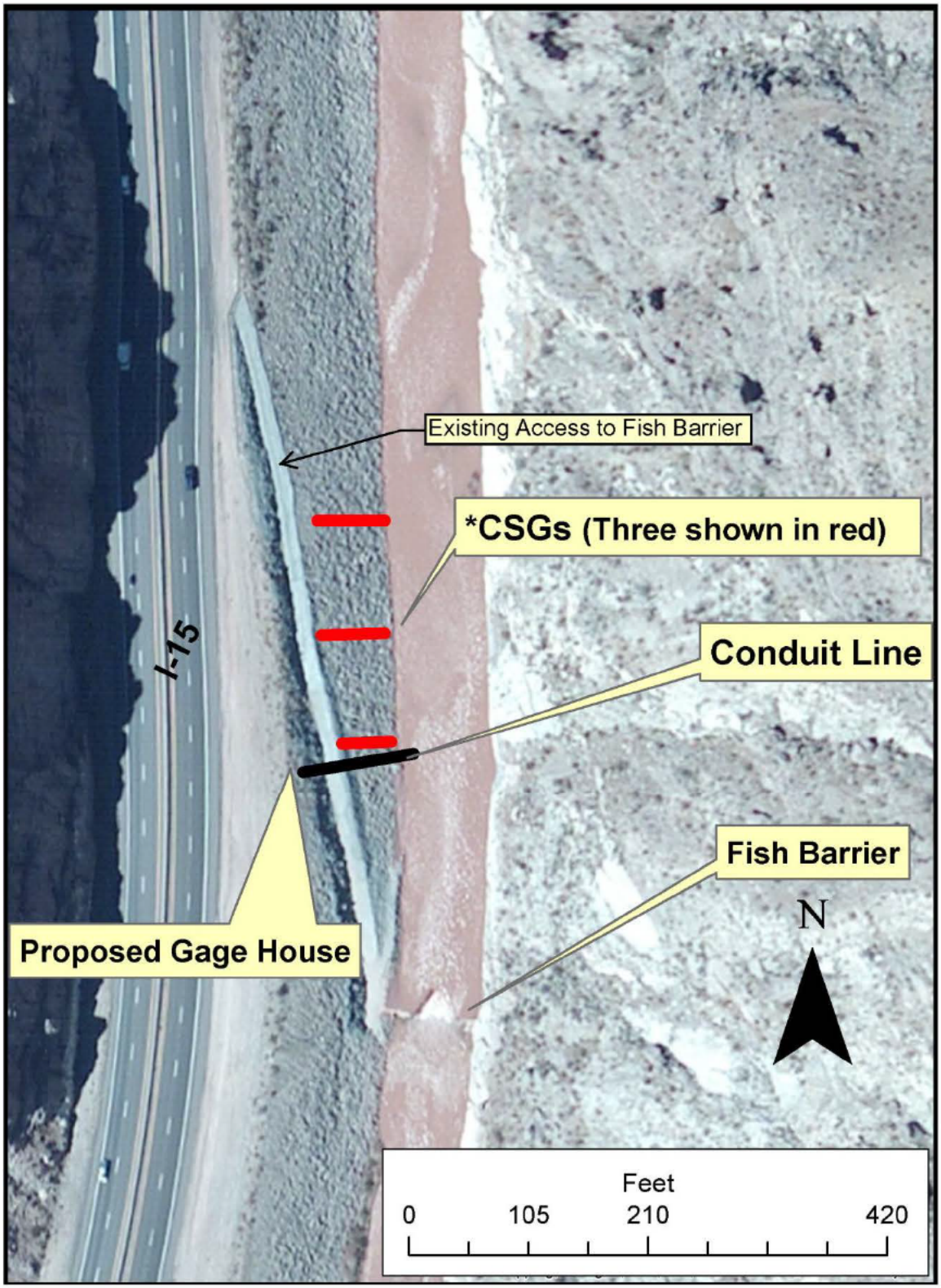
Attachment 2

PROPOSED AMENDMENT AREA
USGS Gaging Station Right-of-Way Amendment AZA 030645



Attachment 3

LOCATION OF PROPOSED FACILITIES
USGS Gaging Station Right-of-Way Amendment AZA 030645



