

KINGMAN FIELD OFFICE SCOPING FORM

Proposal: Renewal of Land Use Permit

DOI-BLM-AZ-C010-2013-0058-CX
NEPA Document Number

S:/BLMshare/Lands/DesertConstruction/DOI-BLM-AZ-C010-2013-0058-CX
Document Location

Land Description: S½NE¼SW¼NE¼, SE¼SW¼NE¼, N½NE¼NW¼SE¼ sec. 30, T. 21 N., R. 16 W., G&SRM.

Applicant: Desert Construction

INVOLVEMENT: Indicate in the left column which disciplines need to provide information into the EA/CX.

Needed Input (X)	Discipline	Signature
	Lands	
	Minerals	
	Range	
	Wild Horse and Burro	
	General Recreation	
x	Cultural and Paleontological Resources	/s/ Tim Watkins 11/18/13
	Wilderness	
	Soils	
	Surface and Groundwater Quality/Water Rights	
	Air Quality	
x	Wildlife	/s/ Rebecca L. Peck 12/06/2013
x	Threatened and Endangered Plants and Animals	/s/ Rebecca L. Peck 12/06/2013
x	Migratory Birds	/s/ Rebecca L. Peck 12/06/2013
	Surface Protection	
	Hazardous Materials	
	Areas of Critical Environmental Concern	
x	Visual Resources	/s/ Leonard A. Marceau 12/16/2013
	Socio-Economics/Environmental Justice	
	General Botany/Noxious Weeds	
	Energy Policy	

Writer: /s/ Maria Troche

Date: 12/16/2013

Environmental Coordinator: /s/ Ramone B. McCoy

Date: 12/16/2013

Field Manager: /s/ Don McClure

Date: 12/16/2013

**NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)
COMPLIANCE RECORD FOR CATEGORICAL EXCLUSIONS (CX)
U.S. Department of Interior
Bureau of Land Management**

PART I. – PROPOSED ACTION

BLM Office: Kingman Field Office

NEPA No.: C010-2013-0058-CX

Case File No.: AZA 026466

Proposed Action Title/Type: Renewal Of Land Use Permit

Applicant: Desert Construction

Location of Proposed Action: S½NE¼SW¼NE¼, SE¼SW¼NE¼, N½NE¼NW¼SE¼ sec. 30, T. 21 N., R. 16 W., G&SRM.

Description of Proposed Action: Renewal of Land Use Permit for stockpiling mineral materials on 20 acres in Sawmill Canyon in the above described public lands. The proposed permit would expire on 12/31/2016.

Part II. – PLAN CONFORMANCE REVIEW

This proposed action is subject to the following land use plan(s): Kingman Resource Management Plan/EIS

Decisions and page nos.: KRMP/FEIS p. 70 "Use permits would continue to be issued on a case-by-case basis following environmental review."

LUP Decision LR20/B3 Land Use Permits will continue to be issued on a case-by-case basis following NEPA Compliance.

Date plan approved/amended: March 1995

This proposed action has been reviewed for conformance with these plans (*43 CFR 1610.5-3, BLM Manual 1601.04.C.2*).

The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215(a)-(1)) apply. The project would:

(a) Have significant impacts on public health or safety.

Yes	No	<p>Rationale: The area has had stockpiled material since before it was reconveyed to the U.S. in 1989 with no detriment to the public's health and safety and none are anticipated.</p> <p style="text-align: right;">Preparer's Initials <u>MT</u></p>
	X	

(b) Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness 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; and other ecologically significant or critical areas.

Yes	No	<p>Rationale: The area was checked for cultural resources prior to the BLM permitting this in 1992 and no such resources were discovered. The terms and conditions of the permit would require notification to the BLM and cessation of work if cultural resources were discovered. No park, recreation or refuge lands, wilderness, wild or scenic rivers, natural landmarks, prime farmlands, wetlands, national monuments, and other ecologically significant or critical areas are in the vicinity of the proposed permitted area nor would any of these areas be affected. The proposed permitted area is within the Hualapai Wash basin watershed and is within the floodplain of Sawmill Canyon Wash, an ephemeral stream, and foraging area for migratory bird species. It is not anticipated that any of these resources would be significantly impacted.</p> <p style="text-align: right;">Preparer's Initials <u>MT</u></p>
	X	

(c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].

