

**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: Tucson
0007-CX**

NEPA No.: DOI-BLM-AZ-2014-

Case File No.: AZA-36476

Proposed Action Title/Type: Tombstone Stream Gage Cableway Upgrade

Applicant: USGS

Location of Proposed Action: San Pedro River near Tombstone, AZ stream gage #09471550 T. 19 S., R. 21 E., Section 28, NW¼NE¼SE¼.

Description of Proposed Action: The proposed action is to amend the existing Right-Of-Way (ROW) for the Tombstone Gage (gage #09471550) to allow for the upgrade of the Tombstone Stream Gage. The upgrade will include clearing brush from around the cableway, and then after the brush has been cleared from around the cableway and parking area, retro-fitting the cableway with a radio controlled (unmanned) gaging system. After the retrofit the cableway will be accessed during high flow or when the cableway is scheduled for maintenance.

In order to upgrade the cableway, brush from an area near and around the cableway needs to be cleared. A plan view of the cableway is provided that outlines the areas to be cleared in red. Most of the vegetation that needs to be cleared consists of brush (mesquite) from 1 to 15 ft. high. The brush would be cut and trimmed by two or three staff using a small chain saw, hand bow saw, and hand loppers. Vegetation shorter than about 1 ft. does not need to be disturbed. Cut limbs and vegetation can be gathered in piles on the downstream side of the cableway. Time spent clearing brush by a field crew would be one or two 8 hour work days. The areas that need to be cleared of brush include:

- 1) On the left bank side of the cableway from the backstays of the left bank A-Frame to the left bank edge of the open channel and about 15 feet up and down stream of the cableway. The distance from the cableway A-Frame to the open channel is about 150 ft so the area is about 2,250 square ft.
- 2) On the right bank side of the cableway from the backstays of the right bank A-Frame to the right bank edge of the open channel and about 15 feet up and downstream of the cableway. The distance from the cableway A-Frame to the open channel is about 150 ft so the area is about 2,250 square ft.
- 3) An area of about 15 ft by 20 ft just off the abandoned railroad grade and near the left bank side of the cableway A-Frame (not BLM property). The area is about 300 sq ft and will be used to park field a vehicle when visiting the cableway for maintenance and during high flow discharge measurements.
- 4) An path about 100 ft by 3 ft from the parking area to the left bank A-Frame to provide a clear walk so that maintenance and measuring equipment can be transported more safely from vehicles to the cableway. The area to be cleared totals 300 square ft.

The following measures will be followed:

- 1) To eliminate noise disturbance to breeding/nesting Yellow-billed Cuckoo: Work/clearing of vegetation done BEFORE June 15th a chainsaw may be utilized. Work/clearing of vegetation done AFTER June 15th, will be done with hand tools only.
- 2) In accordance with the Bird Migratory Treaty Act- To eliminate disturbance of any nesting bird within the footprint of the project: BLM Natural Resource Specialist (Heather L. Swanson 520-439-6429 hswanson@blm.gov) will be informed 5 business days prior to the beginning of project so that a nest survey of the area can be done. If nest/nests are found BLM will be on sight during the project to insure that no harm/disturbance to the nest occurs.

Attachment 4-2

AZ-1790-1

August 2013

Part II. – PLAN CONFORMANCE REVIEW

This proposed action is subject to the following land use plan(s): 1) Safford District Resource Management Plan & Environmental Impact Statement; 2) San Pedro Riparian Management Plan & Environmental Impact Statement

Decisions and page nos.: 1) Rights-of way, leases and permits will be considered on a case-by-case basis, in accordance with the decisions in this Resource Management Plan (Safford District RMP page 22). 2) Allow maintenance on existing rights-of-way, subject to protection of resource values (San Pedro Riparian Management Plan page 22).

