

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

**Maricopa County Department of Transportation New Road
DOI-BLM-AZ-P010-2013-0038- CX**

A. Background

BLM Office: Hassayampa Field Office (HFO)
Lease/Serial/Case File No.: AZA-34313
Proposed Action Title/Type: Road Right-of-Way
Project Code: LLAZP010000 1430 ER

Location of Proposed Action:

T. 7 N., R. 2 E., G&SR Meridian, Yavapai County, Arizona
Section 15: E $\frac{1}{2}$ SE $\frac{1}{4}$.

Description of Proposed Action: The proposed action is to grant authorization for the use, operation and maintenance of a 3,045.37 foot long by 55 foot wide existing road (Old Stagecoach Road) located on Bureau of Land Management (BLM) land. The proponent requests authorization to be able to use and maintain this widely used road which connects N. 35th Avenue and N. 36th Avenue Roads by crossing BLM, state, and private lands intermittently. If authorized, the ROW would be issued for a term of 30 years with the right to renew.

B. Land Use Plan Conformance

Land Use Plan (LUP) Name: Bradshaw Harquahala 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):

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, for this action, resides in 516 DM Chapter 6 Appendix 5 Section 5.4 (E)(9) as well as BLM NEPA Handbook (H-1790-1) Appendix 4, (E)(16) which states,

“Acquisition of easements for an existing road or issuance of leases, permits, or rights-of-way for the use of existing facilities, improvements, or sites for the same or similar purposes.”

[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].

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/ Hillary Conner _____ 7/24/2013
Hillary Conner
Realty Specialist

Reviewed by: _____ /S/ Jim Andersen _____ 7/24/2013
Jim Andersen
Lead Realty Specialist

BLM Categorical Exclusions: Extraordinary Circumstances¹
Attachment 1

CRITERIA	<u>Comment (Y/N)</u>	<u>Staff Initial</u>
1. Have significant impacts on public health and safety?	<u>NO</u>	<u>TB, VV, HC, IDT</u>
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?	<u>NO</u>	<u>TB, HC, CC, BL,</u> <u>VV, IDT</u>
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]?	<u>NO</u>	<u>TB, CC, JH, HC</u> <u>VV, IDT</u>
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?	<u>NO</u>	<u>TB, CC, BL, IDT</u>
5. Establish a precedent for future action, or represent a decision in principle about future actions, with potentially significant environmental effects?	<u>NO</u>	<u>TB, CC, BL, IDT</u>
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant, environmental effects?	<u>NO</u>	<u>CC, BL, HC, IDT</u>
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?	<u>NO</u>	<u>BL, IDT</u>
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?	<u>NO</u>	<u>CC, IDT</u>
9. 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)?	<u>NO</u>	<u>BL, IDT</u>
10. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?	<u>NO</u>	<u>BL, CC, IDT</u>

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|--|-----------|-------------------------------------|
| 11. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)? | <u>NO</u> | <u>IDT</u> |
| 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)? | <u>NO</u> | <u>JH, TB, CC, VV</u>
<u>IDT</u> |

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

Persons/Agencies Consulted:

- ❖ BLM, Field Office resource specialists or Interdisciplinary Team (IDT) members assigned to project - Wildlife Biologist Codey Carter (CC), Archeologist Bryan Lausten (BL), Recreation Specialist Victor Vizcaino (VV), Travel Management Coordinator Tom Bickauskas (TB), Range Specialist James Holden (JH), Realty Specialist Hillary Conner (HC)
- ❖ Other IDT Members who also attended the NEPA meeting, dated July 16, 2013, in addition to those previously mentioned above - Planning and Environmental Coordinator Leah Baker, Archeologist Cheryl Blanchard, Geologist David Eddy, Lead Realty Specialist Jim Andersen, Realty Specialist JoAnn Goodlow, Wildlife Biologist Paul Sitzmann, Lead Outdoor Recreation Planner Mary Skordinsky, GIS Specialist Sharisse Fisher.

Specialist Comments for AZA-34313 Old Stagecoach Road
Attachment 2

Codey Carter, Wildlife Biologist:

No impact (NI) to T&E/sensitive/special status species as well as fish/wildlife/migratory birds.
“Existing road.” 7/16/2013

Bryan Lausten, Archeologist:

“No impact (NI) to cultural resources and paleontology. “Existing road; no impact.” 7/16/2013

Tom Bikauskas, Travel Management Coordinator:

No impact (NI) to transportation/travel. “No change to access.” 7/16/2013

Victor Vizcaino, Recreation:

No impact (NI) to recreation. 7/16/2013

James Holden, Range Specialist:

No impact (NI) to rangeland health and livestock grazing. 7/16/2013

Hillary Conner, Realty Specialist:

No impact (NI) to lands/access. “No impact to prior existing uses.” 7/16/2013

BLM Mitigation Measures/Other Remarks
Attachment 3

1. All applicable regulations in accordance with 43 Code of Federal Regulation (CFR) 2800.
2. The holder shall avoid any and all impacts to any historic or cultural resource by ensuring ground disturbing activities including vehicles and equipment are kept within the area approved within the right-of-way (ROW) grant.
3. Any cultural and/or paleontological resources (historic or prehistoric site or object) discovered by the holder or any person working on the holders behalf, on public or federal land shall be immediately reported to the Authorized Officer (AO). The holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the AO. An evaluation of the discovery will be made the AO to determine the appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of the evaluation and any decision as to the proper mitigation measures will be made by the AO after consulting with the holder.
4. The holder shall protect all survey monuments found within the ROW. Survey monuments include, but are not limited to, General Land Office (GLO) and Bureau of Land Management (BLM) Cadastral Survey Corners, reference corners, witness points, United States (U.S.) Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the holder shall immediately report the incident, in writing, to the AO and the respective installing authority if known. Where GLO or BLM ROW monuments or references are obliterated during operations, the holder shall secure the services of a registered land surveyor or a Bureau cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands in the United States, latest edition. The holder shall record such survey in the appropriate county and send a copy to the AO. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the holder shall be responsible for the survey cost.
5. 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.
6. The holder shall comply with all State and Federal laws applicable to the authorized use and such additional State and Federal laws, along with the impending regulations, that may be enacted and issued during the term of the grant.
7. The holder shall not use BLM managed land that is within, adjacent to, or outside the ROW for the long-term storage of any materials, equipment, or vehicles during any operation, maintenance, and/or termination activities associated with the ROW.
8. The holder shall operate and maintain any improvements, within this ROW, in strict conformity with that which has been approved by this grant. Any relocation, additional construction, or use that is not in accord with the approved grant, shall not be initiated without the prior written approval of the AO.
9. The ROW reserves to the Secretary of the Interior, or lawful delegates, the right to grant additional ROW, leases, or easements on BLM land for compatible uses over, under, within or adjacent to the lands involved in this grant.
10. The holder agrees that the AO may prescribe additional terms and conditions to the ROW grant as a

result of the review conducted on any proposed construction/maintenance designs and plans.

11. No vegetative material, debris or refuse shall be disposed of either within the ROW or on any other federal land. Instead, the holder shall dispose of any vegetative material, debris and/or refuse at legal off-site locations.
12. The holder of this ROW 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.
13. The holder shall meet Federal, State, and local emission standards for air quality.
14. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the ROW or on facilities authorized under this ROW grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the AO concurrent with the filing of the reports to the involved Federal agency or State government.
15. The holder shall comply with all Federal, State, and local regulations whether or not specifically mentioned within this grant.
16. Any weed control, on disturbed areas within the limits of the ROW, shall not be initiated without prior written approval of the AO. The holder is responsible for consultation with the AO and/or local authorities for acceptable weed control methods (within the limits imposed in the grant).
17. 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.
18. The holder shall conduct all activities associated with the construction, operation, inspection, maintenance, and termination of the ROW within the authorized limits of the ROW except as provided below, or unless otherwise authorized in writing by the AO.
19. The holder shall confine all vehicular traffic to the authorized limits of the ROW, unless otherwise authorized in writing by the AO.
20. Holder shall maintain the ROW in a safe, usable condition, as directed by the AO. (A regular maintenance program may include, but is not limited to, blading, ditching, culvert installation, and surfacing).
21. When grading the road, ensure the berms are not too high as to prevent access by four wheel drive

vehicles. If drainage ditches are requested, further field review of these side roads would need to be done to ensure at least minimum access is provided.

22. The holder shall fully indemnify or hold harmless the U.S. for any liability, for damage, or claims arising in connection with the holder's use and occupancy of the ROW.
23. The holder agrees to indemnify the U.S. 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.
24. The holder shall permit free and unrestricted public access to and upon the ROW for all lawful and proper purposes.
25. 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.
26. Each grant issued pursuant to the authority of paragraph (1)(a) for a term of 20 years or more shall, at a minimum, be reviewed by the AO at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way (ROW) or permit granted herein may be reviewed at any time deemed necessary by the AO.
27. The stipulations, plans, maps, or designs set forth in Exhibit A (Land Status Topographic Map) and Exhibit B (Road Exhibit Map), 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.
28. 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.
29. 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.
30. Prior to termination of the ROW, the holder shall contact the AO to arrange a pre-termination conference. This conference will be held to review the termination provisions of the grant.
31. 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.