

**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: Hassayampa Field Office
2014-0003-CX

NEPA No.: DOI-BLM-AZ-P010-

Case File No.: AZA-16817

Proposed Action Title/Type: Road Right-of-Way Assignment and Renewal

Applicant: Don Pederson

Location of Proposed Action:

T. 6 N., R. 4 W., Gila & Salt River Meridian, Maricopa County, Arizona
Section 22: N½NE¼NE¼,
Section 23: W½SW¼,
containing 1.795 acres, more or less.

Description of Proposed Action:

The proposed action is to assign and renew an existing road right-of-way (AZA-16817) which is used to access the applicant's private property.

The subject property is located approximately 10 miles southeast of Wickenburg and 1-1/2 miles west of Morristown (along the east side of the Hassayampa River) in Maricopa County. Accessed is achieved via the frontage road along Highway 93 and Castle Hot Springs Road.

The Bureau of Land Management (BLM) first issued right-of-way AZA-16817 on February 11, 1982. It allowed the applicant the right to operate, maintain, renew and terminate a road that is 30' wide by 2607' long. The sum of the authorization is 1.795 acres, more or less.

Concurrence from the current holder, Edward Knipp, has been received with regards to the assignment portion of this right-of-way application. The applicant agrees to be bound by all the terms and conditions of right-of-way AZA-16817.

This right-of-way was granted according to the provisions of the Federal Land Policy Management Act (PL 94-579) and the regulations contained in 43 CFR 2800.

The holder continues to be in compliance with this right-of-way. If authorized, the right-of-way would be issued to the applicant for an additional 30 years with the right to renew.

Part II. – PLAN CONFORMANCE REVIEW

This proposed action is subject to the following land use plan(s):

Bradshaw Harquahala Resource Management Plan

Decisions and page nos.:

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.”

Date plan approved/amended: 4/22/2010

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

PART III. – NEPA COMPLIANCE DETERMINATION REVIEW

A. The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9 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 Part IV) 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.

The area was originally analyzed via an appraisal report, dated March 13, 1984. Considerations of all aspects of this document have been taken and no potential for significant impacts were found.

Justification for the use of a CX, for the renewal portion of 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)(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.”

In addition, the basis for a CX is also located in BLM NEPA Handbook H-1790-1; Appendix 4 BLM Categorical Exclusions (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.” ;

And

B. Extraordinary Circumstances Review: In accordance with **43 CFR 46.215**, any action that is normally categorically excluded must be subjected to sufficient environmental review to determine if it meets any of the 12 Extraordinary Circumstances described. If any circumstance applies to the action or project, and existing NEPA documentation does not adequately address it, then further NEPA analysis is required.

IMPORTANT: Appropriate staff should review the circumstances listed in Part IV, comment and initial for concurrence. Rationale supporting the concurrence should be included in the appropriate block.

Part IV. – EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION

PREPARERS:

DATE:

James Holden, Rangeland Specialist	11/12/2013
Bryan Lausten, Archaeologist	11/12/2013
Codey Carter, Wildlife Biologist	11/12/2013
Tom Bickauskas, Travel Management Coordinator	11/12/2013
Hillary Conner, Lands & Realty Specialist	11/12/2013
Victor Vizcaino, Recreation Specialist	11/14/2013

/S/
PLANNING & ENVIRONMENTAL SPECIALIST

12/18/2013
DATE

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

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

Yes	No	Rationale:
	X	
Preparer's Initials <u> /S/ </u>		

(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	Rationale:
	X	
		Preparer's Initials _____

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

Yes	No	Rationale:
	X	
		Preparer's Initials <u> S </u>

(d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

Yes	No	Rationale:
	X	
		Preparer's Initials <u> S </u>

(e) Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.

Yes	No	Rationale:
	X	
		Preparer's Initials <u> S </u>

(f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.

Yes	No	Rationale:
	X	
		Preparer's Initials <u> S </u>

(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"/>	Rationale: <p style="text-align: right;">Preparer's Initials <u> S </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: <p style="text-align: right;">Preparer's Initials <u> S </u></p>
(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: <p style="text-align: right;">Preparer's Initials <u> S </u></p>
(j) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		
Yes	No <input checked="" type="checkbox"/>	Rationale: <p style="text-align: right;">Preparer's Initials <u> S </u></p>
(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: <p style="text-align: right;">Preparer's Initials <u> S </u></p>

(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	Rationale:
	X	
		Preparer's Initials <u> S </u>

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: Based on a review of the project described above and field office staff recommendations in Attachment 1 (Specialist Comments for AZA-16817 Road ROW), I have determined the project is in conformance with the land use plan and is categorically excluded from further environmental analysis. I concur with the proposed action provided the decision document includes the mitigation measures/stipulations outlined in Attachment 2 (BLM Mitigation Measures/Other Remarks).

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.