Date plan approved/amended: 1) August 1991; 2) June 1989

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 E.13 which states:

Amendments to existing rights-of-way, such as the upgrading of existing facilities, which entail no additional disturbances outside the right-of-way boundary ;

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:

Ben Lomeli, Hydrologist	5/7/2014
Amy Sobiech, Cultural Resources	2/15/2014
Linda Dunlavey, Lands and Realty	5/1/2014
Dave Murray, Hydro-Tech	4/15/2014
Jeff Simms, Fishery Biologist	3/15/2014
Amy Markstein, Planning and Environmental Coordinator	5/7/2014
Karen Simms, Assistant Field Manager	5/7/2014
Jim Mahoney, Outdoor Recreation Planner	1/31/2014
Heather Swanson, Natural Resource Specialist	5/6/2014

/s/Amy Markstein
 PLANNING & ENVIRONMENTAL SPECIALIST

5/7/2014
 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: This is only an upgrade retrofit of an existing cableway for stream gaging during high flows.
	x	
		Preparer's Initials <u> bl </u>

<p>(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.</p>		
Yes	No <input checked="" type="checkbox"/>	<p>Rationale: This is only an upgrade retrofit of an existing cableway for stream gaging during high flows. The only disturbance is clearing of overgrown brush to create safer work environment. No significant soil disturbance is anticipated. All vegetation will be allowed to grow back.</p> <p style="text-align: right;">Preparer's Initials <u> BL </u></p>
<p>(c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].</p>		
Yes	No <input checked="" type="checkbox"/>	<p>Rationale: Retrofit of existing cableway with minor vegetation clearing required for access and safe work environment.</p> <p style="text-align: right;">Preparer's Initials <u> BL </u></p>
<p>(d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.</p>		
Yes	No <input checked="" type="checkbox"/>	<p>Rationale: Temporary vegetation clearing will be the only disturbance.</p> <p style="text-align: right;">Preparer's Initials <u> BL </u></p>
<p>(e) Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.</p>		
Yes	No <input checked="" type="checkbox"/>	<p>Rationale: This is only an upgrade retrofit of an already existing cableway. The only disturbance is clearing of overgrown brush to create safer work environment. No significant soil disturbance is anticipated. All vegetation will be allowed to grow back.</p> <p style="text-align: right;">Preparer's Initials <u> BL </u></p>

(f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		
Yes	No <input checked="" type="checkbox"/>	Rationale: This is the only such action planned or reasonably foreseen. Preparer's Initials <u>BL</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: The only disturbance proposed is clearing of overgrown brush to create safer work environment. No significant soil disturbance is anticipated. All vegetation will be allowed to grow back. Preparer's Initials <u>BL</u>
(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: The brushing of the riparian area could have a short-term and modest impact on migrating SW willow flycatcher and/or yellow-billed cuckoo. Huachuca water umbel cannot occur in the area as it dries annually. Critical habitat for HWU, SWWF, and YBCU is likely to experience little to no effect from trimming of vegetation. Any disturbance to nesting YBCU will be mitigated with the "Best Management Practices" (see project description). Preparer's Initials <u>JS</u>
(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: This is only an upgrade retrofit of an existing cableway for stream gaging during high flows. The only disturbance is clearing of overgrown brush to create safer work environment. No significant soil disturbance is anticipated. All vegetation will be allowed to grow back. Preparer's Initials <u>BL</u>
(j) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		

Yes	No <input checked="" type="checkbox"/>	<p>Rationale: Will not have any effect on low income or minority populations. The only disturbance is temporary clearing of overgrown brush to create safer work environment. No significant soil disturbance is anticipated.</p> <p style="text-align: right;">Preparer's Initials <u>BL</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"/>	<p>Rationale: Cableway to be upgraded already exists and does not limit access to anything. Minor temporary brush clearing will be needed to create safe work environment.</p> <p style="text-align: right;">Preparer's Initials <u>BL</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 <input checked="" type="checkbox"/>	<p>Rationale: Will not have any effect on noxious weeds. The only disturbance is temporary clearing of overgrown brush to create safer work environment. No significant soil disturbance is anticipated.</p> <p style="text-align: right;">Preparer's Initials <u>BL</u></p>

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: 1) To eliminate noise disturbance to breeding/nesting Yellow-billed Cuckoo: Work/clearing of vegetation done BEFORE June 15th a chainsaw may be utilized. Work/clearing of vegetation done AFTER June15th, will be done with hand tools only.

2) In accordance with the Bird Migratory Treaty Act- To eliminate disturbance of any nesting bird within the footprint of the project: BLM Natural Resource Specilist (Heather L. Swanson 520-439-6429 hswanson@blm.gov) will be informed 5 business days prior to the beginning of project so that a nest survey of the area can be done. If nest/nests are found BLM will be on sight during the project to insure that no harm/disturbance to the nest occurs.

APPROVING OFFICIAL: /s/ Viola Hillman DATE: 5/8/2014
TITLE: Tucson Field Office Manager

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.