Yes	No	<p>Rationale: The anticipated effects from the issuance of the proposed permit would not be controversial nor would it involve unresolved conflicts concerning alternative uses of available resources.</p> <p style="text-align: right;">Preparer's Initials <u>MT</u></p>
	X	

(d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		
Yes	No <input checked="" type="checkbox"/>	<p>Rationale: This area has been used for stockpiling of mineral materials since before the lands were reconveyed to the U.S. and the environmental effects to date have not been unique or unknown nor is it anticipated that the environmental effects from the continued use of the area for stockpiling mineral materials would be unique or unknown.</p> <p style="text-align: right;">Preparer's Initials <u>MT</u></p>
(e) Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.		
Yes	No <input checked="" type="checkbox"/>	<p>Rationale: The issuance of the proposed permit would be for a 3 year term, upon the end of which the BLM would consider the issuance of a permit should the applicant wish to continue its use of the area, at which time the BLM would decide the appropriateness of continuing this use of these lands. Upon cessation of the use of this area the permittee would reclaim the area.</p> <p style="text-align: right;">Preparer's Initials <u>MT</u></p>
(f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		
Yes	No <input checked="" type="checkbox"/>	<p>Rationale: No other actions are known with a direct relationship to the issuance of the proposed permit.</p> <p style="text-align: right;">Preparer's Initials <u>MT</u></p>
(g) Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.		
Yes	No <input checked="" type="checkbox"/>	<p>Rationale: No listed properties or properties eligible for listing are in the vicinity of the area which would be covered under the proposed land use permit nor would any of these properties be affected.</p> <p style="text-align: right;">Preparer's Initials <u>MT</u></p>

(h) 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 <input checked="" type="checkbox"/>	Rationale: No listed species or species proposed to be listed on the list of Endangered or Threatened Species are in the vicinity or adjacent to the area which would be covered under the proposed land use permit nor would any of these or designated Critical Habitat be affected by the issuance of the proposed permit. Preparer's Initials <u>MT</u>
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(i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.

Yes	No <input checked="" type="checkbox"/>	Rationale: No laws for the protection of the environment would be violated by the issuance of the proposed permit. Preparer's Initials <u>MT</u>
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(j) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

Yes	No <input checked="" type="checkbox"/>	Rationale: The issuance of the proposed permit would not have a high and adverse effect on low income or minority populations. Preparer's Initials <u>MT</u>
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(k) 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 <input checked="" type="checkbox"/>	Rationale: No Indian sacred sites are known to exist in the vicinity of the proposed permit area. Preparer's Initials <u>MT</u>
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(l) 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 X	Rationale: The proposed action is not anticipated to increase the spread of exotic plants in and around the proposed permitted area. <p style="text-align: right;">Preparer's Initials <u>MT</u></p>
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PART V. –COMPLIANCE REVIEW CONCLUSION

I have reviewed this plan conformance and NEPA compliance record, and have determined that the proposed project is in conformance with the approved land use plan and that no further environmental analysis is required.

MITIGATION MEASURES/OTHER REMARKS:

/s/ Don McClure
Acting Field Manager

Date: 12/16/2013

APPROVING OFFICIAL: _____ DATE: _____

TITLE: _____

Note: The signed conclusion on this compliance record is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. A separate decision to implement the action should be prepared in accordance with program specific guidance.