*CSGs - Crest Stage Gages

Attachment 4

UPDATED EXISTING GRANT TERMS & CONDITIONS
USGS Gaging Station Right-of-Way Amendment AZA 030645

Existing Grant Terms & Conditions

a. The holder shall coordinate and comply with all Arizona Department of Transportation requirements and regulations for conducting work within the Interstate 15 right-of-way.

b. The holder shall install and maintain devices to assure the safety of the public using the river for rafting and other recreational purposes. A minimum of two large orange balls shall be attached to the cable and signs shall be attached to the bridge upstream of the cableway low enough to the water surface that rafters would see them.

New Terms & Conditions

c. Construction-related traffic would be restricted to routes approved by the authorized officer. New access roads or cross-country vehicle travel would not be authorized unless prior written approval is given by the authorized officer.

d. Construction sites would be maintained in a sanitary condition at all times; waste materials at those sites would 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. "Waste" also includes the creation of micro-trash such as bottle caps, pull tabs, broken glass, cigarette butts, small plastic, etc. No micro-trash would be left at construction sites and trash receptacles used at construction sites shall be wildlife proof.

e. At no time would vehicle or equipment fluids be dumped on public lands. All accidental spills must be reported to Bureau of Land Management and be cleaned up immediately, using best available practices and requirements of the law. All spills of Federal or state listed hazardous materials which exceed the reportable quantities would be promptly reported to the appropriate state agency and the Arizona Strip Field Office.

f. The holder of Right-of-Way AZA 030645 would agree 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, 42 U.S.C. 6901, et seq.) on the right-of-way (unless the release or threatened release is wholly unrelated to the right-of-way holder's activity on the right-of-way). This agreement would apply without regard to whether a release is caused by the holder, its agent, or unrelated third parties.

g. Any surface or sub-surface archaeological, historical, or paleontological remains not covered in the Cultural Resource Project Record discovered during use, new construction, or additions would be left intact; all work in the area would stop immediately and the authorized officer would be notified immediately. Recommencement of work would be allowed upon clearance by the authorized officer in consultation with the archaeologist.

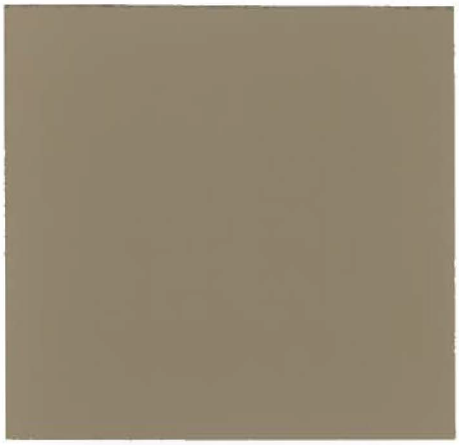
h. If in connection with use, any human remains, funerary objects, sacred objects or objects of cultural patrimony are defined in the Native American Graves Protection and Repatriation Act (P. L. 101-601; 104 Stat. 3048; 25 U.S.C. 3001) are discovered, the holder would stop use in the immediate area of the discovery, protect the remains and objects, and immediately notify the authorized officer. The holder would continue to protect the immediate area of the discovery until notified by the authorized officer that use may resume.

i. There is potential for the spread of noxious and invasive weeds from vehicles and equipment contaminated with weed seed and/or biomass. To reduce this potential, the holder would thoroughly power wash and remove all vegetative material and soil before transporting equipment to the work site to help minimize the threat of spreading noxious and invasive weeds. This includes trucks, trailers**,** and all other machinery. In addition, the holder would be responsible for the eradication of noxious weeds within the right-of-way area throughout the term of the right-of-way. The holder would be responsible for consultation with the authorized officer and local authorities for implementing acceptable weed treatment methods. Any use of chemical treatments would be made using only chemicals approved in the *Final Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States Programmatic Environmental Impact Statement* (June 2007b), by a state certified applicator who would abide by all safety and application guidelines as listed on the product label and Material Data Safety Sheet.

