

**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

NEPA No.: AZ-P010-2014-0017

Case File No.: AZAR-34882

Proposed Action Title/Type: Communication Site Lease Amendment and Renewal

Applicant: Union Pacific Railroad Company (UPRR)

Location of Proposed Action: T. 3 N., R. 3 W., Section 28, Tract 37 (White Tanks Mountain)

Description of Proposed Action: Union Pacific Railroad Company has filed an application to amend and renew their communication site lease (AZAR-34882). With regards to the amendment, the holder requests permission to replace their existing 80 foot self supporting tower with a new 80 foot self supporting tower. The new tower would meet current tower standards for the White Tanks Mountain communication site and would be located slightly east (approximately 25 feet from center) of their existing tower. In addition, the holder has also applied for the right to maintain the access road to their site.

The Bureau of Land Management (BLM) first issued right-of-way grant AZAR-34882 on June 7, 1966, for a term of 50-years, under the Act of March 4, 1911 (36 Stat. 1253; 43 U.S.C. 961) and the regulations contained in 43 C.F.R. Part 244. It was converted to a lease, on April 24, 2001, according to the provisions granted by Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761). The sum of the authorization is 0.06 acres, more or less.

The location of the site is on the west peak of the White Tanks Mountain which is a designated communication site. Specifically, a programmatic Environmental Analysis was prepared in 1978 which designated six peaks at White Tanks for communications purposes. In 1994, the current Constitution of the White Tanks Improvement Association (WTIA) was approved. On August 12, 2005, the White Tanks Communication Site Plan was approved which outlines such things as the communication site's goals and objectives, operation and maintenance, general roles and responsibilities, and conditions for construction, modifications or expansion. The Site Management Plan also carries forward the applicable guidance from the 1978 assessment, incorporates the applicable standards from the WTIA, and incorporates current policy and technical standards for better management of the White Tanks Communications Site. Overall management direction for the administration of communication sites is outlined in the U.S. C.F.R. and the BLM Handbook and applicable BLM Instructional Memoranda. Specific direction for site management planning, on designated communication sites, is contained in BLM Handbook 2860-1. Primary regulations and policy pertaining to issuance of right-of-way authorizations by the BLM are found in Title 43, C.F.R., Sections 2801-2803 and BLM Handbook 2860-1.

The holder continues to be in compliance with the BLM right-of-way lease, White Tanks Communication Site Plan, and the site established White Tanks Improvement Association. If authorized, right-of-way AZAR-34882 would be issued 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 a programmatic Environmental Assessment in 1978.

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	3/10/2014
Matt Plis, Environmental Engineer	3/10/2014
Bryan Lausten, Archaeologist	3/10/2014
Codey Carter, Wildlife Biologist	3/10/2014
Victor Vizcaino, Recreation Specialist	3/10/2014
Hillary Conner, Lands & Realty Specialist	3/10/2014

PLANNING & ENVIRONMENTAL SPECIALIST

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 <u> S </u>

(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>

(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, 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 recommended mitigation measures/stipulations outlined in Attachment 1 (Site Plan), Attachment 2 (BLM Mitigation Measures/Other Remarks for AZAR-34882), Exhibit A (Communication Site Standard Stipulations) and Exhibit B (White Tanks Mountain Stipulations).

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.