PERMIT

Permission is hereby granted to Desert Construction, Inc. of Kingman, Arizona to use the following described lands:

Permit Number
AZA026466

TOWNSHIP	RANGE	SECTION	SUBDIVISION
21 N.	16W.	30	SI/2NE 1/4SW1/4NE1/4, SE1/4SW1/4INE1/4,N1/2NE 1/4NW1/4SE1/4

Meridian	State	County	Acres (number)
Gila & Salt River	Arizona	Mohave	20.00

for the purpose of Stockpiling or mineral materials.

and subject to the following conditions:

1. This permit is issued for the period specified below. It is revocable at the discretion of the BLM, at any time upon notice. This permit is subject to valid adverse claims heretofore or hereafter acquired.
2. This permit is subject to all applicable provisions of the regulations (43 CFR 2920) which are made a part hereof.
3. This permit may not be assigned without prior approval of the BLM.
4. Permittee must not enclose roads or trails commonly in public use.
5. Authorized representatives of the Department of the Interior, other Federal agencies, and State and local law officials will at all times have the right to enter the premises on official business.
6. Permittee must pay the United States for any damage to its property resulting from the use.
7. Permittee must notify the BLM of address change immediately.
8. Permittee must observe all Federal, State, and local laws and regulations applicable to the premises and to erection or maintenance of signs or advertising displays including the regulations for the protection of game birds and game animals. and must keep the premises in a neat, orderly, and sanitary condition.
9. Permittee must pay the BLM, in advance, the lump sum of \$ N/A for the period of use authorized

- by this permit or \$ 1,083.00 , annually, as rental or such other sum as may be required if a rental adjustment is made.
10. Use or occupancy of land under this permit will commence within N/A months from date hereof and must be exercised at least N/A days each year.
11. Permittee must take all reasonable precautions to prevent and suppress forest brush and grass fires and prevent pollution of waters on or in the vicinity of the lands.
12. Permittee must not cut any timber on the lands or remove other resources from the land without prior written permission from the BLM. Such permission may be conditioned by a requirement to pay fair market value for the timber or other resources.
13. Permittee agrees to have the serial number of this permit marked or painted on each advertising display or other facility erected or maintained under the authority of such permit.
14. This permit is subject to the provisions of Executive Order No. 11246 of September 24, 1965, as amended, which sets forth the Equal Opportunity clauses. A copy of this order may be obtained from the BLM.
15. Permittee acknowledges, by signing below, that he/she knows, understands and accepts the terms and conditions under which this permit is issued.

16. *Special conditions (attach additional sheets, if necessary)*
See Exhibit 8

Permit issued for period

From _____

To _____

(Permittee)

(BLM)

(Title)

(Date)

INSTRUCTIONS

1. Submit, in *duplicate*, to any local office of the Bureau of Land Management having jurisdiction of the lands.
2. Applications for Land Use Permits will not be accepted unless a notification of the availability of the land for non-BLM use (*Notice of Realty Action*) has been published in the Federal Register and for 3 weeks thereafter in a newspaper of general circulation. This provision does not apply in those situations where the publication of a (*Notice of Realty Action*) has been waived by the BLM.
3. Costs of processing the application must be paid by the applicant in advance.
4. The BLM may require additional information to process an application. Processing will be deferred until the required information is furnished by the applicant.

NOTICES

The Privacy Act and 43 CFR 2.48(d) require that you be furnished with the following information in connection with the information required by this form.

AUTHORITY: 43 U.S.C. 1732 and 43 CFR Part 2920 permit collection of the information requested by this form.

PRINCIPAL PURPOSE: The BLM uses the information in this form to process your application.

ROUTINE USES: In accordance with the System of Records titled, "Land and Minerals Authorization Tracking System--Interior, LLM-32," disclosure outside the Department of the Interior may be made: (1) To appropriate Federal agencies when concurrence or supporting information is required prior to granting or acquiring a right or interest in lands or resources, (2) To Federal, State, or local agencies or a member of the general public in response to a specific request for pertinent information, (3) To the U.S. Department of Justice or in a proceeding before a court or adjudicative body when (a) the United States, the Department of the Interior, a component of the Department, or when represented by the government, an employee of the Department is a party to litigation or anticipated litigation or has an interest in such litigation, and (b) the Department of the Interior determines that the disclosure is relevant or necessary to the litigation and is compatible with the purpose for which the records were compiled, (4) To an appropriate Federal, State, local, or foreign agency responsible for investigating, prosecuting, enforcing, or implementing a statute, regulation, rule, or order, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation, (5) To a member of Congress or a Congressional staff member from the record of an individual in response to an inquiry made at the request of that individual, (6) To the Department of the Treasury to effect payment to Federal, State, and local government agencies, nongovernmental organizations, and individuals, and (7) To individuals involved in responding to a breach of Federal data. The BLM will only disclose this information in accordance with the Freedom of Information Act, the Privacy Act, and the provisions at 43 CFR 2.56(c).