j. Use of herbicides would comply with the applicable Federal and state laws. Herbicides would be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of herbicides, the holder would obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, weed(s) to be controlled, method of application, location of storage and mixing areas, method of cleansing and disposing of containers, and any other information deemed necessary by the authorized officer. Emergency use of herbicides would be approved in writing by the authorized officer prior to such use.

k. All above-ground structures not subject to safety requirements or other painting requirements specified by the authorized officer would be painted by the holder to blend with the natural color of the landscape. The paint used would be a color which simulates “Standard Environmental Colors” designated by the Rocky Mountain Five-State Interagency Committee. The color selected for this project is Shadow Gray as shown on the attached color chart.

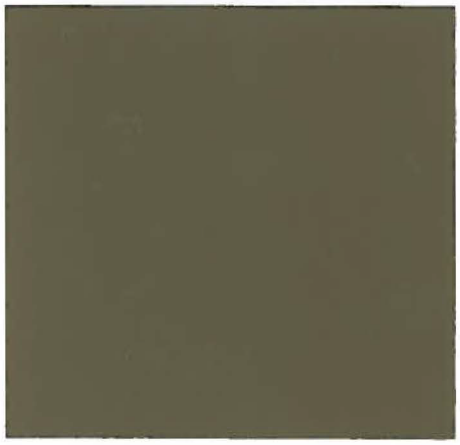
Standard Environmental Colors



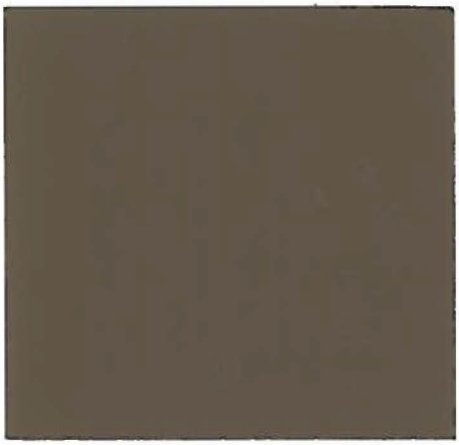
Carlsbad Canyon

Covert Green

Shadow Gray



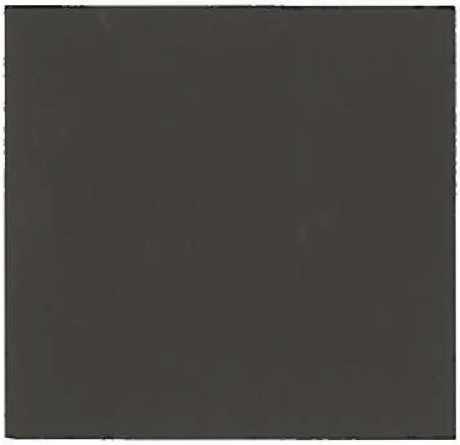
Juniper Green



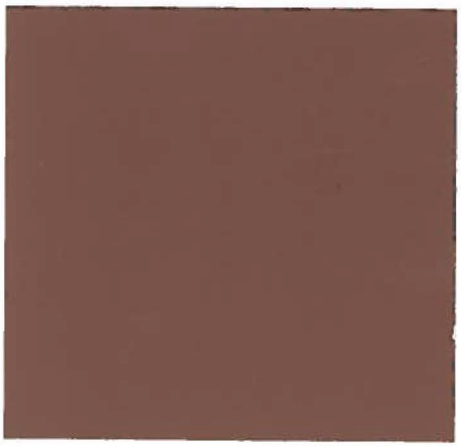
Shale Green

Sudan Brown

Beetle



Yuma Green



Carob Brown

The **Standard Environmental Colors** chart was developed to assist with color selection to minimize the visual contrast of a facility in the landscape.

In order to ensure color accuracy, use an original color chart to match paint. When matching the color chip, request the paint company to have their computer scan set on "natural light." Compare the new paint sample to the color chip under indirect natural sunlight. Use semi-gloss paint, where appropriate, to enhance durability yet reduce reflectivity. Select colors a shade or two darker than the surrounding landscape to account for natural shadows, normal fading, and weathering.

