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

Project Name
DOI-BLM-AZ-C030-2013-0011-CX

A. Background

BLM Office: Lake Havasu Field Office **Lease/Serial/Case File No.:** AZA 7776
AZA 36040

Proposed Action Title/Type: Assignment of AZA 7776 to Frontier Communications of the Southwest, Inc. and conversion to FLPMA grant AZA 36040.

Location of Proposed Action:
This buried telephone line is located at the south end of La Paz County Park, Arizona.

Gila and Salt River Meridian, Arizona
T. 10 N., R. 19 W, sec. 12, Lot 6, W½SW¼SW¼.

Containing 0.227 acres

Description of Proposed Action:
December 20, 1973, right-of-way AZA 7776 was granted to Continental Telephone of California currently authorized under the Act of March 4, 1911. The buried telephone line is 987 feet long and 10 feet wide.

December 31, 1996, Continental Telephone Company of California merged with GTE California Incorporated. June 6, 2000, GTE California Incorporated changed its name to Verizon California Inc. December 2011, Frontier Communications of the Southwest Inc. bought Verizon California Inc.

On November 8, 2011, Frontier Communications of the Southwest, Inc. filed an application for assignment of this right-of-way.

This right-of-way is currently authorized under the Act of March 4, 1911 (36 Stat. 1253; 43 U.S.C. 961) which has been replaced with the FLPMA Act. Upon authorization of this assignment, this case will be closed and AZA 36040 will be authorized pursuant to Section 507 of the FLPMA Act of 1976 (90 Stat. 2781, 43 U.S.C. 1767). The original grant term will apply, and the expiration date will remain as December 19, 2023.

B. Land Use Plan Conformance
Land Use Plan (LUP) Name: *Lake Havasu Field Office Resource Management Plan*
Date Approved/Amended: May 10, 2007

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):
Lake Havasu Field Office may allow the use of the public lands or interests in lands through issuance of ROWs, leases, and permits. The types of uses that would be authorized by a ROW issued pursuant to Title 5 FLPMA would include access roads, power lines, telephone lines, fiber optic systems, communications facilities, and so forth. Examples of uses authorized pursuant to the Mineral Leasing Act include crude oil pipelines and oil and gas pipelines. Typical uses authorized by permits would include filming and establishing and maintaining apiary sites.

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 4, E. Realty (9): "Renewals and assignments of leases, permits or rights-of-way, where no additional rights are conveyed beyond those granted by the original authorizations."

Appendix 4, E. Realty (11) Conversion of existing right-of-way grants to Title V grants or existing leases to FLPMA Section 302(b) leases where no new facilities or other changes are needed.

These categorical exclusions are 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 DM2 apply.

I considered the possibility of significant impacts by authorizing this action, but there are none as demonstrated by the signatures in Attachment 1.

D: Signature

Authorizing Official: \s\Kimber Liebhauser Authenticated by Sheri Ahrens Date: 2/5/13
(Signature)
Name: Kimber Liebhauser
Title: Field Manager, Lake Havasu Field Office

Contact Person

For additional information concerning this CX review, contact Realty Specialty Sheri Ahrens 2610 Sweetwater Avenue, Lake Havasu City, Arizona 86403, (928) 505-1284.

Note: A separate decision document must be prepared for the action covered by the CX. See Attachment 2.

BLM Categorical Exclusions: Extraordinary Circumstances[1]

Attachment 1

EXTRAORDINARY CIRCUMSTANCES REVIEW AND CHECKLIST IMPORTANT: Appropriate staff should review the circumstances listed below, comment and initial for concurrence. Rationale supporting the concurrence should be included where appropriate.			
EXTRAORDINARY CIRCUMSTANCES Does the proposed action…	**YES/NO & RATIONALE (If Appropriate)**	**RESOURCE/PROGRAM AND STAFF SIGNATURE(S)**	**DATE**
1. Have significant impacts on public health and safety?	No		
		Health & Safety – Bill Parry	
	No		
		Operations/Engineering Review – Project Manager	
	No		
		Fuels / Fire Management – Mike Trent	
	No		
		Wastes, Hazardous or Solid – Cathy Wolff-White	