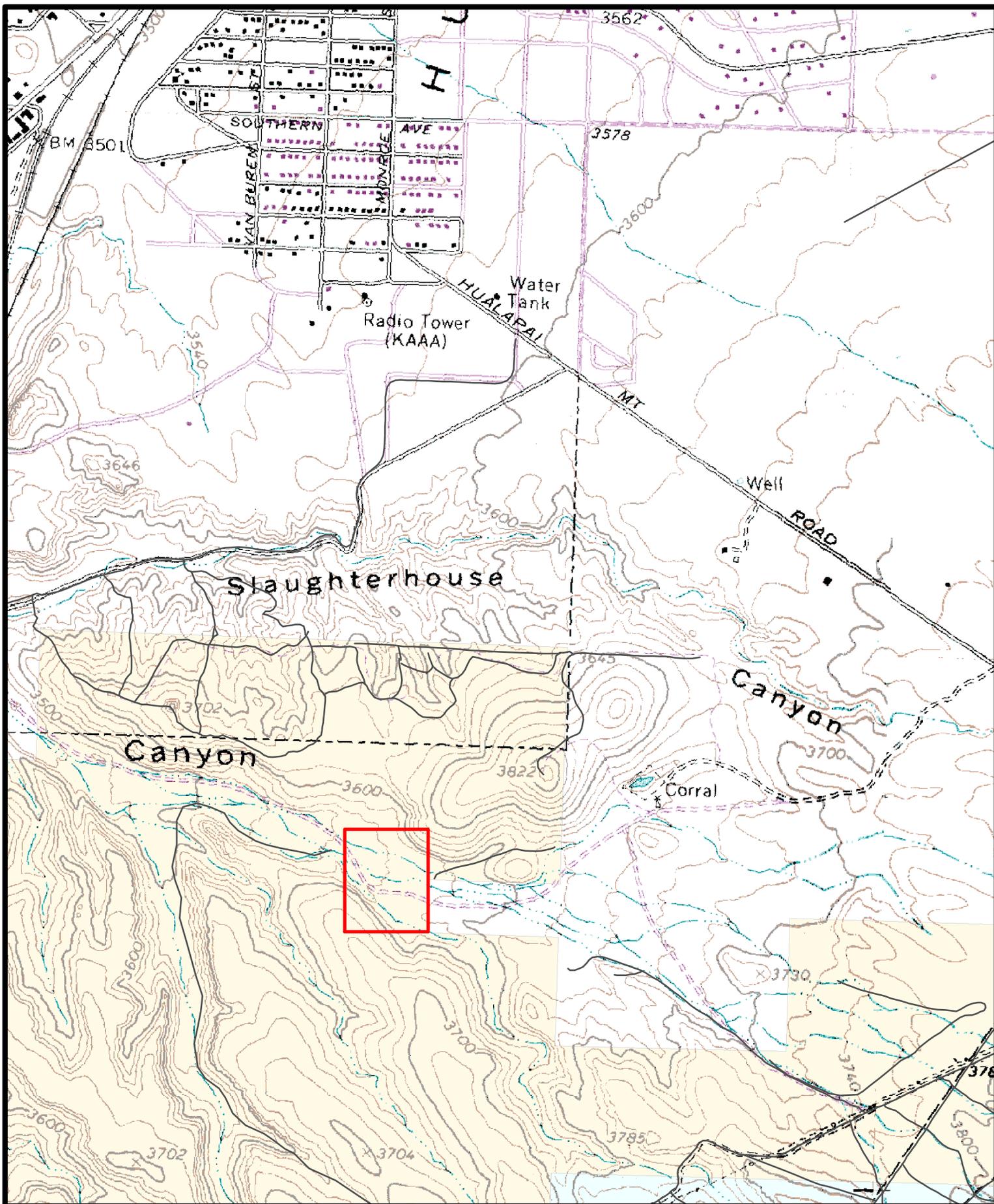
The Paperwork Reduction Act requires us to inform you that:

The BLM collects this information to process applications for land use authorizations, in accordance with 43 CFR Part 2920.

