

**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:** Lower Sonoran Field Office

**NEPA No.:** AZ-P020-2014-0006

**Case File No.:** AZA-11068

**Proposed Action Title/Type:** Communications Line Right-of-Way Renewal

**Applicant:** Qwest Communications

**Location of Proposed Action:** T. 1 S., R. 4 W., Sections 25, 26, and 35  
T. 2 S., R. 4 W., Sections 1, 11, 12, and 14.

**Description of Proposed Action:** The applicant, Qwest Corporation, is proposing to renew its existing right-of-way for its communications line. The right-of-way consists of aerial and buried copper cable. The existing line renewal request is for 25,940 feet in length by 10 feet in width (approximately 6.2 acres). The renewal request is for a 30-year term.

**Part II. – PLAN CONFORMANCE REVIEW**

**This proposed action is subject to the following land use plan(s):** Lower Sonoran Record of Decision & Approved Resource Management Plan

**Decisions and page nos.:** LR-1.3 (Minor Linear and Nonlinear LUAs:  
Authorize minor linear and nonlinear LUAs in locations that minimize resource impacts, are compatible with multiple use objectives, and do not compromise the existing rights of current holders. (p. 2-72)

LR-1.3.3: Proposed minor linear and nonlinear LUAs will continue to be authorized on an an needed case-by-case basis in areas outside of LUA Avoidance and Exclusion areas. (p. 2-77)

**Date plan approved/amended:** 9/14/2012

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. 9. Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations.];**

**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.

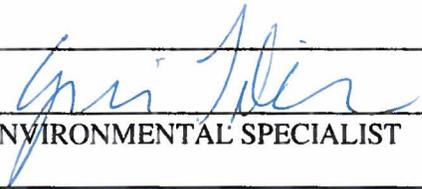
**Part IV. – EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION**

**PREPARERS:**

**DATE:**

Jo Ann Goodlow	4/14/2014
Cheryl Blanchard	5/9/2014
Andrea Felton	4/14/2014
Ronald Tipton	4/14/2014
Mary Skordinsky	4/14/2014
Thomas Buckauskas	4/14/2014

Gloria Tibbetts  
 PLANNING & ENVIRONMENTAL SPECIALIST



DATE

6/19/14

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	<b>Rationale:</b> There are no significant hazards associated with the proposed renewal. The communications line is existing, and will not pose any significant impacts on public health or safety.
	X	

Preparer's Initials JAG

(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	<b>Rationale:</b> No such unique geographic characteristics or natural resources are known to exist in the project area. The communications line is existing, and a previous cultural clearance revealed no cultural resources.
	X	

Preparer's Initials JAG

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

Yes	No	<b>Rationale:</b> No highly controversial environmental effects or unresolved conflicts are known or expected.
	X	

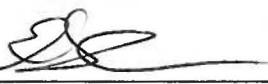
Preparer's Initials JAG

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

Yes	No	<b>Rationale:</b> The communications line is existing. The renewal of the right of way would not create any highly uncertain and potentially significant environmental effects, nor would it involve unique or unknown environmental risks.
	X	

Preparer's Initials JAG

(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"/>	<b>Rationale:</b> The renewal action does not establish a precedent with potential significant environmental effects. The applicant is renewing its existing right of way grant, with no other modifications occurring.  Preparer's Initials <u>JAG</u>
(f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		
Yes	No <input checked="" type="checkbox"/>	<b>Rationale:</b> No such cumulative impacts relationship exists with other actions.  Preparer's Initials <u>JAG</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"/>	<b>Rationale:</b> No such properties wer found when the site was originally surveyed prior to construction.  Preparer's Initials <u>JAG</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"/>	<b>Rationale:</b> No suitable habitat for threatened or endangered species, or critical habitat occurs at or near the project area.  Preparer's Initials <u>JAG</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"/>	<b>Rationale:</b> No such laws will be violated by renewing the existing right of way.  Preparer's Initials <u>JAG</u>
(j) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		

Yes	No <input checked="" type="checkbox"/>	<b>Rationale:</b> No adverse effects will be imposed on low income or minority populations as a result of the right of way renewal.	Preparer's Initials <u>JAG</u>
(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"/>	<b>Rationale:</b> No such access limitations will occur as a result of the right of way renewal.	Preparer's Initials <u>JAG</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 <input checked="" type="checkbox"/>	<b>Rationale:</b> The right of way renewal will not introduce or spread noxious weeds in to the project area.	Preparer's Initials <u>JAG</u>
<p><b>PART V. –COMPLIANCE REVIEW CONCLUSION</b></p> <p>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.</p> <p><b>MITIGATION MEASURES/OTHER REMARKS:</b> All mitigating measures developed in the environmental assessment have been brought forward in the attached stipulations. No recommended measures were dropped.</p> <p>APPROVING OFFICIAL: <u></u> DATE: <u>6/25/14</u></p> <p>TITLE: <u>LSFO MANAGER</u></p>			

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.