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

EXTRAORDINARY CIRCUMSTANCES Does the proposed action…	YES/NO & RATIONALE (If Appropriate)	RESOURCE/PROGRAM AND STAFF SIGNATURE(S)	DATE
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		
		Geology – Project Lead	
	No		
		Cultural/Paleontological – George Shannon	
	No		
		Recreation – Jason Baragan	
	No		
		Wilderness & WSA – Project Lead	
	No		
		Wild & Scenic Rivers – Project Lead	
	No. By definition, there are no "National Natural Landmarks" on BLM-administered lands within LHFO.		
		National Natural Landmark – Project Lead	
	No		
		Soils – Vacant	
	No		
		Water quality – Vacant	
	No		
		Air – Vacant	
	No. By definition, there are no "prime farmlands" on BLM-administered lands within LHFO.		
		Prime Farmland – Project Lead	
	No		
		Wetlands - Doug Adams	
	No		
		Floodplains – Doug Adams	

EXTRAORDINARY CIRCUMSTANCES Does the proposed action…	YES/NO & RATIONALE (If Appropriate)	RESOURCE/PROGRAM AND STAFF SIGNATURE(S)	DATE
	No. By definition, there are no "National Monuments" on BLM-administered lands within LHFO.		
		National Monuments – Project Lead	
	No		
		Migratory Birds – Doug Adams	
	No		
		Areas of Critical Environmental Concern – George Shannon	
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]?	No		
		Biology – Doug Adams	
	No		
		Lands/Realty – Sheri Ahrens	
	No		
		Minerals – Project Lead	
	No		
		Law Enforcement – Mike Dodson	
	No		
		Visual Resource Mgmt – Project Lead	
	No		
		Wild Horses/Burros – Project Lead	
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?	No		
		Biology – Doug Adams	

EXTRAORDINARY CIRCUMSTANCES Does the proposed action…	YES/NO & RATIONALE (If Appropriate)	RESOURCE/PROGRAM AND STAFF SIGNATURE(S)	DATE
5. Establish a precedent for future action, or represent a decision in principle about future actions, with potentially significant environmental effects?	No		
		Project Lead	
	No		
		Biology – Doug Adams	
	No		
		Recreation – Project Lead	
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?	No		
		Project Lead	
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		
		Archeology – George Shannon	
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		
		Birds/Wildlife/Habitat – Doug Adams	
	No		
		Fisheries/Habitat – Doug Adams	
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?	No		
		Project Lead	

EXTRAORDINARY CIRCUMSTANCES Does the proposed action…	YES/NO & RATIONALE (If Appropriate)	RESOURCE/PROGRAM AND STAFF SIGNATURE(S)	DATE
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?	No		
		Project Lead	
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		
		Native American Coordinator – George Shannon	
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		
		Invasive & Non-Native Weeds – Doug Adams	

Approval and Decision
Attachment 2

Compliance and assignment of responsibility: Lands & Resources

Monitoring and assignment of responsibility: Lands & Resources

---

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. Therefore, it is categorically excluded from further environmental review.

Prepared by: Sheri Ahrens Date: 1/24/13
Realty Specialist Sheri Ahrens
Project Lead

Reviewed by: \s\ David Daniels Authenticated by Sheri Ahrens Date: 2/5/13
David Daniels
Planning and Environmental Coordinator

Reviewed by: \s\ Amanda Dodson Authenticated by Sheri Ahrens Date: 2/4/13
Amanda M. Dodson
Supervisor

Project Description:

December 20, 1973, right-of-way AZA 7776 was granted to Continental Telephone of California currently authorized under the Act of March 4, 1911. The buried telephone line is 987 feet long and 10 feet wide.

December 31, 1996, Continental Telephone Company of California merged with GTE California Incorporated. June 6, 2000, GTE California Incorporated changed its name to Verizon California Inc. December 2011, Frontier Communications of the Southwest Inc. bought Verizon California Inc.

On November 8, 2011, Frontier Communications of the Southwest, Inc. filed an application for assignment of this right-of-way.

