

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

**Larry White Apiary Land Use Permit Renewal
DOI-BLM-AZ-P010-2013-0039- CX**

A. Background

BLM Office: Hassayampa Field Office (HFO)
Lease/Serial/Case File No.: AZA-27843
Proposed Action Title/Type: Apiary Land Use Permit
Project Code: LLAZP010000 2920 EQ

Location of Proposed Action:

Gila & Salt River Meridian, Maricopa County, Arizona
T. 6 N., R. 1 W., section 14, NE¹/₄NE¹/₄;
T. 6 N., R. 1 W., section 26, NE¹/₄NW¹/₄;
T. 7 N., R. 1 W., section 13, N¹/₂NE¹/₄;
T. 6 N., R. 2 W., section 25, SE¹/₄NW¹/₄;
T. 7 N., R. 2 W., section 19, SW¹/₄NE¹/₄;
T. 7 N., R. 3 W., section 26, SW¹/₄NE¹/₄.

The USGS Quad Maps for all 6 sites are Baldy, Governors Peak, Hieroglyphics SW, Garfias, and Red Picacho.

Description of Proposed Action: Authorization for the renewal of the multi-year land use permit AZA-27843, first issued May 20, 1993. The applicant, Larry White, requests the renewal of 6 existing sites for apiary use on public lands in Arizona. Each of the proposed sites are within small areas (less than one acre) with little disturbance. A renewal of the permit would only allow the applicant to continue that which was previous approved. If authorized, the permit would be issued for a term of 4 years (one year having already expired plus an additional 3 years) or until April 27, 2016.

B. Land Use Plan Conformance

Land Use Plan (LUP) 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-P010-2013-0039-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.”

[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.*

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, Geologist David Eddy, Lead Realty Specialist Jim Andersen, Realty Specialist JoAnn Goodlow, Lead Outdoor Recreation Planner Mary Skordinsky, GIS Specialist Sharisse Fisher.

SPECIALIST COMMENTS
AZA-27843 Larry White Apiary Permit
Attachment 2

Hillary Conner, Realty Specialist:
Lands/Access Determination: NI
"No impact to prior existing uses." 6/27/2013

Codey Carter, Wildlife Biologist
Fish/Wildlife/Migratory Birds and T&E/Sensitive/Special Status Species Determinations: NI
"Existing sites. Sonoran desert tortoises are in the area. Permittee should look out for and avoid desert tortoises. If tortoises must be moved to avoid harming them, they should be moved according to attached AGDD guidelines." 7/2/2013

Bryan Lausten, Archeologist
Cultural Resources, Native American Religious Concerns, and Paleontology Determinations: NI
"This renewal will have no impact, no historic properties affected, area highly disturbed and a renewal since 1993." 7/2/2013

James Holden, Rangeland Specialist:
Livestock grazing and Rangeland Health Determinations: NI
No comments. 7/2/2013

Victor Vizcaino, Recreation Specialist
Recreation Determination: NI
"Sites already in use." 7/9/2013

Tom Bikauskas, Recreation & Travel Management Specialist
Recreation and Transportation/Travel Determinations: PI
"All sites are ok with exception of Cow Creek Airstrip site. The issue is that we will develop the airstrip in the next 3 years as a primitive campground. I suggest placing the hives on the west side of Cow Creek Rd. See notes on map." 7/18/2013

BLM Mitigation Measures/Other Remarks
Attachment 3

1. The permit will be renewed pursuant to the terms and conditions of the original authorization.
2. All applicable regulations in accordance with 43 CFR 2920.
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), Hassayampa Field Office (HFO) Field Manager. 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 by 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. No hives will be permitted within ¼ mile of water, residences, or intensive public use areas. To mitigate any potential conflict with livestock, the hives shall be placed at least one-half (1/2) mile from livestock waters.
5. Access to sites will be across existing roads only. Hives will be adjacent to roadways. The hives would be placed within 100 feet of existing roads on the described lands. Hives at all areas will be placed in existing cleared/compacted areas.
6. No sites will be within 2 miles of any previously authorized apiary site (unless the sites will be granted to the same applicant).
7. No surface disturbance such as clearing or leveling of sites is allowed. No armadas (shade structures) will be constructed unless specifically authorized.
8. If there is an incident involving Africanized honey bees in the hives located on public lands authorized under this permit, the permittee will immediately notify the AO, of the incident and then submit written documentation of the corrective action taken.
9. The permittee must comply with state and local apiary laws and place proper identification of ownership on the sites.
10. Hives shall not be placed in a location that is being actively used for mining exploration or production.
11. The permittee shall hold a liability insurance policy, with the minimum limits of \$100,000 per occurrence and \$300,000 annual aggregate for bodily injury, and provide a copy of it to the AO. The permittee will be required to maintain the insurance policy for the life of the permit and provide proof of insurance annually to the BLM AO.

12. The permittee shall not place more than 100 bee hives 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 and 10-digit telephone number.
13. The permittee shall mark the center of each site with a post. The permittee shall maintain each post in place until directed by the AO to remove the post. The permittee shall paint the message BLM PERMIT AZA-27843 on each post. The permittee shall maintain the painted message until the post is removed.
14. Failure of the holder to comply with applicable law or any provision of this permit shall constitute grounds for suspension or termination thereof.
15. The holder shall comply with all Federal, State, and local regulations whether or not specifically mentioned within this permit.
16. 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 in the permitted area or on facilities authorized under this permit. (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.
17. The holder of permit number AZA-27843 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 permit (unless the release or threatened release is wholly unrelated to the permit holder's activity on the permit. This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.
18. 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.
19. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of **four** inches deep, the soil shall be deemed too wet to adequately support construction equipment.

20. The stipulations, plans, maps, or designs set forth in Exhibit A through E (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.
21. Upon permit termination by the 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.