You do not have to respond to this or any other Federal agency-sponsored information collection unless it displays a valid OMB control number.

EFFECT OF NOT PROVIDING INFORMATION: Submission of the requested information is necessary to obtain or retain a benefit. Failure to submit all of the requested information or to complete this form may result in delay or preclude the BLM's acceptance of your form.

BURDEN HOURS STATEMENT: The estimated public reporting burden for this form is 1 hour per response for the majority of responses, including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. For more complex responses, the estimated public reporting burden is 120 hours per response, including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. You may submit comments regarding the burden estimate or any other aspect of this form to: U.S. Department of the Interior, Bureau of Land Management (I004-0009), Bureau Information Collection Clearance Officer (W0-630), 1849 C Street, N.W., Washington, D.C. 20240.



 40-acre LUP

2,500
 Feet



Created by: M Troche
December 16, 2013

Desert Construction
AZA 026466
Exhibit A

Terms and Conditions
Land-Use Permit
AZA 026466
Exhibit B

1. Holder shall conduct all activities associated with the stockpiling of materials within the limits specified in this permit.
2. Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes and equipment.
3. Holder shall not violate applicable air and water quality standards or related facility siting standards established by or pursuant to applicable Federal and State law.
4. Holder shall maintain the area specified in the permit in a safe, useable condition, as directed by the Authorized Officer (AO).
5. If, in its operations, operator/holder discovers any previously unidentified historic or prehistoric cultural resources, then work in the vicinity of the discovery will be suspended and the discovery promptly reported to AO. BLM will then specify what action is to be taken. If there is an approved "discovery plan" in place for the project, then the plan will be executed. In the absence of an approved plan, BLM will evaluate the significance of the discovery and consult with the State Historic Preservation Officer in accordance with 36 CFR Section 800.11. Minor recordation, stabilization or data recovery may be performed by BLM or a permitted cultural resources consultant. If warranted, more extensive treatment by a permitted cultural resources consultant may be required of the operator/holder prior to allowing the project to proceed. Further damage to significant cultural resources will not be allowed until any required treatment is successfully completed. Failure to notify BLM about a discovery may result in civil or criminal penalties in accordance with the Archeological Resources Protection Act of 1979 (as amended).
6. Ninety days prior to termination of the permit, the Holder shall contact the AO to arrange a joint inspection of the permit area. This inspection will be held to agree to an acceptable termination and rehabilitation plan. This plan shall include, but is not limited to, removal of stockpiles and/or topsoiling materials. The AO must approve the plan in writing prior to the Holder's commencement of any termination actions. Unless the area covered under this land use permit is incorporated into another authorization, the area is to be left so as to minimize erosion while allowing the natural drainage of and through the site.
7. The Holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the Holder 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 permit or on facilities

authorized under this permit 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 of 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.

8. Holder shall conduct all activities within existing disturbed areas.
9. The permittee should only remove the minimal amount of vegetation necessary for the stockpiling of materials. Suitable topsoil material removed shall be conserved in stockpiles within the permit.
10. The gate between private and public land will be kept closed during non-operating hours. If the gate causes problems with the cattle operation, the permittee will be required to install a cattleguard to BLM specifications. If problems are still encountered, fencing of the area to BLM specifications may be required.
11. If during any phase of the operation or related facilities, any oil or other pollutant should be discharged from the pipeline system, or from containers or vehicles impacting Federal lands, the control and total removal, disposal, and cleanup of such oil or other pollutant, wherever found, shall be the responsibility of the holder, regardless of fault. Upon failure of holder to control, cleanup, or dispose of such discharge on or affecting Federal lands, or to repair all damages to Federal lands resulting therefrom, the authorized officer may take such measures as he deems necessary to control and cleanup the discharge and restore the area, including where appropriate, the aquatic environment and fish and wildlife habitats, at the full expense of the holder. Such action by the authorized officer shall not relieve the holder of any liability or responsibility.