

Categorical Exclusion Documentation
Western Explosives Systems Co. 2920 Permit Renewal
DOI-BLM-P010-2013-0031-CX

A. Background

BLM Office: *Hassayampa Field Office (HFO)*

Lease/Serial/Case File No.: AZA-25635

Proposed Action Title/Type: *Western Explosives Systems Co. 2920 Permit Renewal*

Location of Proposed Action :

T. 12 N., R 1 E., G&SRM, Arizona
section 24, W $\frac{1}{2}$ SW $\frac{1}{4}$.

Description of Proposed Action: Western Explosives Systems Co. has filed an application to renew a 2920 permit AZA-25635. This explosives storage facility has been authorized by BLM since 1991 and has been renewed every 3 years since the original authorization.

B. Land Use Plan Conformance

Land Use Plan (LUP) Name: The Bradshaw-Harquahala Resource Management Plan (RMP). This proposed action has been reviewed for conformance with these plans (43 CFR 1610.5-3, BLM Manual 1601.04.C.2) Date Approved: 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): Specifically, in the Bradshaw-Harquahala Record of Decision and Approved RMP, page 33, under Land Use Authorizations, LR-25 states, “Continue to issue land use authorizations (rights-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 Actions are categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 2, Appendix 1, or 516 DM 11.5: E. (9) “Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations.” The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 or 516 DM 11.5 apply.

D: Signature

Authorizing Official: _____ Amanda James for: _____ Date: __06/25/2013__

D. Remington Hawes
Field Manager, HFO

Contact Person

For additional information concerning this CX review, contact:
Jim Andersen (623-580-5570) jvanders@blm.gov

BLM Categorical Exclusions: Extraordinary Circumstances¹
Attachment 1

The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215) apply. The project would:		
1. Have significant impacts on public health or safety		
Yes	No	Rationale:
<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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?		
Yes	No	Rationale:
<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]?		
Yes	No	Rationale:
<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?		
Yes	No	Rationale:
<input type="checkbox"/>	<input checked="" type="checkbox"/>	
5. Establish a precedent for future action, or represent a decision in principle about future actions, with potentially significant environmental effects?		
Yes	No	Rationale:
<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?		
Yes	No	Rationale:
<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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?		
Yes	No	Rationale:
<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale:
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale:
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale:
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)?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale:
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)?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale:

**Approval and Decision
Attachment 2**

Compliance and assignment of responsibility: Jim Andersen

Monitoring and assignment of responsibility: Jim Andersen

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: _____/S/_____ **Date:** __06/24/2013__

Jim Andersen
Project Lead

Reviewed by: _____/S/_____ **Date:** __06/25/2013__

Leah Baker
Planning & Environmental Coordinator

Reviewed by: _____/S/_____ **Date:** __06/25/2013__

D. Remington Hawes
Manager

Project Description:

Western Explosives Systems Co. has filed an application to renew a 2920 permit AZA-25635. This explosives storage facility has been authorized by BLM since 1991 and has been renewed every 3 years since the original authorization.

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 attached mitigating measures:

Approved By: _____/S/_____ **Date:** 06/25/2013__

D. Remington Hawes, Field Manager, HFO

Mitigating Measures for AZA-25635

1. This permit is issued subject to the permittee's compliance with all applicable regulations contained in Title 43 CFR, part 2920;
2. 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;
3. The permittee shall provide copies of all licenses and permits required by federal, state, and local laws and regulations in connection with this facility including the licenses required by the Bureau of Alcohol, Tobacco and Firearms for the sale and storage of explosives and the Department of Transportation for the transportation of explosives, and the Yavapai County Use Permit approving this project, in addition to an insurance rider naming the United States of America as insured for an amount satisfactory to the AO, before construction of this facility or use of the access route involved begins;
4. In cooperation with the Arizona State Commission of Agriculture and Horticulture, care shall be taken to salvage or avoid mature plant species protected by state law;
5. The permittee 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 lands under this permit or on facilities authorized by 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 or State agency 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 or State Agency;
6. The holder of permit AZA-25635 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 permitted area, unless the release or threatened release is wholly unrelated to the permit holder's activity on the authorized site. This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties;

7. The permittee shall revoke all materials related to the construction and use of this facility (and related structures) within 30 days of the termination of this permit;
8. If fencing is barbed wire design, the bottom wire shall be smooth (barbless) and greater than 16" above ground;
9. Gates shall have reflectors or signs with reflective lettering that can be seen at night by all-terrain vehicle (ATV) users;
10. A sign shall be placed at its intersection of the county road to the north and the pipeline road informing off highway vehicle (OHV) users that there is no thru access to discourage use;
11. The permit 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 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.;
12. Permittee shall survey and clearly mark the exterior limits of the permit. All activities directly or indirectly associated with construction or maintenance must be conducted within the limits of the permit; removal of vegetation shall be restricted to that absolutely essential to construction or maintenance;
13. The permittee shall not use any pesticides on the Federal lands herein involved without specific prior authorization from the BLM AO;
14. This permit reserves to the Secretary of the Interior, or his lawful delegate, the right to grant additional permits or right-of-ways (ROWS) for compatible uses over, under or adjacent to the land involved in this grant;
15. Failure of the holder to comply with applicable law or any provision of this permit or ROW grant shall constitute grounds for suspension or termination thereof;
16. 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;
17. The holder shall comply with all Federal, State, and local regulations whether or not specifically mentioned within this permit;
18. All design, material, and construction, operation, maintenance, and termination practices shall be in accordance with safe and proven engineering practices;
19. 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;
20. The holder shall meet Federal, State, and local emission standards for air quality;

21. The holder shall protect all survey monuments found within the permit area. Survey monuments include, but are not limited to, General Land Office and BLM Cadastral Survey Corners, reference corners, witness points, 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 General Land Office 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;
22. The holder (or holder's successor in interest) of this permit grant 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;
23. It is against the law to collect desert tortoise from the wild. If tortoises are found in the project area, they shall be removed from the area and released, in the shade, unharmed. (When moving a tortoise, approach the tortoise from the end of the shell with the head. Note the direction the tortoise was heading and carefully carry it no more than 150 feet and release it in the direction that it was heading. If possible, place the tortoise in the shade. Carry the tortoise upright, in its normal walking position. Do not tip it from side to side or upside down. If a tortoise becomes frightened, it may empty its bladder as a defense mechanism. The loss of bladder fluids can place the tortoise under additional stress because tortoise store water in the bladder for use during the dry times of year;
24. Upon permit termination by the AO, all improvements shall be removed from the public lands within 30 days, or otherwise disposed of as directed by the AO;
25. Upon completion of construction, the lands shall be restored to as near their natural condition as possible, subject to approval by the DM, at the PDO;
26. Within 60 days after completion of construction or after all restoration stipulations have been complied with, whichever is later, proof of construction, on forms approved by the Director, shall be submitted to the AO;
27. If this permit is renewed, the permit will be subject to regulations existing at the time of renewal and such other terms and conditions deemed necessary to protect the public interest.