## STIPULATIONS

1. All applicable regulations in accordance with 43 CFR 2800.
2. In the event that the public land underlying the right-of-way (ROW) encompassed in this grant, or a portion thereof, is conveyed out of Federal ownership and administration of the ROW or the land underlying the ROW is not being reserved to the United States in the patent/deed and/or the ROW is not within a ROW corridor being reserved to the United States in the patent/deed, the United States waives any right it has to administer the right-of-way, or portion thereof, within the conveyed land under Federal laws, statutes, and regulations, including the regulations at 43 CFR Part 2800, including any rights to have the holder apply to the BLM for amendments, modifications, or assignments and for BLM to approve or recognize such amendments, modifications, or assignments. At the time of conveyance, the patentee/grantee, and their successors and assigns, shall succeed to the interests of the United States in all matters relating to the right-of-way, or portion thereof, within the conveyed land and shall be subject to applicable State and local government laws, statutes, and ordinances. After conveyance, any disputes concerning compliance with the use and the terms and conditions of the ROW shall be considered a civil matter between the patentee/grantee and the ROW Holder.
3. Any cultural and/or paleontological resources (historic or prehistoric site or object) discovered by the holder or any person working on the holder's behalf, on public or federal land, shall be immediately reported to the 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 will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.
4. All terms and conditions of the original grant will continue to apply:
  - a. All valid rights existing on the date of the grant;
  - b. All applicable regulations in 43 CFR 2800 and regulations to be promulgated by the Secretary of the Interior pursuant to Public Law 94-579;
  - c. The right-of-way herein granted shall be subject to the express covenant that it will be modified, adapted, or discontinued if found by the Secretary to be necessary, without liability or expense to the United States, so as not to conflict with the use and occupancy of the land for any authorized works which may be hereafter constructed thereon under the authority of the United States;
  - d. All activities directly or indirectly associated with construction or maintenance must be conducted within the limits of the right-of-way; removal of vegetation shall be restricted to that absolutely essential to construction or maintenance;
  - e. The permittee shall immediately report to the Bureau of Land Management authorized officer any archaeological (prehistoric and historic) or paleontological remains that are encountered during construction of maintenance, and will suspend all work in connection with the right-of-way until final archaeological or paleontological clearance is granted;

- f. The permittee shall not use any pesticides on the federal lands herein involved without specific prior authorization from the BLM authorized officer;
- g. Upon demand of the authorized officer, the holder of the right-of-way shall pay to the United States such sums as the authorized officer shall determine to be required to reimburse the United States for all administrative and other costs incurred directly or indirectly by the United States in monitoring for construction, operation, maintenance and termination of this grant;
  - (1). Permittee will be billed for a nonreturnable post-permit payment in the amount of \$\_\_\_\_\_ to be paid within 60 days from issuance of this grant;
- h. Within 90 days after completion of construction or after all restoration stipulations have been complied with, whichever is lower, proof of construction, on forms approved by the Director, shall be submitted to the authorized officer;
- i. This right-of-way reserves to the Secretary of the Interior, or his lawful delegate, the right to grant additional rights-of-way or permits for compatible uses over, under or adjacent to the land involved in this grant;
- j. This right-of-way may be renewed. If renewed, the right-of-way will be subject to regulations existing at the time of renewal, and such other terms and conditions deemed necessary to protect the public interest;
- k. Grantee shall insure that the cable trench is filled, compacted and maintained in a condition adequate to prevent unnecessary soil erosion;
- l. Grantee shall remove excess boulders, smooth rough surfaces, and otherwise restore the surface to a natural condition within the right-of-way insofar as it is practicable to the satisfaction of the authorized officer;
- m. The disturbed area will be allowed to re-vegetate naturally. Under no circumstances will the grantee blade or maintain a cleared roadway without the prior approval of the authorized officer.