

DECISION MEMORANDUM
Pima County Helmet Peak Fire Dept. R&PP Lease Renewal AZA28166
DOI-BLM-AZ-G020-2014-0020

U.S. Department of the Interior
Bureau of Land Management
Tucson Field Office

Project Description

Pima County has requested the renewal of their Recreation and Public Purpose (R&PP) lease for the Helmet Peak Fire Department which has been leased to the County since 1994. The County has a Management Agreement with Helmet Peak Volunteer Fire Department to use and manage the property as a volunteer fire station. The size of the acreage for the lease has been reduced to 1.8 acres. The approved plan of development has been modified to remove certain facilities from the property including a large burning tank that has been used in the past to conduct fire burning activities. All fire burning activities on the property shall cease, and the existing large fire drum has been removed from the property. An Environmental Site Assessment was conducted on the property in 2013 to inspect the property for any toxic or contamination issues, and no issues were found. The fire operations requires at times that a member of the fire personnel remain on the property to manage fire on site operations as needed during real fire operations, or as required under operational fire personnel 24 hour working shifts. The property boundary is fenced and gated. Vehicular ingress and egress on the leased lands are only for fire personnel and fire department operations. All existing facilities on the property will be kept in good working conditions and will comply with the Pima County building codes and regulations. The subject lands are within desert tortoise habitat Category 3. The BLM will help educate and train the fire personnel on the importance of not disturbing or harming the desert tortoise as to when not to move or remove a desert tortoise from the site.

Approval and Decision

Based on a review of the project described in the attached Categorical Exclusion documentation and field office staff recommendations, I have determined that the project is in conformance with the Phoenix Resource Management Plan (approved 1988) and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed. See Attached Lease Stipulations.

Administrative Review or Appeal Opportunities

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the attached Form 1842-1. If an appeal is taken, your notice of appeal must be filed at Tucson Field Office, 3201 E Universal Way, Tucson AZ 85756 within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) (request) for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the Office of the Solicitor (Department of the Interior, Office of the Field Solicitor, Sandra Day O'Connor U.S. Court House #404, 401 West Washington Street SPC44, Phoenix, AZ 85003-2151) (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

Standards for Obtaining a Stay

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

/s/ Karen Simms, acting for
Viola Hillman Tucson Field Manager

11/05/2014
Date:

Attachment: Form 1842-1