This right-of-way is currently authorized under the Act of March 4, 1911 (36 Stat. 1253; 43 U.S.C. 961) which has been replaced with the FLPMA Act. Upon authorization of this assignment, this case will be closed and AZA 36040 will be authorized pursuant to

Section 507 of the FLPMA Act of 1976 (90 Stat. 2781, 43 U.S.C. 1767). The original grant term will apply, and the expiration date will remain as December 19, 2023.

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: \s\Kimber Liebhauser Authenticated by Sheri Ahrens Date: 2/5/13
Kimber Liebhauser
Field Manager, Lake Havasu Field Office

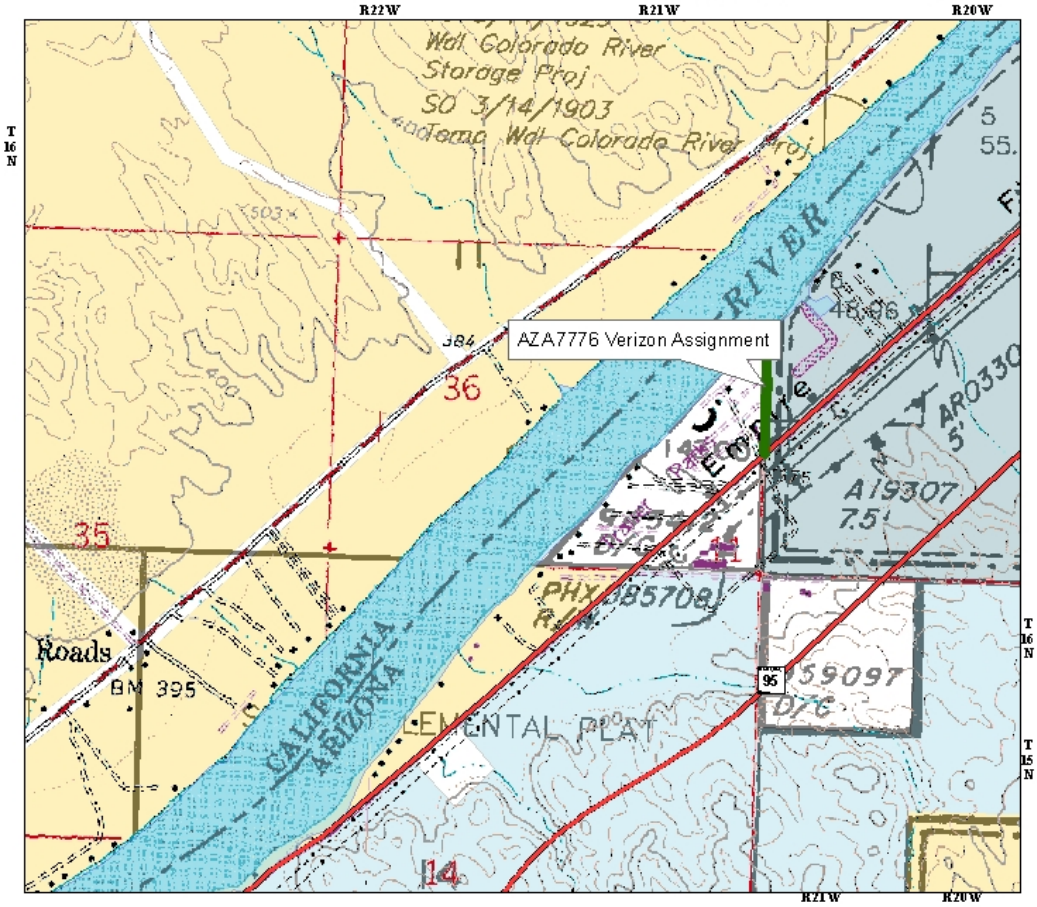
Exhibits:

A. Maps
B. Stipulations

AZA 7776 Assignment

State of Arizona

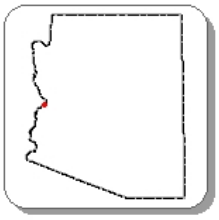
Exhibit A



Legend

- Bureau of Land Management (BLM)
- US FW Service, National Wildlife Refuges
- Indian Lands or Reservations
- Private Lands
- State Lands
- BLM Wilderness Area
- US FW Service Wilderness Area

Legend



1:13,883

0 0.1 0.2 0.3 0.4 Miles

0 0.1 0.2 0.3 0.4 KM

United States Department of the Interior
Bureau of Land Management
Arizona State Office

Map created on Aug 14, 2009
Land Status Updated February 20, 2007

N W E S

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 than 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.