Order **Standard Environmental Colors** charts by emailing your request to: Printed Material Distribution System (PMDS), **BLM_NOC_PMDS@blm.gov** or fax to 303-236-0845. Provide the quantity requested along with a contact name, physical address (no P.O. Boxes), and telephone number. For more information or questions, please call 202-785-6574.

Attachment 5

EXTRAORDINARY CIRCUMSTANCES REVIEW & CHECKLIST
USGS Gaging Station Right-of-Way Amendment AZA 030645

IMPORTANT: Appropriate staff should review the circumstances listed below, and comment for concurrence. Rationale supporting the concurrence should be included where appropriate.		
EXTRAORDINARY CIRCUMSTANCES Does the proposed action…	**YES/NO & RATIONALE** **(If Appropriate)**	**STAFF**
1. Have significant impacts on public health and safety?	No significant impacts on public health and safety would result from the proposed action because impacts from the proposed action are expected to be minimal.	LFord
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?	No significant impacts on natural resources, unique geographic characteristics, or other ecologically significant or critical areas would result from the proposed action. See Cultural Resource Compliance Documentation Record 6/20/2013, DHawks email 6/24/2013, and JYoung email 7/3/2013.	DHawks JHerron JYoung
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]?	No controversial environmental effects or unresolved alternative uses of resources conflicts because impacts from the proposed action are expected to be minimal.	LFord
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?	No significant environmental effects and no unique circumstances are anticipated from the proposed action.	LFord
5. Establish a precedent for future action, or represent a decision in principle about future actions, with potentially significant environmental effects?	No. Proposed action is similar to previously authorized activities and does not represent a decision in principle about future actions with potentially significant environmental effects.	LFord
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?	No cumulative effects because proposed action is a relocation of existing facilities.	LFord
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?	No. See Cultural Resource Compliance Documentation Record 6/20/2013.	JHerron
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?	No significant impacts would result from the proposed action because of the minimal impacting nature of the proposal. See JYoung email dated 7/3/2013 and JRoaque email dated 6/27/2013.	JYoung JRoaque
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?	No environmental laws/requirements would be violated. See GBenson email dated 7/11/2013.	GBenson
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?	No effect on low income or minority populations because proposed action is a short term activity located in a remote area some distance from residential populations.	LFord
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)?	No impacts would result because of the minimal impacting nature of the proposal. See GBenson email dated 7/11/2013.	GBenson
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)?	No impacts would result because of the minimal impacting nature of the proposal. See WBunting email dated 6/24/2013.	WBunting

Decision Memorandum

USGS Gaging Station Right-of-Way Amendment AZA 030645
DOI-BLM-AZ-A010-2013-0006-CX
U.S. Department of the Interior
Bureau of Land Management
Arizona Strip Field Office

Approval and Decision

Based on a review of the project described in the attached Categorical Exclusion documentation and resource staff recommendations, I have determined that the project is in conformance with the Arizona Strip Field Office Resource Management Plan (approved January 29, 2008) and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed with the special conditions identified in Attachment 4 of the CX.

Administrative Review or Appeal Opportunities

This 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 and the attached Form 1842-1. If an appeal is taken, your notice of appeal must be filed in the Arizona Strip Field Office, 345 East Riverside Drive, St. George, Utah 84790 within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

In accordance with 43 CFR 2801.10(b), this decision remains in effect pending appeal unless a stay is granted. If you wish to file a petition pursuant to regulations at 43 CFR 2801.10 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the Department of the Interior, Office of the Field Solicitor, Sandra Day O'Connor U.S. Court House #404, 401 West Washington Street SPC44, Phoenix, AZ 85003-2151 (see 43 CFR 4.413) at the same time the original documents are filed in this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

<u>Standards for Obtaining a Stay</u>

Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal 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 immediate and irreparable harm if the stay is not granted, and
(4) Whether the public interest favors granting the stay.

Lorraine M. Christian
Lorraine M. Christian, Field Manager

July 17, 2013
Date

Attachment: Form 1842-1