

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

Western Area Power Administration Right-of-Way Amendment
DOI-BLM-AZ-P010-2013-043-CX

A. Background

BLM Office: *Hassayampa Field Office (HFO)*

Lease/Serial/Case File No.: AZPHX-082297

Proposed Action Title/Type: Right-of-Way Amendment

Location of Proposed Action: T. 1 N., R. 4 W., secs 1 & 12.

T. 2 N., R. 4 W., secs 16, 26, 27.

Description of Proposed Action: Western Area Power Administration has filed an application to amend R/W AZPHX-82297 to replace an aerial ground wire with a buried fiber optic ground wire on their Liberty to Parker 230kV line. Portions of this amendment occur on pvt lands, however, BLM retained jurisdiction of the R/W in the patents by “excepting and reserving” the R/W. The buried fiber amendment will be 28,190’ x 10’, all within the existing R/W for the power line.

B. Land Use Plan Conformance

Land Use Plan (LUP) Name: The Bradshaw - Harquahala Resource Management Plan. This proposed action has been reviewed for conformance with these plans (43 CFR 1610.5-3, BLM Manual 1601.04.C.2)

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): *Land Use Authorizations. LR-24. 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 516 DM Chapter 6 Appendix 5 Section 5.4 E. (13) “Amendments to existing rights-of-way, such as the upgrading of existing facilities, which entail no additional disturbances outside the right-of-way boundary.

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 516 DM 2 or 516 DM 11.5 apply.

D: Signature

Authorizing Official: _____/S/_____

Date: ___08/30/2013___

Rem 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"/>	

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

<input type="checkbox"/>	X	
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	No	Rationale:
<input type="checkbox"/>	X	
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?		
Yes	No	Rationale:
<input type="checkbox"/>	X	
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?		
Yes	No	Rationale:
<input type="checkbox"/>	X	
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	No	Rationale:
<input type="checkbox"/>	X	
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	No	Rationale:
<input type="checkbox"/>	X	

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::** __08/28/2013__

Jim Andersen
Project Lead

Reviewed by: _____/S/_____ **Date::** __08/28/2013__

Leah Baker
Planning & Environmental Coordinator

Reviewed by: _____/S/_____ **Date:** __08/30/2013__

Rem Hawes
Manager

Project Description: Western Area Power Administration has filed an application to amend R/W AZPHX-82297 to replace an aerial ground wire with a buried fiber optic ground wire on their Liberty to Parker 230kV line. Portions of this amendment occur on pvt lands, however, BLM retained jurisdiction of the R/W in the patents by “excepting and reserving” the R/W. The buried fiber amendment will be 28,190’ x 10 , all within the existing R/W for the power line.

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 Mitigating Measures.

Approved By: _____ **Date:** _____

Rem Hawes, Field Manager, HFO

MITIGATION MEASURES – AZPHX-082297

1. This right-of-way amendment is issued subject to the holders compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800.
2. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the permittee, or any person working on his behalf, on public or Federal land shall be immediately reported to the Bureau of Land Management Authorized Officer. The holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the Authorized Officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder shall be responsible for the cost of evaluation and any decision as to proper mitigation measures that will be made by the Authorized Officer after consulting with the permittee.
3. Sonoran desert tortoise is currently a candidate species for listing under the Endangered Species Act and may occur in the project area. Crews should look out for and avoid tortoises. If tortoises must be moved to prevent harm, they should be moved according to the attached Arizona Game and Fish Department guidelines.
4. If trees, large shrubs or saguaro cacti must be removed or damaged, this work should be done outside of the migratory bird nesting season (February 15th – August 1st) to avoid potential destruction of migratory bird nests. If such activities must be done during nesting season, clearance survey should be done by a qualified biologist. Migratory birds are protected under the Migratory Bird Treaty Act.
5. Each grant issued for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way granted herein may be reviewed at any time deemed necessary by the authorized officer.
6. Failure of the holder to comply with applicable law or any provision of this right-of-way grant shall constitute grounds for suspension or termination thereof.
7. All operations shall be performed in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.
8. 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 implementing regulations, that may be enacted and issued during the term of the grant.
9. The right-of-way reserves to the Secretary of the Interior, or lawful delegates, the right to grant additional rights-of-way, leases, or easements for compatible uses over, under, within or adjacent to the lands involved in this grant.

10. 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.

11. 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. Emergency use of pesticides shall be approved in writing by the authorized officer prior to such use.

12. The holder(s) 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 right-of-way or on facilities authorized under this right-of-way 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 authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.

13. The holder of Right-of-Way No. AZPHX-082297 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 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 applies without regard to whether a release is caused by the holder, its agent, or unrelated third party.