Exhibit B

Stipulations

1. The Holder shall 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.

2. The Holder shall give written notice to the Bureau of Land Management (BLM) of any anticipated changes in the Plan of Development and management, construction timetables, and shall obtain approval from the BLM prior to initiating changes.

3. The Holder shall maintain the facilities constructed on the lands in a satisfactory condition.

4. The Holder shall remove trash, rubbish, and other construction debris shall be removed from the site and disposed of at a designated sanitary landfill, and the grounds shall be maintained in a neat and orderly manner at all times.

5. All activities directly or indirectly associated with construction, operation and maintenance shall be conducted within the limits of the approved right-of-way. This right-of-way does not allow for any surface disturbing activities outside the right-of-way area.

6. Actions other than those explicitly approved by the Bureau of Land Management, which result in impacts upon archaeological or historical resources, shall be subject to the provisions of the Archaeological Resources Protection Act of 1979 as amended and the Federal Land Policy and Management Act of 1976. These statutes protect cultural resources for the benefit of all Americans. As property of the United States, no person may, without authorization, excavate, remove, damage, or otherwise alter or deface any historic or prehistoric site, artifact or object of antiquity located on public lands.

7. The Holder shall immediately bring to the attention of the Lake Havasu Field Manager (or designated representative) any cultural resources (prehistoric/historic sites or objects) and/or paleontological resources (fossils) encountered during permitted operations and maintain the integrity of such resources pending subsequent investigation.

8. Care shall be taken not to disturb or destroy desert tortoises or their burros. Handling, collecting, damaging, or destroying desert tortoises are prohibited by Arizona State Statute. Any sightings of desert tortoise shall be immediately reported to the LHFO, Wildlife Biologist at (928) 505-1200. If a desert tortoise is endangered by any activity that activity shall cease until the desert tortoise moves out of harm's way on its own accord or is moved following the attached guidelines "Guidelines for Handling Sonoran Desert Tortoises Encountered on Development Projects" (Exhibit C).

9. If any species listed as threatened or endangered under the Endangered Species Act of 1973, as amended, are encountered during the activities, work will stop immediately. Immediate notification of the discovery shall be made to the BLM Wildlife Biologist

at (928) 505-1200. The activity may resume only after U. S. Fish and Wildlife Service has authorized a continuance.

10. State protected plant species (all cactus, ocotillo and native trees) shall be avoided; if they cannot be avoided they will be salvaged and replanted after construction within the right-of-way boundaries or another location determined by the LHFO Wildlife Biologist. The Holder shall report all State protected species destroyed or damaged to the LHFO Wildlife Biologist.

11. No hazardous material, 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*.) shall be used, produced, transported, released, disposed of, or stored within the right-of-way are**a** at any time by the Holder. The Holder shall 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 shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved federal, state or local government agency.

    The Holder shall 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.

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

12. The Holder shall 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 right-of-way stipulations.

13. The Holder shall comply with all applicable local, state, and federal air, water, hazardous substance, solid waste, or other environmental laws and regulations, existing or hereafter enacted or promulgated. To the full extent permissible by law, the Holder agrees to indemnify and hold harmless, within the limits, if any, established by state law (as state law exists on the effective date of the right-of-way), the United States against any liability arising from the Holder's use or occupancy of the right-of way, regardless of whether the Holder has actually developed or caused development to occur on the right-of-way, from the time of the issuance of this right-of-way to the Holder, and during the term of this right-of-way. This agreement to indemnify and hold harmless the United States against any liability shall apply without regard to whether the liability is caused by the Holder, its agents, contractors, or third parties. If the liability is caused by third parties, the Holder will pursue legal remedies against such third parties as if the Holder were the fee owner of the right-of-way.

Notwithstanding any limits to the Holder's ability to indemnify and hold harmless the United States which may exist under state law, the Holder agrees to bear all responsibility (financial or other) for any and all liability or responsibility of any kind or nature assessed against the United States arising from the Holder's use or occupancy of the right-of way regardless of whether the Holder has actually developed or caused development to occur on the right-of-way from the time of the issuance of this right-of-way to the Holder and during the term of this right-of-way.

