

**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  
**2014-0013-CX**

**NEPA No.:** DOI-BLM-AZ-P020-

**Case File No.:** AZA-18785

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

**Applicant:** Andrew Hoge

**Location of Proposed Action:**

T. 13 S., R. 5 W., Gila & Salt River Meridian, Maricopa County, Arizona  
Section 25: SW $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
containing .9 acres, more or less.

**Description of Proposed Action:**

The proposed action is to renew an existing road right-of-way (AZA-18785) which is used to access the applicant's private property.

The subject property is located approximately 0.6 miles southeast of Why off of SR 86.

The Bureau of Land Management (BLM) first issued right-of-way AZA-18785 on February 6, 1984. It allowed the applicant the right to operate, maintain, renew and terminate a road that is 140' wide by 280' long. The sum of the authorization is .9 acres, more or less.

The applicant agrees to be bound by all the terms and conditions of right-of-way AZA-18785.

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):**

Lower Sonoran Record of Decision and Approved Resource Management Plan

### **Decisions and page nos.:**

This action has been reviewed for conformance, with the Lower Sonoran Record of Decision and Approved Resource Management Plan (RMP) with respect to the Code of Federal Regulations (CFR) (43 CFR 1610.5) and BLM Manual 1601.04 C.2. Although the action is within what has been designated as an avoidance area, 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, Goals, Objectives, Management Actions LR-1.3.2 which states,

“Proposed minor linear and nonlinear LUAs will be strongly discouraged in areas designated as LUA Avoidance Areas, unless they allow for or are uses that are compatible with the purpose for which the allocation was designated by meeting the restrictions set forth by the underlining program area allocation.”

In addition, this action also complies with LR-1.3 of the RMP which states,

"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."

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

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 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 CX signed January 18, 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.”;**

**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:

Andrea Felton, Rangeland Specialist	4/14/2014
Cheryl Blanchard, Archaeologist	4/15/2014
Ron Tipton, Wildlife Biologist	4/14/2014
Hillary Conner, Lands & Realty Specialist	4/14/2014

/S/ \_\_\_\_\_  
 PLANNING & ENVIRONMENTAL SPECIALIST

4/17/14 \_\_\_\_\_  
 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.

<b>Yes</b>	<b>No</b>	<b>Rationale:</b>
	<b>X</b>	
		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.

<b>Yes</b>	<b>No</b>	<b>Rationale:</b>
	<b>X</b>	
		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)].

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

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

<b>Yes</b>	<b>No</b>	<b>Rationale:</b>
	<b>X</b>	
		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.

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

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

<b>Yes</b>	<b>No</b>	<b>Rationale:</b>
	<b>X</b>	
		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).

<b>Yes</b>	<b>No</b>	<b>Rationale:</b>
	<b>X</b>	
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-18785 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.