14. The Holder shall 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 shall 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 shall 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.

    Notwithstanding whether a violation of any air quality permit, law or regulation results, the Holder would 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.

    Prior to relinquishment, abandonment, or termination of this right-of-way, the Holder shall apply reasonable and appropriate dust abatement and control measures to all disturbed areas. The abatement and measures shall be designed to be effective over the long-term (e.g., rock mulch or other means) and acceptable to the Authorized Officer.

15. 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 Authorized Officer 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 Authorized Officer. The plan shall be submitted no later than December 1 of any calendar year that covers the proposed activities for the next fiscal year. Pesticides shall not be permanently stored on public lands authorized for use under this right-of-way.

16. In the event that the public land underlying the right-of-way encompassed in this right-of-way, or a portion thereof, is conveyed out of Federal ownership and administration of the right-of-way or the land underlying the right-of-way is not being reserved to the United States in the patent/deed and/or the right-of-way is not within a right-of-way corridor being reserved to the United States in the patent/deed, the United States waives any right it has to administer the right-of-way, or portion

thereof, within the conveyed land under Federal laws, statutes, and regulations, including the regulations at 43 CFR Part [2880], including any rights to have the Holder apply to BLM for amendments, modifications, or assignments and for BLM to approve or recognize such amendments, modifications, or assignments. At the time of conveyance, the patentee/grantee, and their successors and assigns, shall succeed to the interests of the United States in all matters relating to the right-of-way, or portion thereof, within the conveyed land and shall be subject to applicable State and local government laws, statutes, and ordinances. After conveyance, any disputes concerning compliance with the use and the terms and conditions of the right-of-way shall be considered a civil matter between the patentee/and the Holder.

Exhibit C

GUIDELINES FOR HANDLING SONORAN DESERT TORTOISES
ENCOUNTERED ON DEVELOPMENT PROJECTS
Arizona Game and Fish Department
Revised October 23, 2007

The Arizona Game and Fish Department (Department) has developed the following guidelines to reduce potential impacts to desert tortoises, and to promote the continued existence of tortoises throughout the state. These guidelines apply to short-term and/or small-scale projects, depending on the number of affected tortoises and specific type of project.

The Sonoran population of desert tortoises occurs south and east of the Colorado River. Tortoises encountered in the open should be moved out of harm's way to adjacent appropriate habitat. If an occupied burrow is determined to be in jeopardy of destruction, the tortoise should be relocated to the nearest appropriate alternate burrow or other appropriate shelter, as determined by a qualified biologist.

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. Tortoises should be moved quickly, kept in an upright position parallel to the ground at all times, and placed in the shade. Separate disposable gloves should be worn for each tortoise handled to avoid potential transfer of disease between tortoises. Tortoises must not be moved if the ambient air temperature exceeds 40° Celsius (105° Fahrenheit) unless an alternate burrow is available or the tortoise is in imminent danger.

A tortoise may be moved up to one-half mile, but no further than necessary from its original location. If a release site, or alternate burrow, is unavailable within this distance, and ambient air temperature exceeds 40° Celsius (105° Fahrenheit), the Department should be contacted to place the tortoise into a Department-regulated desert tortoise adoption program. Tortoises salvaged from projects which result in substantial permanent habitat loss (e.g. housing and highway projects), or those requiring removal during long-term (longer than one week) construction projects, will also be placed in desert tortoise adoption programs. Managers of projects likely to affect desert tortoises should obtain a scientific collecting permit from the Department to facilitate temporary possession of tortoises. Likewise, if large numbers of tortoises (>5) are expected to be displaced by a project, the project manager should contact the Department for guidance and/or assistance.

Please keep in mind the following points:

These guidelines do not apply to the Mojave population of desert tortoises (north and west of the Colorado River). Mojave Desert tortoises are specifically protected under the Endangered Species Act, as administered by the U.S. Fish and Wildlife Service.

These guidelines are subject to revision at the discretion of the Department. We recommend that the Department be contacted during the planning stages of any project that may affect desert tortoises.